

1 STATE OF NEVADA
2 DEPARTMENT OF BUSINESS AND INDUSTRY
3 DIVISION OF MORTGAGE LENDING

4 * * *

5 In re:

6 Alex Soria

7 Respondent.
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10 FINAL ORDER

11 The State of Nevada, Department of Business and Industry, Division of Mortgage
12 Lending (hereinafter, the "Division"), having served Alex Soria (hereinafter, "Respondent") on
13 December 11, 2009, with its Amended Order to Cease and Desist and Notice of Revocation,
14 Notice of Intent to Impose Fine and Notice of Right to Request Hearing, attached hereto as
15 **Exhibit "1"** and incorporated herein by reference, and on April 22, 2009, with its Order to
16 Cease and Desist and Notice of Revocation, Intent to Impose Fine, and Notice of Right to
17 Request Hearing, attached hereto as **Exhibit "2"** and incorporated herein by reference,
18 which notified Respondent that a final order would issue in this matter unless, within twenty
19 (20) days of entry and receipt of said Order, Respondent requested a hearing to contest the
20 charges against it, with said request to be made in writing, and;
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22 Said Orders having been sent to Respondents via certified mail and regular mail on
23 December 14, 2009, and April 27, 2009, respectively; and
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25 Respondent having requested a hearing in this matter, and this matter now having
26 been heard by the State of Nevada, Department of Administration, Hearings Division who
27 issued its Decision and Order on April 20, 2010, attached hereto as **Exhibit "3"** and
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1 incorporated herein by reference, and good cause appearing:

2 NOW, THEREFORE, **IT IS HEREBY ORDERED** that, pursuant to the Decision and
3 Order issued by the State of Nevada, Department of Administration, Hearings Division on
4 April 20, 2010 and NRS 622.080 and NRS Chapter 645B and NRS Chapter 645F and by
5 permanent regulation R052-09 promulgated pursuant thereto:

6 1. Respondent shall immediately **CEASE AND DESIST** soliciting for and conducting
7 any and all mortgage agent, covered service provider, foreclosure consultant and/or loan
8 modification activity in the State of Nevada;

9 2. Pursuant to NRS 645B.670, and NRS 645B.750, Respondent's mortgage agent
10 license in the State of Nevada is **REVOKED**;

11 3. Respondent will be subject to the administrative fine allowed under NRS
12 645B.690, in the amount of Ten Thousand Dollars and No/Cents (\$10,000) subject to the
13 reduction in the amount based upon the reimbursement of client fees by Respondent, on or
14 before July 1, 2010, with evidence of such reimbursement to be provided to the Division as set
15 forth in the Decision and Order attached hereto as Exhibit "3";

16 4. Respondent will be subject to the administrative fine allowed under NRS
17 645F.410, in the amount of One Thousand Dollars and No/Cents (\$1,000) and said
18 administrative fine shall be paid in full immediately upon entry of the instant Order; and

19 5. Respondent will be subject to administrative fees and costs in the amount of \$320
20 and attorneys' fees in the amount of \$11,446.77 and said administrative costs and attorneys'
21 fees shall be paid in full immediately upon entry of the instant Order;

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26 SIGNATURE ON FOLLOWING PAGE
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Dated this 28th day of May, 2010.

State of Nevada
Department of Business and Industry
Division of Mortgage Lending

By: Joseph L. Waltuch
Joseph L. Waltuch, Commissioner

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EXHIBIT “1”

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STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

In re:
ALEX SORIA,
Respondent(s).

* * *

**AMENDED
ORDER TO CEASE AND DESIST AND
NOTICE OF REVOCATION;
INTENT TO IMPOSE FINE, AND
NOTICE OF RIGHT TO REQUEST HEARING**

The licensing and regulation of mortgage brokers, mortgage agents, and related professions in the State of Nevada is governed by Chapters 645B and 645F of the Nevada Revised Statutes (hereinafter, "NRS") and Chapter 645B of the Nevada Administrative Code (hereinafter, "NAC"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter, the "DIVISION") has the general duty to exercise supervision and control over mortgage brokers, mortgage agents, and related professions. See, NRS 645B.060(1) and NRS 645F.250. Pursuant to that authority, the DIVISION makes the following Findings of Fact, Conclusions of Law, and Order as follows:

FACTUAL ALLEGATIONS

1. Upon information and belief, ALEX SORIA (hereinafter, "RESPONDENT") was previously licensed as a mortgage agent in the State of Nevada, which expired April 29, 2008.
2. Upon information and belief, RESPONDENT was the Qualified Employee with AMWEST CAPITAL MORTGAGE, INC. in the State of Nevada until June 1, 2008.
3. On February 12, 2009, the DIVISION received a Complaint alleging RESPONDENT engaged in the activity of a foreclosure consultant as that term is defined pursuant to NRS 645F.300, et. seq. and collected advance fees from RM, after a notice of

1 default had been recorded against his property, and prior to the services of a foreclosure
2 consultant being fully performed, at the time of the activity complained of herein, in violation of
3 NRS 645F.400(1).

