STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY

DIVISION OF MORTGAGE LENDING

* * *

In re:

GSH 360 FM and
Marsha Tolentino

Respondents.

## FINAL ORDER

The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter, the "Division"), having served GSH 360 FM and Marsha Tolentino (hereinafter, "Respondents") on November 10, 2010, with its Order to Cease and Desist, Notice of Intent to Order Restitution, Notice of Intent to Impose Fine and Notice of Right to Request Hearing, attached hereto as Exhibit "1" and incorporated herein by reference, which notified Respondents that a final order would issue in this matter unless, within twenty (20) days of entry and receipt of said Order, Respondents requested a hearing to contest the charges against it, with said request to be made in writing, and;

Said Order having been sent to Respondents via certified mail and regular mail on November 10, 2010, and;

Respondents having failed to request a hearing in this matter, and good cause appearing:

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

**IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs and restitution amounts be paid in full within **thirty (30) days** of entry of the instant Order;

Dated this 30th day of November, 2010.

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

By [redacted]
Joseph L. Waltuch, Commissioner

# EXHIBIT "1"

STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY

DIVISION OF MORTGAGE LENDING

In re:

GSH 360 FM and Marsha Tolentino,

Respondents.

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

The licensing and regulation of loan modification consultants, foreclosure consultants and other persons providing 'covered services' as defined in Nevada Revised Statutes ("NRS") 645F.310 in the State of Nevada is governed by Chapter 645F of NRS and is also governed by the permanent regulation R052-09 promulgated pursuant thereto which was adopted on August 25, 2009 (the "Regulation"). Effective July 1, 2009, the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Division") has the general duty to exercise supervision and control over covered service providers, foreclosure consultants and loan modification consultants. *See*, Chapter 645F of NRS and *see* the Regulation. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

## FACTUAL ALLEGATIONS

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

1. GSH 360 FM (hereinafter "GSH 360") was and is a domestic non-profit corporation organized and existing under the laws of the State of Nevada since approximately December 1, 2009 with offices at 4616 W. Sahara Nos. 146 and 147, Las Vegas, Nevada

89102. Currently, GSH 360's status with the Nevada Secretary of State is listed as "active."

2. Based upon information and belief, and at all relevant times herein mentioned, Respondent GSH 360 has never been and is not a 501(c)(3) tax-exempt, nonprofit corporation or association as defined and classified by the Internal Revenue Service ("IRS").

3. Marsha Tolentino (hereinafter "Respondent Tolentino") is an individual who acted, and continues to act, as an agent or person associated with, or employed by, Respondent GSH 360.

4. Respondent GSH 360 and Respondent Tolentino (hereinafter collectively "Respondents") advertised services as, provided services of, engaged in, carried on or held themselves out as engaging in or carrying on, and continue to advertise services as, provide services of, engage in, carry on or hold themselves out as engaging in or carrying on, the activities of a loan modification consultant, foreclosure consultant or covered service provider.

5. Neither Respondent GSH 360 nor Respondent Tolentino has ever applied for, or been issued, a license by the Division to conduct activities as a covered service provider, foreclosure consultant or loan modification consultant, whether as an independent licensee or as an associated licensee, pursuant to Chapter 645F of NRS and the Regulation.

6. Pursuant to NRS 645F.310, "covered service" includes, without limitation: 1. Financial counseling, including, without limitation, debt counseling and budget counseling; 2. Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a mortgage or other lien on a residence in foreclosure; 3. Contacting a creditor on behalf of a homeowner; 4. Arranging or attempting to arrange for an extension of the period within which a homeowner may cure a default and reinstate an obligation pursuant to a note, mortgage or deed of trust; 5. Arranging or attempting to arrange for any delay or postponement of the time of a foreclosure sale; 6. Advising the filing of any document or assisting in any manner in the preparation of any document for filing with

a bankruptcy court; and 7. Giving any advice, explanation or instruction to a homeowner which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a mortgage or other lien on the residence in foreclosure, the full satisfaction of the obligation, or the postponement or avoidance of a foreclosure sale.

