

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

4 \* \* \*

5 In re:

6 Nicholas Paul Lindsey dba New Hope  
7 Financial Solutions, LLC,

8 Respondents.  
9

10 FINAL ORDER

11 The State of Nevada, Department of Business and Industry, Division of Mortgage  
12 Lending (hereinafter, the "Division"), having served the Respondents, Nicholas Paul Lindsey  
13 dba New Hope Financial Solutions, LLC, (hereinafter, "Respondents") on January 13, 2010,  
14 with its Order to Cease and Desist, Notice of Intent to Impose Fine and Order Restitution and  
15 Notice of Right to Request Hearing, attached hereto as Exhibit "1" and incorporated herein by  
16 reference, which notified Respondents that a final order would issue in this matter unless,  
17 within twenty (20) days of entry and receipt of said Order, Respondents requested a hearing  
18 to contest the charges against it, with said request to be made in writing, and;  
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20 Said Order having been sent to Respondents via certified mail and regular mail, and  
21 received by Respondents on January 15, 2010, and;  
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23 Respondents having failed to request a hearing in this matter, and good cause  
24 appearing:

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1 NOW, THEREFORE, **IT IS HEREBY ORDERED** that, pursuant to NRS 645B.670 and  
2 NRS 645B.690, Respondents shall immediately **CEASE AND DESIST** all unlicensed mortgage  
3 broker, banker, or agent activity in the State of Nevada. In addition, Respondents will be subject  
4 to the administrative fines, fees and/or costs and restitution amounts as set forth in the original  
5 Order attached hereto as Exhibit "1".

6 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs  
7 be paid in full within **thirty (30) days** of entry of the instant Order;  
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10 Dated this 3<sup>RD</sup> day of February, 2010.

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12 State of Nevada  
13 Department of Business and Industry  
14 Division of Mortgage Lending

15 By: Joseph L. Waltuch  
16 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:

Nicholas Paul Lindsey dba New Hope  
Financial Solutions, LLC,

Respondent.

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**ORDER TO CEASE AND DESIST, NOTICE OF INTENT  
TO IMPOSE FINE AND ORDER RESTITUTION AND  
NOTICE OF RIGHT TO REQUEST HEARING**

12 The licensing and regulation of loan modification consultants, foreclosure consultants  
13 and other persons providing 'covered services' as defined in Nevada Revised Statutes  
14 ("NRS") 645F.310 in the State of Nevada is governed by Chapter 645F of NRS, as amended  
15 by Assembly Bill 152 of the 75<sup>th</sup> (2009) Legislative Session ("AB 152") and is also governed  
16 by the permanent regulation R052-09 promulgated pursuant thereto which was adopted on  
17 August 25, 2009 ("the Regulation"). Effective July 1, 2009, the State of Nevada, Department  
18 of Business and Industry, Division of Mortgage Lending ("the Division") has the general duty  
19 to exercise supervision and control over covered service providers, foreclosure consultants  
20 and loan modification consultants. See, Chapter 645F of NRS, as amended by AB 152 and  
21 see the Regulation. Pursuant to that authority, the Division makes the following Factual  
22 Allegations, Violations of Law, and Order, as follows:

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**FACTUAL ALLEGATIONS**

25 1. On July 8, 2009, the Governor signed an emergency regulation ("the Emergency  
26 Regulation") requiring loan modification and foreclosure consultants and agents, and other  
27 persons providing similar services for compensation, to be licensed by the Division. See,  
28 Section 9 of the Emergency Regulation.

1           2. The Regulation, which was adopted on August 25, 2009, replaced the Emergency  
2 Regulation which the Governor had previously signed on July 8, 2009. The Regulation  
3 requires loan modification and foreclosure consultants and agents, and other persons  
4 providing similar services for compensation, to be licensed by the Division. See, Sections 17  
5 and 102 of the Regulation.

6           3. Based upon information and belief, at all relevant times herein mentioned,  
7 Respondent, Nicholas Paul Lindsey, was and is an individual doing business as New Hope  
8 Financial Solutions, a limited liability company ("Respondent") with an office located at 9708  
9 Gilespie Street, Suite A-104, Las Vegas, Nevada 89183-7614.

