

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

In re:

Executive Capitals, Inc,
Respondent

**ORDER DENYING INDEPENDENT
OR ASSOCIATED LICENSEE
COVERED SERVICE PROVIDER,
FORECLOSURE CONSULTANT OR
LOAN MODIFICATION
CONSULTANT LICENSE**

The licensing and regulation of independent and associated licensee covered service providers, foreclosure consultants and loan modification consultants in the State of Nevada is governed by Chapter 645F of the Nevada Revised Statutes ("NRS") and permanent regulation R052-09 (the "permanent regulation"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending ("Division") has the general duty to establish and enforce licensing requirements for persons licensed pursuant to Chapter 645F. See, NRS Chapter 645F and the permanent regulation. Pursuant to that authority, the Commissioner of the Division makes the following Factual Allegations, Conclusions of Law, and Order as follows:

FACTUAL ALLEGATIONS

1. NRS Chapter 645F requires a person who desires to be licensed either as an independent or associated licensee covered service provider, foreclosure consultant or loan modification consultant to obtain a license prior to providing any of the services of a covered service provider, foreclosure consultant or loan modification consultant.

2. Executive Capitals, Inc. ("Respondent") submitted an application to the Division on August 6, 2009 to obtain a license pursuant to NRS Chapter 645F and the permanent regulation. Pursuant to Section 127(1) of the permanent regulation, Respondent's license

1 became effective upon his submission of his completed application.

2 3. Based upon information and belief, Respondent, is a Nevada corporation with
3 an office located at 3430 E. Flamingo Road, Suite 104, Las Vegas, Nevada 89121. Gustave
4 R. Anaya ("Anaya") is shown on the Nevada Secretary of State's website as the Director,
5 President, Secretary and Treasurer of Respondent. Additionally, Anaya is shown as 100%
6 owner of Respondent on the application for licensure submitted to the Division.

7 4. The Division has a specific duty under NRS Chapter 645F and the permanent
8 regulation to determine if an applicant qualifies under the provisions of NRS Chapter 645F to
9 hold a license, and performs various investigations to ensure an applicant's qualifications.
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11 5. After routine investigation of the application submitted by Respondent and
12 review of Respondent's business practices, the Division concludes that Respondent fails to
13 meet the requirements prescribed in Section 19 (5)(c) of the permanent regulation, as follows:

14 a. The investigation failed to support that Respondent has a good reputation for
15 honesty, trustworthiness and integrity and displays competence to transact the business of a
16 covered service provider, foreclosure consultant or loan modification consultant in a manner
17 which safeguards the interests of the general public. The Division was notified by the Fresno
18 California Police Department and the Fresno County District Attorney's office that Anaya and
19 five of his employees may have violated California law related to conducting unlicensed loan
20 modification activity and demanding payment prior to completion of services.
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22 b. Respondent violated provisions of NRS Chapter 645F, the permanent
23 regulation or an order of the Commissioner. Division staff visited Respondent's offices and
24 found several individuals working from those offices. The Division subpoenaed Respondent's
25 employment records and found that Respondent employed and compensated the following
26 thirteen individuals who, based upon information and belief, acted as agents or persons
27 associated with, or employed by, Respondent and conducted activities as a loan modification
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1 consultant, foreclosure consultant or covered service provider on its behalf relating to
2 properties in the State of Nevada without required licensure pursuant to the provisions of
3 Chapter NRS 645F and NAC 645F, and in violation of Section 38(1) of the permanent
4 regulation:

- 5 1. Maria Rodriguez
- 6 2. Martina Asuncion Tan
- 7 3. Frank Backus
- 8 4. Angelica Casillas
- 9 5. Martha Chavez
- 10 6. Manuel De Jesus Romero Camacho
- 11 7. William Bussey
- 12 8. Marinella Brown
- 13 9. Maria Reyna Becerra
- 14 10. Fernando Flores
- 15 11. Ramiro Acevedo
- 16 12. Elizabeth Hammouri
- 17 13. Juan Ramirez

18 The Division further found that the Respondent's website advertisement,
19 ***www.executivecapitals.com***, a true and correct copy of which is attached hereto as **Exhibit**
20 **"A"** and incorporated herein by reference as though set forth in full, fails to comply with
21 applicable provisions of the permanent regulation, as follows:

22 1. The advertisement prominently represents under Respondent's name, "[w]e
23 can keep your family's home..." in violation of Section 91 of the permanent regulation which
24 provides that "[a] licensee shall not...[i]n any advertisement make, or cause or encourage to be
25 made, any explicit or implicit statement, representation or promise, oral or written, which a
26 reasonable person would construe as a guarantee or warranty that the homeowner will be
27 successful in obtaining a loan modification or that the homeowner will be able to successfully
28 avoid or stop foreclosure. Section 79 of the permanent regulation also prohibits making
guarantees in advertisements; and

2. The advertisement fails to include Respondent's license (application)
number and street address, in violation of Section 79 of the permanent regulations which

1 provides that, “[a] licensee shall include his name, license number and street address in each
2 advertisement that the licensee uses....”