7. Pursuant to the Regulation, "[a] person shall not advertise services as, provide any of the services of, act as or conduct business as a covered service provider, foreclosure consultant or loan modification consultant or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a covered service provider, foreclosure consultant or loan modification consultant unless the person has a license as a covered service provider, foreclosure consultant or loan modification consultant, as applicable, issued pursuant to this chapter and chapter 645F of NRS." See Section 17 of the Regulation.

8. Pursuant to the Regulation, "[i]t is unlawful for any person to provide or offer to provide any of the services of a covered service provider, foreclosure consultant or loan modification consultant or otherwise to engage in, carry on or hold himself out as engaging in or carrying on the business of a covered service provider, foreclosure consultant or loan modification consultant without first obtaining the applicable license issued pursuant to this chapter and chapter 645F of NRS, unless the person" is exempt from licensing and complies with the requirements for that exemption. See Section 102 of the Regulation.

9. Pursuant to the Regulation, "[a] licensee shall not use advertising material, including, without limitation, any Internet domain name or address, that represents that it is approved by or affiliated with a governmental agency or nonprofit organization unless it is approved by or affiliated with the governmental agency or nonprofit organization." See Section 79(8) of the Regulation.

10. On or about April 12, 2010, the Division issued an "Order to Cease and Desist, Notice of Intent to Order Restitution, Notice of Intent to Impose Fine, and Notice of Right to

Request Hearing" (hereinafter "April 12 Order to Cease and Desist," a true and correct copy of which is attached hereto as Exhibit "A" and incorporated herein by reference as though set forth in full) to Respondent Tolentino and Homekeepers RSVP, formerly dba Homekeepers, LLC (hereinafter "Homekeepers RSVP") for, in part, offering or providing services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaging in, carrying on or holding themselves out as engaging in or carrying on the business of a covered services provider, foreclosure consultant or loan modification consultant without having applied for and/or been issued a license by the Division and without being exempt from licensing pursuant to the provisions of Chapter 645F of NRS or the Regulation, in violation of Chapter 645F of NRS, and Sections 17, 102 and 103(3)(c) and (w) of the Regulation.

11. Neither Respondent Tolentino nor Homekeepers RSVP requested a hearing within twenty (20) days of the April 12 Order to Cease and Desist. Pursuant to Section 113(2) of the Regulation, the Division issued a "Final Order" (a true and correct copy of which is attached hereto as Exhibit "B" and incorporated herein by reference as though set forth in full) on May 12, 2010.

12. The Division's April 12 Order to Cease and Desist and subsequent Final Order required that Respondent Tolentino and Homekeepers RSVP immediately cease and desist from the following activities:

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

2. Offering or providing any of the services of a covered service provider, foreclosure consultant and/or loan modification consultant, or otherwise engaging in, carrying on or holding itself out as engaging in or carrying on the business of a covered service

provider, foreclosure consultant and/or loan modification consultant in the State of Nevada for which it has not received a license from the Division to conduct such activities.

13. On or about June 29, 2010, the Division learned that Respondents GSH 360 and Tolentino were advertising, offering and/or providing any of the services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaging in, carrying on or holding themselves out as engaging in or carrying on the business of a covered services provider, foreclosure consultant or loan modification consultant on a website at www.gsh360.com.

14. Pursuant to the Regulation, "[w]hether or not a complaint has been filed, the Commissioner may investigate a licensee or other person if, for any reason, it appears that...[t]he licensee or other person is offering or providing any of the services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaging in, carrying on or holding himself out as engaging in or carrying on the business of a covered services provider, foreclosure consultant or loan modification consultant without being appropriately licensed or exempt from licensing pursuant to the provisions of this chapter or chapter 645F of NRS...." See Section 105(1)(b) of the Regulation.