10           4. According to the Nevada Secretary of State's records, the articles of incorporation  
11 of New Hope Solutions, LLC, were filed on June 10, 2009, and, presently, its status is  
12 "default."

13           5. Respondent has never applied for, or been issued, a license by the Division as a  
14 covered service provider, foreclosure consultant or loan modification consultant, whether as  
15 an independent consultant or as an associated consultant, pursuant to Chapter 645F of NRS  
16 and the Regulation.

17           6. Based upon information and belief, at all relevant times herein mentioned, BR, JJO,  
18 PP and MA were the owners of certain real properties in the Henderson / Las Vegas, Nevada  
19 area.

20           7. On approximately August 20, 2009, September 2, 2009 and September 3, 2009,  
21 the Division received written complaints ("the Complaints") from BR, JJO, PP and MA  
22 (collectively, "Complainants"), respectively, concerning Respondent alleging, among other  
23 things, that Respondent unlawfully engaged in the services of loan modification and/or  
24 covered service provider as defined in the Regulation Section 6 and 10.  
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28           8. Pursuant to the Regulation, "(w)hether or not a complaint has been filed, the

1 Commissioner may investigate a licensee or other person if, for any reason, it appears  
2 that...(t)he licensee or other person is offering or providing any of the services of a covered  
3 services provider, foreclosure consultant or loan modification consultant or otherwise  
4 engaging in, carrying on or holding himself out as engaging in or carrying on the business of a  
5 covered services provider, foreclosure consultant or loan modification consultant without  
6 being appropriately licensed or exempt from licensing pursuant to the provisions of [the  
7 Regulation] or chapter 645F of NRS....” See, Section 105(1)(b) of the Regulation.

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9 9. Pursuant to the Regulation, “(a) person shall not advertise services as, provide any  
10 of the services of, act as or conduct business as a covered service provider, foreclosure  
11 consultant or loan modification consultant or otherwise engage in, carry on or hold himself out  
12 as engaging in or carrying on the activities of a covered service provider, foreclosure  
13 consultant or loan modification consultant unless the person has a license as a covered  
14 service provider, foreclosure consultant or loan modification consultant, as applicable, issued  
15 pursuant to [the Regulation] and chapter 645F of NRS.” See, Sections 15 and 17 of the  
16 Regulation.

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18 10. Pursuant to the Regulation, “(i)t is unlawful for any person to provide or offer to  
19 provide any of the services of a covered service provider, foreclosure consultant or loan  
20 modification consultant or otherwise to engage in carry on or hold himself out as engaging in  
21 or carrying on the business of a covered service provider, foreclosure consultant or loan  
22 modification consultant without first obtaining the applicable license issued pursuant to this  
23 chapter and chapter 645F of NRS, unless the person...(i)s exempt from the provisions of [the  
24 Regulation] and chapter 645F of NRS...and complies with the requirements for that  
25 exemption.” See, Section 102 of the Regulation.

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27 11. After receiving the Complaints regarding Respondent, the Division conducted an  
28 investigation of the allegations in question. This investigation revealed, among other things,

1 that Respondent:

2 a. Has never applied for and/or been issued a license by the Division to  
3 conduct loan modification or foreclosure consultant activities or otherwise provide covered  
4 services, as defined in the Regulation, Sections 6 and 10;

5 b. At all relevant times herein mentioned, advertised, engaged in, carried on or  
6 held himself out as engaging in or carrying on the services of a covered service provider,  
7 foreclosure consultant or loan modification consultant, and continues to advertise, engage in,  
8 carry on or hold himself out as engaging in or carrying on the services of a covered service  
9 provider, foreclosure consultant or loan modification consultant without being appropriately  
10 licensed by the Division or exempt from licensing;

11 c. Entered into written agreements with twenty-four (24) individuals to do loan  
12 modification services after July 8, 2009, without being properly licensed by the Division;

13 d. Received \$500.00 or more upfront from each Complainant to do loan  
14 modifications on their respective properties, without being properly licensed by the Division;

15 e. Failed to deposit the money received upfront from Complainants into a trust  
16 account, but, rather, commingled Complainants' money with his own;

17 f. Failed to perform the loan modification or other covered services for  
18 Complainants, as represented; and

19 g. Failed to refund the money which Complainants had deposited with  
20 Respondent.