4 4. May 5, 2009, the DIVISION received a complaint (VM) alleging RESPONDENT
5 engaged in mortgage broker/agent activity while not licensed with the DIVISION.

6 5. On August 6, 2009, the DIVISION received a complaint (AF) alleging
7 RESPONDENT engaged in mortgage broker/agent activity while not licensed with the
8 DIVISION.

9 6. On November 5, 2009, the DIVISION received a complaint (JL) alleging
10 RESPONDENT engaged in mortgage broker/agent activity while not licensed with the
11 DIVISION.

12 7. On November 25, 2009, the DIVISION received a complaint (JC) alleging
13 RESPONDENT engaged in mortgage broker/agent activity while not licensed with the
14 DIVISION.

15 8. After receiving the complaints regarding RESPONDENT, the DIVISION
16 commenced an investigation, the results of which established RESPONDENT engaged in the
17 activity of a foreclosure consultant and collected \$1000.00 in advance fees from RM after a
18 notice of default had been recorded by his lender(s), and prior to the services of a foreclosure
19 consultant being fully performed, at the time of the activity complained of herein, in violation of
20 NRS 645F.400(1).

21 9. Pursuant to NRS 645F.250, the DIVISION is charged with administering the
22 foreclosure consultant chapter.

23 10. Pursuant to NRS 645F.410, the COMMISSIONER of the DIVISION may impose
24 an administrative penalty of not more than \$10,000 on a Foreclosure Consultant who violates
25 any provision of NRS 645F.400.

26 11. Pursuant to NRS 645F.320, a "Foreclosure Consultant" is defined, in pertinent
27 part, as "...a person who directly or indirectly, makes any solicitation, representation or offer to a
28 homeowner to perform for compensation, or who, for compensation, performs any covered

1 service that the person represents will do any of the following: 1) Prevent or postpone a
2 foreclosure sale; 2) Obtain any forbearance from any mortgagee or beneficiary of a deed of
3 trust; 3) Assist the homeowner to exercise the right of reinstatement provided in the legal
4 documents; 4) Obtain any extension of the period within which the homeowner may reinstate
5 the homeowner's obligation; 5) Obtain any waiver of an acceleration clause contained in any
6 promissory note or contract secured by a mortgage on a residence in foreclosure or included in
7 the mortgage or deed of trust; 6) Assist the homeowner in foreclosure or loan default to obtain
8 a loan or advance of money; 7) Avoid or ameliorate the impairment of the homeowner's credit
9 resulting from the recording of a notice of default or the conduct of a foreclosure sale; 8) Save
10 the homeowner's residence from foreclosure; or 9) Assist the homeowner to obtain a
11 foreclosure reconveyance." See, NRS 645F.320.

12 12. Pursuant to NRS 645F.310, a "Covered Service" includes without limitation: 1)
13 Financial counseling, including, without limitation, debt counseling and budget counseling. 2)
14 Receiving money for the purpose of distributing it to creditors in payment or partial payment of
15 any obligation secured by a mortgage or other lien on a residence in foreclosure. 3) Contacting
16 a creditor on behalf of a homeowner. 4) Arranging or attempting to arrange for an extension of
17 the period within which a homeowner may cure his default and reinstate his obligation pursuant
18 to a note, mortgage or deed of trust. 5) Arranging or attempting to arrange for any delay or
19 postponement of the time of a foreclosure sale. 6) Advising the filing of any document or
20 assisting in any manner in the preparation of any document for filing with a bankruptcy court. 7)
21 Giving any advice, explanation or instruction to a homeowner which in any manner relates to the
22 cure of a default in or the reinstatement of an obligation secured by a mortgage or other lien on
23 the residence in foreclosure, the full satisfaction of the obligation, or the postponement or
24 avoidance of a foreclosure sale.

25 13. Pursuant to NRS 645F.360, a "Homeowner" is defined as the record owner of a
26 residence in foreclosure at the time ... the notice of default and election to sell is recorded
27 See, NRS 645F.360.

1 14. At the time of the activity complained of herein, NRS 645F.400 (1), provided a
2 foreclosure consultant shall not: "Claim, demand, charge, collect or receive any compensation
3 until after the foreclosure consultant has fully performed each covered service that he
4 contracted to perform or represented that he would perform." See, NRS 645F.400(1).