15. After learning of the above-referenced information regarding Respondents the Division conducted an investigation which revealed, among other things, that:

a. Respondents offered, and continue to offer, or provided, and continue to provide, any of the services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaged in, held themselves out as engaging in or carried on, and continue to engage in, hold themselves out as engaging in or carrying on, the business of a covered services provider, foreclosure consultant or loan modification consultant without being appropriately licensed or exempt from licensing pursuant to the provisions of this chapter or chapter 645F of NRS, as evidenced by their website at

www.gsh360.com, true and correct copies of which are attached hereto as **Exhibit "A"** and incorporated herein by reference as though set forth in full;

b. Neither Respondent GSH 360 nor Respondent Tolentino has ever applied for and/or been issued a license by the Division to conduct loan modification or foreclosure consultant activities or otherwise provide 'covered services,' as defined in NRS 645F.310;

c. At all relevant times herein mentioned, neither Respondent GHS 360 nor Respondent Tolentino was or is exempt from the licensing requirements of Chapter 645F of NRS and the Regulation; and

d. Respondent GSH 360 has never been and is not a 501(c)(3) tax-exempt, nonprofit corporation or association as defined and classified by the Internal Revenue Service ("IRS").

16. Pursuant to the Regulation, "[f]or each violation committed by a person who engages in an activity for which licensure as a covered service provider, foreclosure consultant or loan modification consultant is required under this chapter and chapter 645F of NRS, without regard to whether the person is licensed under this chapter and chapter 645F of NRS, the Commissioner may impose upon the person an administrative fine of not more than $10,000...if the person...[d]oes not conduct business in accordance with law or has violated any provision of this chapter or chapter 645F of NRS or any order of the Commissioner...[or] [has offered or provided any services prescribed under this chapter or chapter 645F of NRS requiring licensure and the person did not have such a license and was not exempt from licensing at the time the person engaged in the activities...." See Sections 103(3)(c) and (w) of the Regulation.

17. Pursuant to the Regulation, "[i]f a person engages in an activity in violation of the provisions of this chapter or chapter 645F of NRS or an order of the Commissioner, the

Commissioner may issue an order directing the person to cease and desist from engaging in the activity." *See*, Section 108(1) of the Regulation.

## VIOLATIONS OF LAW

After investigating this matter, the Division determined that, at all relevant times herein mentioned:

1. Respondents GSH 360 and Tolentino offered, and continue to offer, or provided, and continue to provide, any of the services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaged in, held themselves out as engaging in or carried on, and continue to engage in, hold themselves out as engaging in or carrying on, the business of a covered services provider, foreclosure consultant or loan modification consultant without having applied for and/or been issued a license by the Division and without being exempt from licensing pursuant to the provisions of Chapter 645F of NRS or the Regulation, in violation of Chapter 645F of NRS, and Sections 17, 102 and 103(3)(c) and (w) of the Regulation; and

2. Respondents GSH 360 and Tolentino used, and continue to use advertising material, as evidenced by their website at www.gsh360, that represents that they are approved by or affiliated with a nonprofit organization, in violation of Section 79(8) of the Regulation.

## ORDER

**NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS,** pursuant to Chapter 645F of NRS and Section 108(1) of the Regulation, after having determined that Respondents, and each of them, offered or provided services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaged in, carried on or held itself out as engaging in or carrying on the business of a covered services provider, foreclosure consultant or loan modification consultant without

having applied for and/or been issued a license by the Division and without being exempt from licensing, in violation of Chapter 645F of NRS and the Regulation, that **RESPONDENTS IMMEDIATELY CEASE AND DESIST** from the following activities:

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

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

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

**NOTICE TO EACH RESPONDENT:** If you request a hearing, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through your counsel of choice at your own expense. At the hearing, if one is timely requested, the Division will call witnesses and present evidence against you. You have the right to respond and to present relevant evidence and argument on all issues involved. You have the right to call and examine witnesses, introduce exhibits and cross-examine opposing witnesses on any matter relevant to the issues involved.

