

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

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5 In re:
6 Homekeepers RSVP, formerly dba
7 Homekeepers, LLC, and
8 Marsha Tolentino
9 Respondents.

10 FINAL ORDER

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

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2 NOW, THEREFORE, IT IS HEREBY ORDERED that, pursuant to NRS 622.080 and
3 NRS Chapter 645F and by permanent regulation R052-09 promulgated pursuant thereto,
4 Respondents shall immediately **CEASE AND DESIST** soliciting for and conducting any and all
5 covered service provider, foreclosure consultant and/or loan modification activity in the State of
6 Nevada. In addition, Respondents will be subject to the administrative fines, fees and/or costs
7 and restitution amounts as set forth in the original Order attached hereto as Exhibit "1".

8 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs
9 and restitution amounts be paid in full within **thirty (30) days** of entry of the instant Order;
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12 Dated this 12th day of May, 2010.

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

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17 By: 
18 Joseph L. Waltuch, Commissioner
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EXHIBIT “1”

1 September 14, 2009, Homekeepers, LLC was sold, and its loan modification consultant,
2 foreclosure consultant or covered service provider files were transferred to Homekeepers
3 RSVP.

4 3. Homekeepers RSVP is not a licensed entity with the Nevada Secretary of State.

5 4. Based upon information and belief, and at all relevant times herein mentioned,
6 Homekeepers RSVP formerly dba Homekeepers, LLC ("Homekeepers RSVP") conducted
7 activities as a loan modification consultant, foreclosure consultant or covered service provider
8 in the State of Nevada out of its office located at 4616 W. Sahara Avenue, No. 297, Las
9 Vegas, Nevada 89102.

10 5. Based upon information and belief, and at all relevant times herein mentioned,
11 Marsha Tolentino ("Tolentino") was, and continues to be, the manager of Homekeepers
12 RSVP and acted as an agent or person associated with, or employed by, Homekeepers
13 RSVP and provided covered services on its behalf in the State of Nevada.

14 6. Neither Homekeepers RSVP nor Tolentino (hereinafter collectively "Respondents")
15 has ever applied for, or been issued, a license by the Division to conduct activities as a
16 covered service provider, foreclosure consultant or loan modification consultant, whether as
17 an independent licensee or as an associated licensee, pursuant to Chapter 645F of NRS and
18 the Regulation.

19 7. Based upon information and belief, and at all relevant times herein mentioned:

20 a. Complainants AGM and MSM were the owners of certain real property
21 located at 4652 Deer Forest Avenue, Las Vegas, Nevada 89139;

22 b. Complainant RAS was the owner of certain real property located at 8408
23 White Shore Circle, Las Vegas, Nevada 89128;

24 c. Complainant MSO was the owner of certain real property located at 9737 Lost
25 Colt Circle, Las Vegas, Nevada 89117;
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1 d. Complainant RGH was the owner of certain real property located at 2769
2 Auchmull Street, Henderson, Nevada 89044; and

3 e. Complainant JM was the owner of certain real property located at 3002
4 Atwater Drive, North Las Vegas, Nevada 89032.

5 8. In and around October through December 2009, the Division received written
6 complaints from Complainants AGM and MSM (dated December 7, 2009), RAS (dated
7 November 16, 2009), MSO (dated October 29, 2009), RGH (dated November 24, 2009) and
8 JM (dated October 5 and 20, 2009) (individually, "Complainant" and collectively,
9 "Complainants) alleging, among other things, that Respondents offered to provide, or
10 provided, for compensation, services to obtain a mortgage loan modification for Complainant
11 and/or prevent Complainant's respective real property from going to foreclosure or to provide
12 other covered services for Complainant.
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14 9. Pursuant to the Regulation, "[w]hether or not a complaint has been filed, the
15 Commissioner may investigate a licensee or other person if, for any reason, it appears
16 that...[t]he licensee or other person is offering or providing any of the services of a covered
17 services provider, foreclosure consultant or loan modification consultant or otherwise
18 engaging in, carrying on or holding himself out as engaging in or carrying on the business of a
19 covered services provider, foreclosure consultant or loan modification consultant without
20 being appropriately licensed or exempt from licensing pursuant to the provisions of this
21 chapter or chapter 645F of NRS...." See, Section 105(1)(b) of the Regulation.
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23 10. Pursuant to the Regulation, "[a] person shall not advertise services as, provide any
24 of the services of, act as or conduct business as a covered service provider, foreclosure
25 consultant or loan modification consultant or otherwise engage in, carry on or hold himself out
26 as engaging in or carrying on the activities of a covered service provider, foreclosure
27 consultant or loan modification consultant unless the person has a license as a covered
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1 service provider, foreclosure consultant or loan modification consultant, as applicable, issued
2 pursuant to this chapter and chapter 645F of NRS." See, Section 17 of the Regulation.