5 15. The DIVISION'S investigation also provided evidence RESPONDENT
6 engaged in mortgage loan activity in Nevada (BG, VM, AF, JL, JC) without being licensed as
7 either a mortgage agent or mortgage broker in Nevada.

8 16. Pursuant to NRS 645B.060, the DIVISION is charged with conducting "...such
9 investigations as may be necessary to determine whether any person has violated any provision
10 of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner."
11 See, NRS 645B.060(2)(c).

12 17. Pursuant to NRS 645B.610, the DIVISION is further charged with investigating
13 "...each violation alleged in [a] complaint..." received by the DIVISION and "...shall determine
14 from the investigation whether there is reasonable cause to believe that the [accused]
15 committed the alleged violation..." See, NRS 645B.610(1)(3).

16 18. Pursuant to NRS 645B.0127, a "mortgage broker" is defined, in pertinent part, as
17 "...a person who directly or indirectly... holds himself out for hire to serve as an agent for any
18 person in an attempt to obtain a loan which will be secured by a lien on real property..." or
19 "...holds himself out as being able to make loans secured by liens on real property..." See,
20 NRS 645B.0127(1)(a)(c).

21 19. Pursuant to NRS 645B.0125, a "mortgage agent" is defined, in part, as "...a
22 natural person who... is an employee or independent contractor of a mortgage broker who is
23 required to be licensed pursuant to this chapter..." and "...is authorized by the mortgage broker
24 to engage in, on behalf of the mortgage broker, any activity that would require the person, if he
25 were not an employee or independent contractor of the mortgage broker, to be licensed as a
26 mortgage broker pursuant to this chapter..." See, NRS 645B.0125 (1)(a)(b).

27 20. Pursuant to NRS 645B.900, "...it is unlawful for any person to offer or provide any
28 of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or

1 hold himself out as engaging in or carrying on the business of a mortgage broker or agent
2 without first obtaining the applicable license issued pursuant to this chapter..." See, NRS
3 645B.900.

4 21. Pursuant to NRS 645B.690, "...if a person offers or provides any of the services
5 of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself
6 out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at
7 the time... the person was required to have a license pursuant to this chapter and the person
8 did not have such a license... the Commissioner shall impose upon the person an
9 administrative fine of not more than \$10,000 for each violation and, if the person has a license,
10 the Commissioner shall revoke it..." See, NRS 645B.690(1)(a).

11 VIOLATIONS OF LAW

12 1. Having investigated the RESPONDENT'S conduct in this matter and received
13 competent evidence that RESPONDENT has engaged in the activity of a foreclosure
14 consultant and collected compensation prior to fully performing each service that he
15 represented he would perform, i.e. loan modification in the State of Nevada in order to prevent
16 or postpone a foreclosure sale (RM), it has been determined that RESPONDENT did, at the
17 time of the activity complained of herein, in fact, violate then NRS 645F.400 (1).

18 2. Moreover, the investigation also established RESPONDENT engaged in the
19 business of a mortgage agent or mortgage broker in the State of Nevada (BG, VM, AF, JL, JC)
20 without either an agent license or a mortgage broker license entitling him to do the same,
21 thereby violating NRS 645B.690(1)(a) and NRS 645B.900.

22 ORDER

23 **NOW, THEREFORE,** pursuant to NRS 622.080 and NAC 645B.340, the
24 **COMMISSIONER** of the **DIVISION HEREBY ORDERS** that RESPONDENT **CEASE AND**
25 **DESIST** from conducting any and all unlicensed mortgage brokering and/or agent activity in the
26 State of Nevada.

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 **IT IS FURTHER ORDERED** the **COMMISSIONER** of the **DIVISION** **HEREBY**
2 **DETERMINES** that, pursuant to NRS 645B.690(1),RESPONDENT'S mortgage agent license
3 shall be revoked.

4 **IT IS FURTHER ORDERED** that pursuant to NRS 645F.410, NRS 645B.750 and NAC
5 645B.340(4), upon written application to the Division, RESPONDENT shall be entitled to a
6 hearing with regard to the contents of the instant Order. At that hearing, the DIVISION will also
7 seek to impose a fine of \$20,000 for RESPONDENT'S violations of NRS Chapters 645F and
8 NRS 645B, as well as for the DIVISION'S administrative costs and attorney's fees, in the
9 amount of \$300.00, incurred herein, and each to be proven at the hearing. Should
10 RESPONDENT not request a hearing within **twenty (20) days** of the receipt of the instant
11 Order, the DIVISION will enter a Final Order in this matter against RESPONDENT, including
12 such fine, costs and fees.