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23 12. Pursuant to the Regulation, "(f)or each violation committed by a person who  
24 engages in an activity for which licensure as a covered service provider, foreclosure  
25 consultant or loan modification consultant is required under the Regulation and chapter 645F  
26 of NRS, without regard to whether the person is licensed under the Regulation and chapter  
27 645F of NRS, the Commissioner may impose upon the person an administrative fine of not  
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1 more than \$10,000....” See, Section 103(3) of the Regulation.

2 13. Pursuant to the Regulation, “(i)f a person engages in an activity in violation of the  
3 provisions of the Regulation or chapter 645F of NRS or an order of the Commissioner, the  
4 Commissioner may issue an order directing the person to cease and desist from engaging in  
5 the activity. See, Section 108(1) of the Regulation.

6 **VIOLATIONS OF LAW**

7 After investigating this matter, it has been determined that at all relevant times herein  
8 mentioned, Respondent:

9 a. Advertised, engaged in, carried on or held himself out as engaging in or carrying on  
10 the services of a covered service provider, foreclosure consultant or loan modification  
11 consultant, and continues to advertise, engage in, carry on or hold himself out as engaging in  
12 or carrying on the services of a covered service provider, foreclosure consultant or loan  
13 modification consultant, without being appropriately licensed by the Division or exempt from  
14 licensing, in violation of Sections 15, 17, 102 and 105(1)(b) of the Regulation and Chapter  
15 645F of NRS;  
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17 **ORDER**

18 **NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS,**  
19 pursuant to Chapter 645F of NRS and Section 108(1) of the Regulation, after having  
20 determined that Respondent advertised and offered or provided, and continues to advertise  
21 and offer or provide, services of a covered services provider, foreclosure consultant or loan  
22 modification consultant or otherwise engaged in, carried on or held himself out as engaging in  
23 or carrying on the business of a covered services provider, foreclosure consultant or loan  
24 modification consultant without having applied for and/or been issued a license by the  
25 Division and without being exempt from licensing, in violation of Chapter 645F of NRS and the  
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1 Regulation, that **RESPONDENT IMMEDIATELY CEASE AND DESIST** from the following  
2 activities:

3 1. Advertising for and/or soliciting covered services, foreclosure consultant and/or loan  
4 modification consultant business in the State of Nevada without having first received the  
5 written authorization of and/or a license from the Division to conduct activities; and

6 2. Offering or providing any of the services of a covered service provider, foreclosure  
7 consultant and/or loan modification consultant, or otherwise engaging in, carrying on or  
8 holding himself out as engaging in or carrying on the business of a covered service provider,  
9 foreclosure consultant and/or loan modification consultant in the State of Nevada for which he  
10 has not received the written authorization of and/or a license from the Division to conduct  
11 activities.  
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13 **IT IS FURTHER ORDERED**, pursuant to Chapter 645F of NRS and Section 108(4) of  
14 the Regulation, that upon filing a verified petition with the Division within **twenty (20) days** of  
15 receipt of this Order to Cease and Desist, Respondent shall be entitled to a hearing with  
16 regard to the contents of this Order to Cease and Desist. Respondent is advised, however,  
17 that the provisions of this Order to Cease and Desist are effective immediately upon  
18 Respondent being served therewith, whether or not Respondent requests a hearing.  
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20 **NOTICE TO RESPONDENT:** If you request a hearing, you are specifically informed  
21 that you have the right to appear and be heard in your defense, either personally or through  
22 your counsel of choice at your own expense. At the hearing, if one is timely requested, the  
23 Division will call witnesses and present evidence against you. You have the right to respond  
24 and to present relevant evidence and argument on all issues involved. You have the right to  
25 call and examine witnesses, introduce exhibits and cross-examine opposing witnesses on any  
26 matter relevant to the issues involved.  
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1           **IT IS FURTHER ORDERED**, pursuant to Chapter 645F of NRS and Section 113(2) of  
2 the Regulation, that upon written application to the Division within **twenty (20) days** of the  
3 date of this Order, Respondent shall be entitled to a hearing with regards to the contents of  
4 this Order referenced hereafter. At that hearing the Division will seek to impose an  
5 administrative fine against Respondent in the amount of Sixty Thousand Dollars and No  
6 Cents (\$60,000.00), payable to the Division on account of Respondent's multiple and  
7 continuing violations of Chapter 645F of NRS and the Regulation, the Division's investigative  
8 costs in the amount of Twelve Hundred Dollars and No Cents (\$1,200.00) as well as the  
9 Division's attorney's fees, if any, incurred herein, each to be proven at the hearing. Further,  
10 the Division will seek to require Respondent's payment of restitution in the amount of Five  
11 Thousand Nine Hundred Fifty Dollars and No Cents (\$5,950.00) ("Restitution Amount") to  
12 homeowners who deposited money upfront with Respondent for covered services which  
13 Respondent failed to provide.