**IT IS FURTHER ORDERED,** pursuant to Chapter 645F of NRS and Section 113(2) of the Regulation, that upon written application to the Division within **twenty (20) days** of the date of this Order, Respondents, and each of them, shall be entitled to a hearing with regards to the contents of this Order referenced hereafter. At that hearing the Division will seek to impose an administrative fine against Respondents, jointly and severally, in the amount of Thirty Thousand Dollars and No Cents ($30,000.00), payable to the Division on account of Respondents' multiple violations of Chapter 645F of NRS and the Regulation, the Division's investigative costs, to date, in the amount of One Thousand Twenty Dollars and No Cents ($1,020.00) as well as the Division's attorney's fees, if any, incurred herein, to be proven at the hearing or upon the filing of a proper affidavit. The Division reserves the right to supplement its costs and attorneys' fees.

**IT IS FURTHER ORDERED,** pursuant to Chapter 645F of NRS and Section 103(2) of the Regulation, that Respondents immediately (a) cancel all contracts, if any, with homeowners and refund to such homeowners all moneys collected by such Respondents from such homeowners for which completed services have not been rendered, or (b) obtain the written consent of the homeowners to transfer their files, moneys and contracts to a licensed, bonded independent licensee, HUD-approved counseling service or other entity exempt from Chapter 645F of NRS.

Should either Respondent not timely request a hearing within **twenty (20) days** of the date of this Order, the Division will enter a Final Order in this matter against such Respondent, as required by Section 113(2) of the Regulation.

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The Division's Final Order will require payment by such Respondent of the administrative fines, the Division's investigative costs and the Division's attorney's fees within **thirty (30) days** of the entry of the Final Order

and payment by such Respondent of the Restitution Amounts immediately upon entry of the Final Order.

Dated this 8th day of November, 2010.

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

By: [redacted]
Joseph L. Wattuch, Commissioner

EXHIBIT “A”

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

In re:

Homekeepers RSVP, formerly dba
Homekeepers, LLC, and
Marsha Tolentino

Respondents.

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

The licensing and regulation of loan modification consultants, foreclosure consultants and other persons providing 'covered services' as defined in Nevada Revised Statutes ("NRS") 645F.310 in the State of Nevada is governed by Chapter 645F of NRS and by permanent regulation R052-09 promulgated pursuant thereto (the "Regulation"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Division") has the general duty to exercise supervision and control over covered service providers, foreclosure consultants and loan modification consultants. *See*, Chapter 645F of NRS and *see* the Regulation. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

**FACTUAL ALLEGATIONS**

1. Homekeepers, LLC was a Nevada limited liability company that conducted activities as a loan modification consultant, foreclosure consultant or covered service provider in the State of Nevada out of its office located at 101 S. Rainbow Boulevard, No. 25, Las Vegas, Nevada 89145. Currently, Homekeepers, LLC status with the Nevada Secretary of State is listed as "active."

2. Based upon information and belief, and at all relevant times herein mentioned, on

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

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

4. Based upon information and belief, and at all relevant times herein mentione Homekeepers RSVP formerly dba Homekeepers, LLC ("Homekeepers RSVP") conducte activities as a loan modification consultant, foreclosure consultant or covered service provide in the State of Nevada out of its office located at 4616 W. Sahara Avenue, No. 297, La Vegas, Nevada 89102.

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

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

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

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

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

c. Complainant MSO was the owner of certain real property located at 9737 Lost Colt Circle, Las Vegas, Nevada 89117;

d. Complainant RGH was the owner of certain real property located at 276 Auchmull Street, Henderson, Nevada 89044; and

e. Complainant JM was the owner of certain real property located at 300 Atwater Drive, North Las Vegas, Nevada 89032.

8. In and around October through December 2009, the Division received written complaints from Complainants AGM and MSM (dated December 7, 2009), RAS (dated November 16, 2009), MSO (dated October 29, 2009), RGH (dated November 24, 2009) and JM (dated October 5 and 20, 2009) (individually, "Complainant" and collectively "Complainants) alleging, among other things, that Respondents offered to provide, or provided, for compensation, services to obtain a mortgage loan modification for Complainant and/or prevent Complainant's respective real property from going to foreclosure or to provide other covered services for Complainant.