13 **IT IS FURTHER ORDERED** that the sum of said administrative fine, costs and fees be
14 paid in full within **thirty (30) days** of entry of the Final Order;

15 **IT IS FURTHER ORDERED** that, upon the DIVISION'S receipt of the sum of said
16 administrative fine, costs and fees, this matter will be deemed concluded;

17 **RESPONDENT** is advised that the provisions of this Order are effective immediately
18 upon RESPONDENT being served therewith, whether or not RESPONDENT requests a
19 hearing.

20 DATED this 11th day of December, 2009.

21 **IT IS SO ORDERED.**

22 **STATE OF NEVADA**
23 **DEPARTMENT OF BUSINESS AND INDUSTRY**
24 **DIVISION OF MORTGAGE LENDING**

25 By: *Nancy Calix* Deputy Commissioner
26 **JOSEPH L. WALTUCH, COMMISSIONER** *for*

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry Division of Mortgage Lending, and that on December 14, 2009, I deposited in the U.S. mail postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, **AMENDED ORDER TO CEASE AND DESIST AND NOTICE OF REVOCATION; INTENT TO IMPOSE FINE for ALEX SORIA**, addressed as follows:

**Alex Soria
2620 Regatta Drive, Ste. 102
Las Vegas, NV 89128**

Certified Receipt Number: 7008 1830 0002 7959 5208

DATED this 14th day of December, 2009

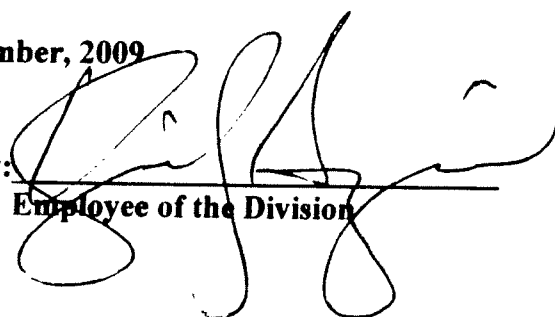
By: 
Employee of the Division

EXHIBIT “2”

1 STATE OF NEVADA
2 DEPARTMENT OF BUSINESS AND INDUSTRY
3 DIVISION OF MORTGAGE LENDING

4 * * *

5 In re:
6 ALEX SORIA,
7 Respondent.

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9
10 **ORDER TO CEASE AND DESIST AND**
11 **NOTICE OF REVOCATION;**
12 **INTENT TO IMPOSE FINE, AND**
13 **NOTICE OF RIGHT TO REQUEST HEARING**

14 The licensing and regulation of mortgage brokers, mortgage agents, and related
15 professions in the State of Nevada is governed by Chapters 645B and 645F of the Nevada
16 Revised Statutes (hereinafter, "NRS") and Chapter 645B of the Nevada Administrative Code
17 (hereinafter, "NAC"). The State of Nevada, Department of Business and Industry, Division of
18 Mortgage Lending (hereinafter, the "DIVISION") has the general duty to exercise supervision
19 and control over mortgage brokers, mortgage agents, and related professions. See, NRS
20 645B.060(1) and NRS 645F.250. Pursuant to that authority, the DIVISION makes the
21 following Findings of Fact, Conclusions of Law, and Order as follows:

22 **FACTUAL ALLEGATIONS**

- 23 1. Upon information and belief, ALEX SORIA (hereinafter, "RESPONDENT") was
24 previously licensed as a mortgage agent in the State of Nevada, which expired April 29, 2008.
- 25 2. Upon information and belief, RESPONDENT was the Qualified Employee with
26 Amwest Capital Mortgage, Inc. in the State of Nevada until June 1, 2008.
- 27 3. On February 12, 2009, the DIVISION received a Complaint alleging
28 RESPONDENT engaged in the activity of a foreclosure consultant as that term is defined
pursuant to NRS 645F.300, et. seq. and collected advance fees from Mickel, after said

1 Mickel had been issued a notice of default by their lender(s), and prior to the services of a
2 foreclosure consultant being fully performed in violation of NRS 645F.400(1).

3 4. After receiving the Complaint regarding RESPONDENT, the DIVISION
4 commenced an investigation, the results of which established RESPONDENT engaged in the
5 activity of a foreclosure consultant and collected \$1000.00 in advance fees from Mickel after
6 said Mickel had been issued a notice of default by their lender(s), and prior to the services of
7 a foreclosure consultant being fully performed in violation of NRS 645F.400(1).

8 5. Pursuant to NRS 645F.250, the DIVISION is charged with administering the
9 foreclosure consultant chapter.

10 6. Pursuant to NRS 645F.410, the Commissioner of the DIVISION may impose an
11 administrative penalty of not more than \$10,000 on a foreclosure consultant who violates any
12 provision of NRS 645F.400.