3 6. Section 17 of the permanent regulation provides that, “[a] person shall not
4 advertise services as, provide any of the services of, act as or conduct business as a covered
5 service provider, foreclosure consultant or loan modification consultant or otherwise engage
6 in, carry on or hold himself out as engaging in or carrying on the activities of a covered service
7 provider, foreclosure consultant or loan modification consultant unless the person has a
8 license as a covered service provider, foreclosure consultant or loan modification consultant,
9 as applicable, issued pursuant to this chapter and chapter 645F of NRS”.

10 7. Section 38 of the permanent regulation R052-09 provides that, “[a]n
11 independent licensee shall not...[e]mploy or otherwise associate with a person as a covered
12 service provider, foreclosure consultant or loan modification consultant if that other person is
13 not licensed with the Commissioner pursuant to this chapter and chapter 645F of NRS;
14 or...[a]uthorize a person to be employed by or otherwise associated with the independent
15 licensee as a covered service provider, foreclosure consultant or loan modification consultant
16 if that other person is not licensed with the Commissioner...”.

18 8. Section 127(2) of the permanent regulation R052-09 provides that, “[t]he license
19 issued pursuant to subsection 1 must be invalidated by the Commissioner if, upon
20 investigation, the Commissioner determines that the applicant does not meet the
21 requirements of chapter 645F of NRS, sections 2 to 126, inclusive, of this regulation, or any
22 other regulation adopted pursuant to chapter 645F of NRS. The Commissioner will notify the
23 applicant, in writing, if a license is invalidated pursuant to this section. Such invalidation shall
24 be construed as a license denial.”

26 **CONCLUSIONS OF LAW**

27 The licensing and regulation of covered service providers, foreclosure consultants and
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1 loan modification consultants in the State of Nevada is governed by Chapter 645F of NRS
2 and the permanent regulation. The Division has the general duty to exercise supervision and
3 control over covered service providers, foreclosure consultants and loan modification
4 consultants. See section 63 of the permanent regulation.

5 Section 19 of permanent regulation provides in relevant part:

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7 “5. Except as otherwise provided in this chapter or chapter 645F of NRS, the
8 Commissioner will issue a license to an applicant if:

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10 (c) Each person identified in paragraph (h) of subsection 1 and, if the applicant
11 is a partnership, corporation or unincorporated association, each general partner,
12 officer or director of the applicant:

13 (1) Has a good reputation for honesty, trustworthiness and integrity and
14 displays competence to transact the business of a covered service provider,
15 foreclosure consultant or loan modification consultant in a manner which
16 safeguards the interests of the general public. The applicant must submit
17 satisfactory proof of these qualifications to the Commissioner.

18 (2) Has not been convicted of, or entered a plea of guilty or nolo
19 contendere to, a felony related to the practice of a covered service provider,
20 foreclosure consultant or loan modification consultant or any crime involving
21 fraud, misrepresentation or moral turpitude.

22 (3) Has not made a false statement of material fact on the application.

23 (4) Has not had a professional license or a financial services license or
24 registration that was issued in this State or any other state, the United States,
25 any district or territory of the United States or any foreign country suspended or
26 revoked within the 10 years immediately preceding the date of the application.

27 (5) Has not violated any provision of this chapter or chapter 645F of NRS
28 or any order of the Commissioner.”

1 Section 1 of the permanent regulation provides in relevant part:

2 "1. The Commissioner may issue the denial of any application for a license."

3 **ORDER**

4 **NOW, THEREFORE, IT IS HEREBY ORDERED** that Respondent's application for
5 licensure as an independent or associated licensee covered service provider, foreclosure
6 consultant or loan modification consultant is hereby denied. Pursuant to Section 127(2) of
7 the permanent regulation, Respondent must immediately cease conducting any activity
8 pursuant to Chapter 645F of NRS and the permanent regulation.

9 **IT IS FURTHER ORDERED** that, pursuant to Section 113 of the permanent regulation,
10 upon written application to the Division, Respondent is entitled to a hearing with regard to this
11 Order. Written requests for hearings should be directed to the Division's Las Vegas office at
12 7220 Bermuda Rd., Suite A, Las Vegas, NV 89119, attention Deputy Commissioner, Nancy
13 Corbin. If Respondent timely requests a hearing, he will be notified of the time and place of
14 the hearing. Respondent is entitled to be represented by legal counsel of his own choice at
15 his sole cost and expense, to present evidence on his behalf, and to respond to evidence
16 presented by the Division.

17 Should Respondent not request a hearing within twenty (20) days of the receipt of this
18 Order, the Division will enter a Final Order in this matter as required by section 113(2) of the
19 permanent regulation.

20 Dated this 4th day of February, 2010

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22 State of Nevada
23 Department of Business and Industry
24 Division of Mortgage Lending

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