9. Pursuant to the Regulation, "[w]hether or not a complaint has been filed, the Commissioner may investigate a licensee or other person if, for any reason, it appears that...[t]he licensee or other person is offering or providing any of the services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaging in, carrying on or holding himself out as engaging in or carrying on the business of a covered services provider, foreclosure consultant or loan modification consultant without being appropriately licensed or exempt from licensing pursuant to the provisions of this chapter or chapter 645F of NRS...." See, Section 105(1)(b) of the Regulation.

10. Pursuant to the Regulation, "[a] person shall not advertise services as, provide any of the services of, act as or conduct business as a covered service provider, foreclosure consultant or loan modification consultant or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a covered service provider, foreclosure consultant or loan modification consultant unless the person has a license as a covered

service provider, foreclosure consultant or loan modification consultant, as applicable, issu pursuant to this chapter and chapter 645F of NRS." *See*, Section 17 of the Regulation.

11. Pursuant to the Regulation, "[i]t is unlawful for any person to provide or offer provide any of the services of a covered service provider, foreclosure consultant or loa modification consultant or otherwise to engage in, carry on or hold himself out as engaging i or carrying on the business of a covered service provider, foreclosure consultant or loa modification consultant without first obtaining the applicable license issued pursuant to thi chapter and chapter 645F of NRS, unless the person...[i]s exempt from the provisions of thi chapter and chapter 645F of NRS; and [c]omplies with the requirements for that exemption *See*, Sec. 102 of the Regulation.

12. After receiving the above-referenced complaints regarding Respondents, the Division conducted an investigation which revealed, among other things, that:

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

b. On September 18, 2009, Respondents provided Complainant RAS the status of his loan modification request and a copy of Respondents' client handbook;

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

d. Respondents asked Complainants AGM and MSM, RAS, RGH and JM to sign documents, respectively, abrogating their rights under law;

e. Respondents have never applied for and/or been issued a license by Division to conduct loan modification or foreclosure consultant activities or otherwise prov covered services and are not exempt from the licensing requirements of NRS 645F or Regulation; and

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

13. As part of its investigation, the Division provided copies of the above-reference written complaints to Respondents and requested a written response from Tolentino. Instea of responding to the complaints, Tolentino retained Rena E. Starks ("Starks"), past managin member of Homekeepers, LLC, to respond to the complaints. The Division held a meetin with Starks on November 20, 2009, wherein Starks confirmed to the Division that:

a. On approximately September 14, 2009, she transferred her forme Homekeepers, LLC client files to Respondents;

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

c. Respondents never applied to the Division for a license as a loan modification consultant, foreclosure consultant or covered service provider. Rather, Starks asserted that Respondents were operating under a tax-exempt umbrella, although, to date, the Division has not received proof of same; and

d. Respondents failed to adequately respond to the written complaints of Complainants RAS, MSO, RGH and JM, and Respondents altogether failed to respond to the written complaint of Complainants AGM and MSM.

14. Pursuant to the Regulation, "[f]or each violation committed by a person who engages in an activity for which licensure as a covered service provider, foreclosure consultant or loan modification consultant is required under this chapter and chapter 645F of

NRS, without regard to whether the person is licensed under this chapter and chapter 645F NRS, the Commissioner may impose upon the person an administrative fine of not more th $10,000....if the person, whether or not acting as such...[d]oes not conduct business accordance with law or has violated any provision of this chapter or chapter 645F of NRS any order of the Commissioner...[or] [h]as refused to permit an examination by t Commissioner of his books and affairs or has refused or failed, within a reasonable time, furnish any information or make any report that may be required by the Commission pursuant to the provisions of this chapter or chapter 645F of NRS...[or] [h]as engaged in ar other conduct constituting a deceitful, fraudulent or dishonest business practice." Se Section 103(3(c), (i), and (o) of the Regulation.