13 7. Pursuant to NRS 645F.320, a "foreclosure consultant" is defined, in pertinent
14 part, as "...a person who directly or indirectly, makes any solicitation, representation or offer to
15 a homeowner to perform for compensation, or who, for compensation, performs any covered
16 service that the person represents will do any of the following: 1) Prevent or postpone a
17 foreclosure sale; 2) Obtain any forbearance from any mortgagee or beneficiary of a deed of
18 trust; 3) Assist the homeowner to exercise the right of reinstatement provided in the legal
19 documents; 4) Obtain any extension of the period within which the homeowner may reinstate
20 the homeowner's obligation; 5) Obtain any waiver of an acceleration clause contained in any
21 promissory note or contract secured by a mortgage on a residence in foreclosure or included in
22 the mortgage or deed of trust; 6) Assist the homeowner in foreclosure or loan default to obtain
23 a loan or advance of money; 7) Avoid or ameliorate the impairment of the homeowner's credit
24 resulting from the recording of a notice of default or the conduct of a foreclosure sale; 8) Save
25 the homeowner's residence from foreclosure; or 9) Assist the homeowner to obtain a
26 foreclosure reconveyance." See, NRS 645F.320.

27 8. Pursuant to NRS 645F.310, a "covered service" includes without limitation:

28 1) Financial counseling, including, without limitation, debt counseling and budget counseling.

1 2) Receiving money for the purpose of distributing it to creditors in payment or partial
2 payment of any obligation secured by a mortgage or other lien on a residence in foreclosure.
3 3) Contacting a creditor on behalf of a homeowner. 4) Arranging or attempting to arrange for
4 an extension of the period within which a homeowner may cure his default and reinstate his
5 obligation pursuant to a note, mortgage or deed of trust. 5) Arranging or attempting to arrange
6 for any delay or postponement of the time of a foreclosure sale. 6) Advising the filing of any
7 document or assisting in any manner in the preparation of any document for filing with a
8 bankruptcy court. 7) Giving any advice, explanation or instruction to a homeowner which in
9 any manner relates to the cure of a default in or the reinstatement of an obligation secured by
10 a mortgage or other lien on the residence in foreclosure, the full satisfaction of the obligation,
11 or the postponement or avoidance of a foreclosure sale.

12 9. Pursuant to NRS 645F.360, a "homeowner" is defined as the record owner of a
13 residence in foreclosure at the time ... the notice of default and election to sell is recorded
14 See, NRS 645F.360.

15 10. Pursuant to NRS 645F.400 (1), a foreclosure consultant shall not: "Claim,
16 demand, charge, collect or receive any compensation until after the foreclosure consultant has
17 fully performed each covered service that he contracted to perform or represented that he
18 would perform." See, NRS 645F.400(1).

19 11. The DIVISION'S investigation also provided evidence RESPONDENT
20 engaged in mortgage loan activity in Nevada (Garcia) without being licensed as either a
21 mortgage agent or mortgage broker in Nevada.

22 12. Pursuant to NRS 645B.060, the DIVISION is charged with conducting "...such
23 investigations as may be necessary to determine whether any person has violated any
24 provision of this chapter, a regulation adopted pursuant to this chapter or an order of the
25 Commissioner." See, NRS 645B.060(2)(c).

26 13. Pursuant to NRS 645B.610, the DIVISION is further charged with investigating
27 "...each violation alleged in [a] complaint..." received by the DIVISION and "...shall determine
28

1 from the investigation whether there is reasonable cause to believe that the [accused]
2 committed the alleged violation..." See, NRS 645B.610(1)(3).

3 14. Pursuant to NRS 645B.0127, a "mortgage broker" is defined, in pertinent part, as
4 "...a person who directly or indirectly... holds himself out for hire to serve as an agent for any
5 person in an attempt to obtain a loan which will be secured by a lien on real property..." or
6 "...holds himself out as being able to make loans secured by liens on real property..." See,
7 NRS 645B.0127(1)(a)(c).

8 15 Pursuant to NRS 645B.0125, a "mortgage agent" is defined, in part, as "...a
9 natural person who... is an employee or independent contractor of a mortgage broker who is
10 required to be licensed pursuant to this chapter..." and "...is authorized by the mortgage
11 broker to engage in, on behalf of the mortgage broker, any activity that would require the
12 person, if he were not an employee or independent contractor of the mortgage broker, to be
13 licensed as a mortgage broker pursuant to this chapter..." See, NRS 645B.0125 (1)(a)(b).

14 16. Pursuant to NRS 645B.900, "...it is unlawful for any person to offer or provide
15 any of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry
16 on or hold himself out as engaging in or carrying on the business of a mortgage broker or
17 agent without first obtaining the applicable license issued pursuant to this chapter..." See, NRS
18 645B.900.