3 11. Pursuant to the Regulation, "[i]t is unlawful for any person to provide or offer to
4 provide any of the services of a covered service provider, foreclosure consultant or loan
5 modification consultant or otherwise to engage in, carry on or hold himself out as engaging in
6 or carrying on the business of a covered service provider, foreclosure consultant or loan
7 modification consultant without first obtaining the applicable license issued pursuant to this
8 chapter and chapter 645F of NRS, unless the person...[i]s exempt from the provisions of this
9 chapter and chapter 645F of NRS; and [c]omplies with the requirements for that exemption.
10 See, Sec. 102 of the Regulation.
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12 12. After receiving the above-referenced complaints regarding Respondents, the
13 Division conducted an investigation which revealed, among other things, that:

14 a. On September 16, 2009, Complainant MSO paid Nine Hundred Dollars and
15 No Cents (\$900.00) to Respondents to obtain a mortgage loan modification and/or prevent
16 her real property from going to foreclosure and/or to provide other covered services, as
17 evidenced by a receipt issued by Tolentino, a true and correct copy of which (except
18 Complainant MSO's redacted name) is attached hereto as **Exhibit "A"** and incorporated
19 herein by reference as though set forth in full;
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21 b. On September 18, 2009, Respondents provided Complainant RAS the status
22 of his loan modification request and a copy of Respondents' client handbook;

23 c. Complainant RGH received a letter dated September 14, 2009, advising of
24 the sale of Homekeepers, LLC, and transfer of files, to Respondents, and also received a
25 copy of Respondents' client handbook;

26 d. Respondents asked Complainants AGM and MSM, RAS, RGH and JM to
27 sign documents, respectively, abrogating their rights under law;
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1 e. Respondents have never applied for and/or been issued a license by the
2 Division to conduct loan modification or foreclosure consultant activities or otherwise provide
3 covered services and are not exempt from the licensing requirements of NRS 645F or the
4 Regulation; and

5 f. Respondents failed to obtain loan modification agreements for Complainants
6 and/or prevent Complainants' respective real property from going to foreclosure.

7 13. As part of its investigation, the Division provided copies of the above-referenced
8 written complaints to Respondents and requested a written response from Tolentino. Instead
9 of responding to the complaints, Tolentino retained Rena E. Starks ("Starks"), past managing
10 member of Homekeepers, LLC, to respond to the complaints. The Division held a meeting
11 with Starks on November 20, 2009, wherein Starks confirmed to the Division that:
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13 a. On approximately September 14, 2009, she transferred her former
14 Homekeepers, LLC client files to Respondents;

15 b. Respondents engaged in loan modification activities on behalf of
16 Complainants;

17 c. Respondents never applied to the Division for a license as a loan
18 modification consultant, foreclosure consultant or covered service provider. Rather, Starks
19 asserted that Respondents were operating under a tax-exempt umbrella, although, to date,
20 the Division has not received proof of same; and
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22 d. Respondents failed to adequately respond to the written complaints of
23 Complainants RAS, MSO, RGH and JM, and Respondents altogether failed to respond to the
24 written complaint of Complainants AGM and MSM.

25 14. Pursuant to the Regulation, "[f]or each violation committed by a person who
26 engages in an activity for which licensure as a covered service provider, foreclosure
27 consultant or loan modification consultant is required under this chapter and chapter 645F of
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1 NRS, without regard to whether the person is licensed under this chapter and chapter 645F o
2 NRS, the Commissioner may impose upon the person an administrative fine of not more than
3 \$10,000...if the person, whether or not acting as such...[d]oes not conduct business in
4 accordance with law or has violated any provision of this chapter or chapter 645F of NRS or
5 any order of the Commissioner...[or] [h]as refused to permit an examination by the
6 Commissioner of his books and affairs or has refused or failed, within a reasonable time, to
7 furnish any information or make any report that may be required by the Commissioner
8 pursuant to the provisions of this chapter or chapter 645F of NRS...[or] [h]as engaged in any
9 other conduct constituting a deceitful, fraudulent or dishonest business practice." See,
10 Section 103(3)(c), (i), and (o) of the Regulation.
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12 15. Pursuant to the Regulation, "[a] person who engages in an activity for which
13 licensure as a covered service provider, foreclosure consultant or loan modification consultant
14 is required under this chapter and chapter 645F of NRS, without regard to whether the person
15 is licensed under this chapter and chapter 645F of NRS, may be required by the
16 Commissioner to pay restitution to any person who has suffered an economic loss as a result
17 of a violation of the provisions of this chapter or chapter 645F of NRS...." See, Section 103(2)
18 of the Regulation.
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20 16. Pursuant to the Regulation, "[i]f a person engages in an activity in violation of the
21 provisions of this chapter or chapter 645F of NRS or an order of the Commissioner, the
22 Commissioner may issue an order directing the person to cease and desist from engaging in
23 the activity." See, Section 108(1) of the Regulation.
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VIOLATIONS OF LAW