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15           Should Respondent not timely request a hearing within **twenty (20) days** of the date of  
16 this Order, the Division will enter a Final Order in this matter against Respondent, as required  
17 by Section 113(2) of the Regulation. The Division's Final Order will require payment by  
18 Respondent of the administrative fine, the Division's investigative costs, the Division's  
19 attorney's fees and the Restitution Amount within **thirty (30) days** of the entry of the Final  
20 Order.  
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22           Dated this 13<sup>th</sup> day of January, 2010.

23                               State of Nevada  
24                               Department of Business and Industry  
25                               Division of Mortgage lending

26                               By: Joseph L. Waltuch  
27   Joseph L. Waltuch, Commissioner  
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**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 , January 13, 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, ORDER TO CEASE AND DESIST, NOTICE OF INTENT TO IMPOSE FINE AND RESTITUTION, AND NOTICE OF RIGHT TO REQUEST HEARING for NICHOLAS PAUL LINDSEY dba NEW HOPE FINANCIAL SOLUTIONS, LLC addressed as follows:

Nicholas Paul Lindsey  
New Hope Financial Solutions, LLC  
9708 Gillespie Ste., Ste. 104-A  
Las Vegas, NV 89183

Certified Receipt Number: 7008 1830 0002 7959 5451

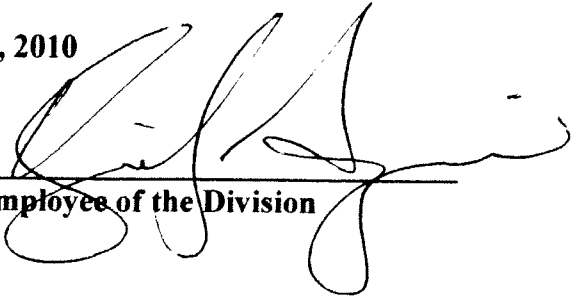
Nicholas Paul Lindsey  
New Hope Financial Solutions, LLC  
2945 West Wigwam  
Las Vegas, NV 89113

Certified Receipt Number: 7008 1830 0002 7959 5468

Nicholas Paul Lindsey  
New Hope Financial Solutions, LLC  
2 Sankaty Circle  
Henderson, NV 89052

Certified Receipt Number: 7008 1830 0002 7959 5475

DATED this 13th day of January, 2010

By:   
Employee of the Division

**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 , February 4, 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 **NICHOLAS PAUL LINDSEY dba NEW HOPE FINANCIAL SOULUTIONS, LLC**, addressed as follows:

**Nicholas Paul Lindsey  
New Hope Financial Solutions, LLC  
9708 Gillespie St., Ste. 104-A  
Las Vegas, NV 89183**

**Certified Receipt Number: 7008 1830 0002 7959 5543**

**Nicholas Paul Lindsey  
New Hope Financial Solutions, LLC  
2 Sankaty Circle  
Henderson, NV 89052**

**Certified Receipt Number: 7008 1830 0002 7959 5536**

**DATED this 4<sup>th</sup> day of February, 2010**

**By:**

**Employee of the Division**