19 17. Pursuant to NRS 645B.690, "...if a person offers or provides any of the services
20 of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself
21 out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at
22 the time... the person was required to have a license pursuant to this chapter and the person
23 did not have such a license... the Commissioner shall impose upon the person an
24 administrative fine of not more than \$10,000 for each violation and, if the person has a license,
25 the Commissioner shall revoke it..." See, NRS 645B.690(1)(a).

26 VIOLETIONS OF LAW

27 1. Having investigated the RESPONDENT'S conduct in this matter and received
28 competent evidence that RESPONDENT has engaged in the activity of a foreclosure

1 consultant and collected compensation prior to fully performing each service that he
2 represented he would perform, i.e. loan modification in the State of Nevada in order to
3 prevent or postpone a foreclosure sale, it has been determined that RESPONDENT did, in
4 fact, violate NRS 645F.400 (1).

5 2. Moreover, the investigation also established RESPONDENT engaged in the
6 business of a mortgage agent or mortgage broker in the State of Nevada without either an
7 agent license or a mortgage broker license entitling him to do the same, thereby violating
8 NRS 645B.690(1)(a) and NRS 645B.900.

9
10 **ORDER**

11 **NOW, THEREFORE,** pursuant to NRS 622.080 and NAC 645B.340, the
12 **COMMISSIONER** of the **DIVISION HEREBY ORDERS** that RESPONDENT **CEASE AND**
13 **DESIST** from conducting any and all unlicensed mortgage brokering and/or agent activity in
14 the State of Nevada.

15 **IT IS FURTHER ORDERED** the **COMMISSIONER** of the **DIVISION HEREBY**
16 **DETERMINES** that, pursuant to NRS 645B.670(3),RESPONDENT'S mortgage agent license
17 shall be revoked.

18 **IT IS FURTHER ORDERED** that pursuant to NRS 645F.410, NRS 645B.750 and NAC
19 645B.340(4), upon written application to the Division within **twenty (20) days** of the date of this
20 order, RESPONDENT shall be entitled to a hearing with regard to the contents of this Order.
21 At that hearing, the DIVISION will also seek:

22 a. The imposition of an administrative fine in the amount of Ten Thousand Dollars
23 and No Cents (\$10,000.00) for RESPONDENT'S violations of NRS Chapters 645F and 645B,
24 as well as the DIVISION'S investigative costs in the amount of Three Hundred Twenty Dollars
25 and No Cents (\$320.00) and attorney's fees, incurred herein, to be proven at the hearing; and

26 b. RESPONDENT'S payment, in full, of the administrative fine, costs and fees to the
27 DIVISION within **thirty (30) days** of the entry of the Final Order.

1 Should RESPONDENT not request a hearing within **twenty (20) days** of the date of this
2 Order, the DIVISION will enter a Final Order in this matter against RESPONDENT, as required
3 by NRS 645B.750(2)

4 **RESPONDENT** is advised that the provisions of this Order are effective immediately
5 upon RESPONDENT being served therewith, whether or not RESPONDENT requests a
6 hearing.

7 DATED this *22nd* day of April, 2009.

8
9 **IT IS SO ORDERED.**

10
11 **STATE OF NEVADA**
12 **DEPARTMENT OF BUSINESS AND INDUSTRY**
13 **DIVISION OF MORTGAGE LENDING**

14 By: *Joseph L. Waltuch*
15 **JOSEPH L. WALTUCH, COMMISSIONER**
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CERTIFICATE OF SERVICE

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**I certify that I am an employee of the State of Nevada, Department of Business and Industry
Division of Mortgage Lending, and that on April 27, 2009, I deposited in the U.S. mail, postage
prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of
the foregoing, ORDER TO CEASE AND DESIST AND NOTICE OF REVOCATION; INTENT
TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for ALEX SORIA
addressed as follows:**

**Alex Soria
2620 Regatta Drive, #239 & 102
Las Vegas, NV 89128**

Certified Receipt Number: 7006 2760 0000 0875 9650

DATED this 24th day of April, 2009

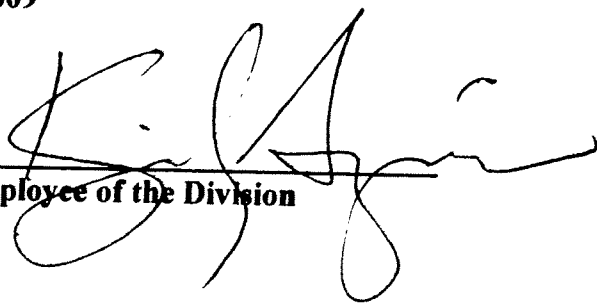
By: 
Employee of the Division

EXHIBIT “3”

RECEIVED

APR 21 REC'D

BEFORE THE APPEALS OFFICER

FILED
APR 20 2010
APPEALS OFFICE

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Mortgage Lending Division
In the Administrative Action of:

ALEX SORIA,

Respondent.