15. Pursuant to the Regulation, "[a] person who engages in an activity for whic licensure as a covered service provider, foreclosure consultant or loan modification consultan is required under this chapter and chapter 645F of NRS, without regard to whether the persor is licensed under this chapter and chapter 645F of NRS, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or chapter 645F of NRS...." *See*, Section 103(2) of the Regulation.

16. Pursuant to the Regulation, "[i]f a person engages in an activity in violation of the provisions of this chapter or chapter 645F of NRS or an order of the Commissioner, the Commissioner may issue an order directing the person to cease and desist from engaging in the activity." *See*, Section 108(1) of the Regulation.

## VIOLATIONS OF LAW

After investigating this matter, the Division determined that, at all relevant times herein mentioned, Respondents:

a. Offered or provided services of a covered services provider, foreclosure consultant

or loan modification consultant or otherwise engaged in, carried on or held itself out engaging in or carrying on the business of a covered services provider, foreclosure consult or loan modification consultant without having applied for and/or been issued a license by Division and without being exempt from licensing pursuant to the provisions of Chapter 64 of NRS or the Regulation, in violation of Chapter 645F of NRS, and Sections 17, 102 a 103(3)(c) and (w) of the Regulation;

b. Failed to adequately respond to the written complaints of Complainants RAS, MS( RGH and JM, and altogether failed to respond to the written complaint of Complainants AG and MSM, in violation of Section 103(3)(i) of the Regulation; and

c. Engaged in deceitful, fraudulent or dishonest business practices by (i) askin Complainants AGM and MSM, RAS, RGH, and JM to each sign a document abrogating thei rights under law and (ii) engaging in activities as a loan modification consultant, foreclosure consultant or covered service provider without proper licensure, in violation of Sectior 103(3)(o) of the Regulation.

## ORDER

**NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS,** pursuant to Chapter 645F of NRS and Section 108(1) of the Regulation, after having determined that Respondents, and each of them, offered or provided services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaged in, carried on or held itself out as engaging in or carrying on the business of a covered services provider, foreclosure consultant or loan modification consultant without having applied for and/or been issued a license by the Division and without being exempt from licensing, in violation of Chapter 645F of NRS and the Regulation, that **RESPONDENTS IMMEDIATELY CEASE AND DESIST** from the following activities:

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

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

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

**NOTICE TO EACH RESPONDENT:** If you request a hearing, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through your counsel of choice at your own expense. At the hearing, if one is timely requested, the Division will call witnesses and present evidence against you. You have the right to respond and to present relevant evidence and argument on all issues involved. You have the right to call and examine witnesses, introduce exhibits and cross-examine opposing witnesses on any matter relevant to the issues involved.

**IT IS FURTHER ORDERED,** pursuant to Chapter 645F of NRS and Section 113(2) of the Regulation, that upon written application to the Division within **twenty (20) days** of the date of this Order, Respondents, and each of them, shall be entitled to a hearing with regards

to the contents of this Order referenced hereafter. At that hearing the Division will seek impose an administrative fine against Respondents, jointly and severally, in the amount Twenty Thousand Dollars and No Cents ($20,000.00), payable to the Division on account Respondents' violations of Chapter 645F of NRS and the Regulation, the Divisior investigative costs in the amount of Four Hundred Twenty Dollars and No Cents ($420.00) a well as the Division's attorney's fees, if any, incurred herein, to be proven at the hearing.

**IT IS FURTHER ORDERED,** pursuant to Chapter 645F of NRS and Section 103(2) the Regulation, that Respondents immediately cancel all contracts, if any, with homeowner and refund to homeowners all moneys collected by Respondents from such homeowner ("Restitution Amounts"), including, but not limited to, payment of Nine Hundred Dollars and N Cents ($900.00) to Complainant MSO.

Should either Respondent not timely request a hearing within **twenty (20) days** of the date of this Order, the Division will enter a Final Order in this matter against such Respondent, as required by Section 113(2) of the Regulation. The Division's Final Order will require payment by such Respondent of the administrative fines, the Division's investigative costs and the Division's attorney's fees within **thirty (30) days** of the entry of the Final Order and payment by such Respondent of the Restitution Amounts immediately upon entry of the Final Order.