25 After investigating this matter, the Division determined that, at all relevant times herein
26 mentioned, Respondents:
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28 a. Offered or provided services of a covered services provider, foreclosure consultant

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

4 2. Offering or providing any of the services of a covered service provider, foreclosure
5 consultant and/or loan modification consultant, or otherwise engaging in, carrying on or
6 holding itself out as engaging in or carrying on the business of a covered service provider,
7 foreclosure consultant and/or loan modification consultant in the State of Nevada for which it
8 has not received a license from the Division to conduct such activities.

9 **IT IS FURTHER ORDERED**, pursuant to Chapter 645F of NRS and Section 108(4) of
10 the Regulation, that upon filing a verified petition with the Division within **twenty (20) days** of
11 receipt of this Order to Cease and Desist, Respondents, and each of them, shall be entitled to
12 a hearing with regard to the contents of this Order to Cease and Desist. Each Respondent is
13 advised, however, that the provisions of this Order to Cease and Desist are effective
14 immediately upon such Respondent being served therewith, whether or not such Respondent
15 requests a hearing.
16

17 **NOTICE TO EACH RESPONDENT:** If you request a hearing, you are specifically
18 informed that you have the right to appear and be heard in your defense, either personally or
19 through your counsel of choice at your own expense. At the hearing, if one is timely
20 requested, the Division will call witnesses and present evidence against you. You have the
21 right to respond and to present relevant evidence and argument on all issues involved. You
22 have the right to call and examine witnesses, introduce exhibits and cross-examine opposing
23 witnesses on any matter relevant to the issues involved.
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25 **IT IS FURTHER ORDERED**, pursuant to Chapter 645F of NRS and Section 113(2) of
26 the Regulation, that upon written application to the Division within **twenty (20) days** of the
27 date of this Order, Respondents, and each of them, shall be entitled to a hearing with regards
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1 to the contents of this Order referenced hereafter. At that hearing the Division will seek to
2 impose an administrative fine against Respondents, jointly and severally, in the amount of
3 Twenty Thousand Dollars and No Cents (\$20,000.00), payable to the Division on account of
4 Respondents' violations of Chapter 645F of NRS and the Regulation, the Division's
5 investigative costs in the amount of Four Hundred Twenty Dollars and No Cents (\$420.00) as
6 well as the Division's attorney's fees, if any, incurred herein, to be proven at the hearing.

7 **IT IS FURTHER ORDERED**, pursuant to Chapter 645F of NRS and Section 103(2) of
8 the Regulation, that Respondents immediately cancel all contracts, if any, with homeowners
9 and refund to homeowners all moneys collected by Respondents from such homeowners
10 ("Restitution Amounts"), including, but not limited to, payment of Nine Hundred Dollars and No
11 Cents (\$900.00) to Complainant MSO.
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13 Should either Respondent not timely request a hearing within **twenty (20) days** of the
14 date of this Order, the Division will enter a Final Order in this matter against such
15 Respondent, as required by Section 113(2) of the Regulation. The Division's Final Order will
16 require payment by such Respondent of the administrative fines, the Division's investigative
17 costs and the Division's attorney's fees within **thirty (30) days** of the entry of the Final Order
18 and payment by such Respondent of the Restitution Amounts immediately upon entry of the
19 Final Order.
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21 Dated this 12th day of April, 2010.

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

25 By: 

26 Joseph L. Valtuch, Commissioner
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EXHIBIT “A”

RECEIPT

DATE 1/3/09 No. 4227778
 RECEIVED FROM [REDACTED] \$ 1,000
 DOLLARS
 FOR RENT 1/2 year
 ACCOUNT 1000 00 FROM LKH TO Pena
 PAYMENT 1000 00 BY Musika Taverna
 BAL. DUE 00

RECEIPT

DATE 9/16/09 No. 496334
 FROM [REDACTED] \$ 900-
 DOLLARS
Nine hundred dollars
 FOR RENT Final of cc.
 ACCT. 995 - FROM CASH TO RSVP
 PAID 900 - BY Musika Taverna
 DUE 95 -