) Claim No:
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) Appeal No: 63358-PL
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DECISION AND ORDER

This matter was heard on February 19, 2010 before Hearing Officer Paul S. Lychuk, Esq. The Respondent, Alex Soria, was present in proper person. The State of Nevada's Division of Mortgage Lending ("the DIVISION") was represented by and through its counsel, CATHERINE CORTEZ MASTO, Attorney General, by Deputy Attorney General, CHRISTINE M. PARVAN. Following the hearing, the Respondent was allowed additional time to submit documentary evidence. Following the submittal of the documents by the Respondent and comment in response by the Nevada Attorney General's office, the matter was submitted for decision on March 26, 2010.

FINDINGS OF FACT

The Respondent testified at the hearing and acknowledged that he had engaged in the activities of a mortgage agent after his license had expired, and had also engaged in the activities of a foreclosure consultant, as alleged in the DIVISION'S Amended Order to Cease and Desist and Notice of Revocation, Intent to Impose Fine, and Notice of Right to Request a Hearing ("Complaint").

The Respondent acknowledged at the hearing that while acting as a foreclosure consultant he did accept fees in advance from a homeowner in foreclosure, which was in violation of NRS 645F.400(1)(2007). The Respondent, however, contends that his attempt to assist the homeowner was legitimate and when it was to no avail and the home was sold he returned the fees to the homeowner.

1 The Respondent also points out that NRS 645F.400, as amended in 2009, no longer
2 prohibits a foreclosure consultant from accepting fees in advance so long as the fees are
3 deposited in accordance with NRS 645F.394. The Respondent also testified that at the time he
4 accepted the fees in advance he was not aware of NRS 645F.400(1)(2007).
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6 The Hearing Officer notes that even if the Respondent was aware of the statute, when he
7 accepted a check from the homeowner on January 21, 2009, it is unlikely that the Respondent
8 was aware that the Trustees Deed Upon Sale had recorded the day prior, rendering the
9 "homeowner in foreclosure," as defined by NRS 645F.360(2007), which brought the
10 transaction under the statute in the first place.
11

12 The Hearing Officer found the Respondent's testimony to be credible on this issue. The
13 statute was enacted in 2007 and the requirements for the licensing of foreclosure consultants
14 with attendant education requirements were not added until July of 2009.
15

16 The Respondent also testified at the hearing that he was unaware that he was no longer a
17 qualified employee with Amwest Capital Mortgage (Amwest) as of June 1, 2008, and that his
18 mortgage agent license had expired as of April 29, 2008.

19 The evidence submitted by the DIVISION demonstrates that the Respondent was
20 advised by letter from Amwest on May 1, 2008 that it was closing its Las Vegas branch; that he
21 would no longer be their qualified employee; and that he would need to submit an appropriate
22 license application to the DIVISION before originating any loans for Amwest.
23

24 The evidence further demonstrates that on five separate occasions thereafter, as alleged
25 in the Complaint, the Respondent accepted fees and engaged in mortgage loan activity on
26 behalf of individuals without an appropriate license in violation of NRS 645B.400.
27 ...
28 ...

1 In addition, the DIVISION represented, and the Respondent did not deny, having met
2 with the Respondent in February of 2009 to discuss allegations of unlicensed mortgage loan
3 activity, yet the Respondent did not cease and desist the unlicensed activity of a mortgage
4 agent.

5
6 The Hearing Officer notes that evidence presented demonstrates that after meeting with
7 the DIVISION in February, the Respondent issued a loan pre-approval letter on Amwest
8 letterhead with the Las Vegas address as late as March 3, 2009. In addition, Amwest had
9 advised the Respondent in May of 2008 that its branch in Las Vegas was closed as of June 1,
10 2008.

11
12 In light of the evidence presented, the Respondent's testimony that he was unaware that
13 he was no longer the qualified employee for Amwest, nor aware that his mortgage agent license
14 had expired, when he engaged in the unlicensed mortgage agent activity alleged in the
15 Complaint was not credible to the Hearing Officer.

16 The Respondent has also submitted documents to assert that his efforts on behalf of the
17 clients referenced in the Complaint were legitimate and in good faith to assist them each from
18 losing their homes to foreclosure. The records submitted by the Respondent do reflect
19 legitimate work having been done for each of the five clients referred to in the Complaint.
20

21 The DIVISION points out that while the Respondent states that his intentions were
22 genuine, he ignored repeated inquires from the respective clients as to the status of their loans
23 and his efforts in that regard, and did not secure refinancing for any of the clients to their
24 detriment. As well, the Respondent clearly was accepting fees and seeking to obtain loans for
25 clients without a license.