Dated this 12th day of April, 2010.

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

By: [redacted]
Joseph L. Waltuch, Commissioner

# EXHIBIT "A"

RECEIPT

DATE 1/3/09 No. 422778

RECEIVED FROM [redacted] $ 1,000

One thousand dollars DOLLARS

○ FOR RENT
● FOR 1/2 yearly

| | | |
|---|---|---|
| ACCOUNT | 1000 | 00 |
| PAYMENT | 1000 | 00 |
| BAL. DUE | 0 | |

● CASH
○ MONEY ORDER
○ CHECK
○ CREDIT CARD

FROM CASH TO Reno

BY Marsha Thompson

RECEIPT

DATE 9/16/09 No. 496334

FROM [redacted] $ 900—

Nine hundred dollars DOLLARS

○ FOR RENT
● FOR Final of acc.

| | | |
|---|---|---|
| ACCT. | 995 | — |
| PAID | 900 | — |
| DUE | 95 | — |

● CASH
○ MONEY ORDER
○ CHECK
○ CREDIT CARD

FROM CASH TO RSVP

BY Marsha Tolentino

EXHIBIT “B”

STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY

DIVISION OF MORTGAGE LENDING

* * *

In re:

Homekeepers RSVP, formerly dba
Homekeepers, LLC, and
Marsha Tolentino

Respondents.

## FINAL ORDER

The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter, the "Division"), having served Homekeepers RSVP, formerly dba Homekeepers, LLC, and Marsha Tolentino (hereinafter, "Respondents") on April 12, 2010, with its Order to Cease and Desist, Notice of Intent to Order Restitution, Notice of Intent to Impose Fine and Notice of Right to Request Hearing, attached hereto as Exhibit "1" and incorporated herein by reference, which notified Respondents that a final order would issue in this matter unless, within twenty (20) days of entry and receipt of said Order, Respondents requested a hearing to contest the charges against it, with said request to be made in writing, and;

Said Order having been sent to Respondents via certified mail and regular mail on April 12, 2010, and;

Respondents having failed to request a hearing in this matter, and good cause appearing:

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

**IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or cost and restitution amounts be paid in full within **thirty (30) days** of entry of the instant Order;

Dated this 6th day of May, 2010.

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

By: [redacted]
Joseph L. Waltuch, Commissioner

# EXHIBIT "1"

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

In re:

Homekeepers RSVP, formerly dba
Homekeepers, LLC, and
Marsha Tolentino

Respondents.

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

The licensing and regulation of loan modification consultants, foreclosure consultant and other persons providing 'covered services' as defined in Nevada Revised Statutes ("NRS") 645F.310 in the State of Nevada is governed by Chapter 645F of NRS and by permanent regulation R052-09 promulgated pursuant thereto (the "Regulation"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Division") has the general duty to exercise supervision and control over covered service providers, foreclosure consultants and loan modification consultants. *See*, Chapter 645F of NRS and *see* the Regulation. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

**FACTUAL ALLEGATIONS**

1. Homekeepers, LLC was a Nevada limited liability company that conducted activities as a loan modification consultant, foreclosure consultant or covered service provider in the State of Nevada out of its office located at 101 S. Rainbow Boulevard, No. 25, Las Vegas, Nevada 89145. Currently, Homekeepers, LLC status with the Nevada Secretary of State is listed as "active."

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

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

4. Based upon information and belief, and at all relevant times herein mentione Homekeepers RSVP formerly dba Homekeepers, LLC ("Homekeepers RSVP") conducte activities as a loan modification consultant, foreclosure consultant or covered service provide in the State of Nevada out of its office located at 4616 W. Sahara Avenue, No. 297, La Vegas, Nevada 89102.