26
27 The Hearing Officer finds that the evidence as a whole sufficiently demonstrates that the
28 Respondent's conduct was in violation of NRS 645B.400, and was done knowingly and not
inadvertently as he contends.

1 The DIVISION also asserted at the hearing that the Respondent was using improper
2 methods in his attempts to obtain refinancing for his clients, however, this assertion is beyond
3 the scope of the Complaint and the underlying agreed upon facts noted herein that preceded the
4 hearing.
5

6 **CONCLUSIONS OF LAW**

7 Based upon the testimony and evidence submitted, the Hearing Officer concludes that
8 the imposition of an administrative fine in this matter for the five violations of NRS 645B.400,
9 as set forth in the Complaint, and as allowed under NRS 645B.690, in the total amount of
10 \$10,000 is appropriate.

11 The Hearing Officer further orders that the Respondent may reduce the amount of the
12 administrative fine commensurate with the amount of client fees that he hereafter reimburses to
13 the respective clients set forth in the Complaint who have not yet been reimbursed, so long as
14 the clients are repaid no later than July 1, 2010.

15 Based upon the testimony and evidence submitted, the Hearing Officer concludes that
16 the imposition of a fine in this matter for the violation of NRS 645F.400(1)(2007), as set forth
17 in the Complaint, and as allowed under NRS 645F.410, in the total amount of \$1,000 is
18 appropriate.
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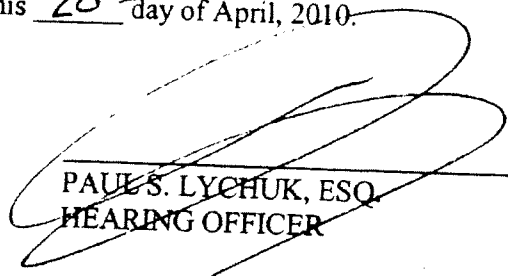
20 Based upon the respective violations of NRS 645B and 645F, the Respondent is to
21 reimburse the DIVISION its administrative fees and costs in the amount of \$320, and attorney
22 fees.
23

24 Based upon the testimony and evidence submitted, the Hearing Officer concludes that
25 the totality of the facts and circumstances concerning the Respondent's admitted violations of
26 NRS 645B.400 require the revocation of the Respondent's mortgage agent license pursuant to
27 NRS 645B.690(1)(a) and (b).
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The Respondent may not reapply for licensure under NRS 645 until the administrative fines, fees and costs are paid in full.

IT IS SO ORDERED this 20th day of April, 2010.


PAUL S. LYCHUK, ESQ.
HEARING OFFICER

NOTICE: Pursuant to N.R.S. 233B.130, should any party desire to appeal this final determination of the Appeals Officer, a Petition for Judicial Review must be filed with the District Court within thirty (30) days after service by mail of this decision

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CERTIFICATE OF MAILING

The undersigned, an employee of the State of Nevada, Department of Administration, Hearings Division, does hereby certify that on the date shown below, a true and correct copy of the foregoing **DECISION AND ORDER** was duly mailed, postage prepaid **OR** placed in the appropriate addressee runner file at the Department of Administration, Hearings Division, 2200 S. Rancho Drive, #220, Las Vegas, Nevada, to the following:

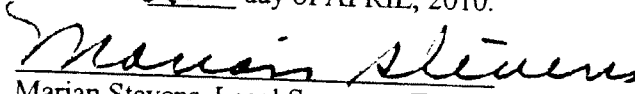
ALEX SORIA
2620 REGATTA DR STE 102
LAS VEGAS NV 89128

DIVISION OF MORTGAGE LENDING
STATE OF NEVADA
NANCY CORBIN
7220 BERMUDA RD STE A
LAS VEGAS NV 89119

COLLEEN E HEMINGWAY ESQ
ATTORNEY GENERAL'S OFFICE
100 N CARSON ST
CARSON CITY NV 89701

CHRISTINE PARVAN ESQ
OFFICE OF THE ATTORNEY GENERAL
555 E WASHINGTON AVE STE 3900
LAS VEGAS NV 89101

Dated this 20th day of APRIL, 2010.


Marian Stevens, Legal Secretary II
Employee of the State of Nevada

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on , June 1, 2010, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, FINAL ORDER for ALEX SORIA, addressed as follows:

ALEX SORIA
2620 Regatta Drive #239 & 102
Las Vegas, NV 89128

Certified Receipt Number: 7008 1830 0002 7959 6021

DATED this 28th day of May, 2010

By: Susan Slack
Employee of the Division