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

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

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

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

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

c. Complainant MSO was the owner of certain real property located at 9737 Lost Colt Circle, Las Vegas, Nevada 89117;

d. Complainant RGH was the owner of certain real property located at 2 Auchmull Street, Henderson, Nevada 89044; and

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

8. In and around October through December 2009, the Division received writt complaints from Complainants AGM and MSM (dated December 7, 2009), RAS (dat November 16, 2009), MSO (dated October 29, 2009), RGH (dated November 24, 2009) ar JM (dated October 5 and 20, 2009) (individually, "Complainant" and collectivel "Complainants) alleging, among other things, that Respondents offered to provide, c provided, for compensation, services to obtain a mortgage loan modification for Complainan and/or prevent Complainant's respective real property from going to foreclosure or to provide other covered services for Complainant.

9. Pursuant to the Regulation, "[w]hether or not a complaint has been filed, the Commissioner may investigate a licensee or other person if, for any reason, it appears that...[t]he licensee or other person is offering or providing any of the services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaging in, carrying on or holding himself out as engaging in or carrying on the business of a covered services provider, foreclosure consultant or loan modification consultant without being appropriately licensed or exempt from licensing pursuant to the provisions of this chapter or chapter 645F of NRS...." *See*, Section 105(1)(b) of the Regulation.

10. Pursuant to the Regulation, "[a] person shall not advertise services as, provide any of the services of, act as or conduct business as a covered service provider, foreclosure consultant or loan modification consultant or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a covered service provider, foreclosure consultant or loan modification

service provider, foreclosure consultant or loan modification consultant, as applicable, iss pursuant to this chapter and chapter 645F of NRS." *See*, Section 17 of the Regulation.

11. Pursuant to the Regulation, "[i]t is unlawful for any person to provide or offer provide any of the services of a covered service provider, foreclosure consultant or lo modification consultant or otherwise to engage in, carry on or hold himself out as engaging or carrying on the business of a covered service provider, foreclosure consultant or loa modification consultant without first obtaining the applicable license issued pursuant to th chapter and chapter 645F of NRS, unless the person...[i]s exempt from the provisions of thi chapter and chapter 645F of NRS; and [c]omplies with the requirements for that exemption *See*, Sec. 102 of the Regulation.

12. After receiving the above-referenced complaints regarding Respondents, the Division conducted an investigation which revealed, among other things, that:

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

b. On September 18, 2009, Respondents provided Complainant RAS the status of his loan modification request and a copy of Respondents' client handbook;

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

d. Respondents asked Complainants AGM and MSM, RAS, RGH and JM to sign documents respectively, abrogating

e. Respondents have never applied for and/or been issued a license b Division to conduct loan modification or foreclosure consultant activities or otherwise pr covered services and are not exempt from the licensing requirements of NRS 645F o Regulation; and

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

13. As part of its investigation, the Division provided copies of the above-referenc written complaints to Respondents and requested a written response from Tolentino. Inste of responding to the complaints, Tolentino retained Rena E. Starks ("Starks"), past managi member of Homekeepers, LLC, to respond to the complaints. The Division held a meetir with Starks on November 20, 2009, wherein Starks confirmed to the Division that:

a. On approximately September 14, 2009, she transferred her forme Homekeepers, LLC client files to Respondents;

b. Respondents engaged in loan modification activities on behalf o Complainants;

c. Respondents never applied to the Division for a license as a loan modification consultant, foreclosure consultant or covered service provider. Rather, Starks asserted that Respondents were operating under a tax-exempt umbrella, although, to date, the Division has not received proof of same; and

d. Respondents failed to adequately respond to the written complaints of Complainants RAS, MSO, RGH and JM, and Respondents altogether failed to respond to the written complaint of Complainants AGM and MSM.

14. Pursuant to the Regulation, "[f]or each violation committed by a person who engages in an activity for which licensure as a covered service provider, foreclosure consultant or loan modification

NRS, without regard to whether the person is licensed under this chapter and chapter 64 NRS, the Commissioner may impose upon the person an administrative fine of not more $10,000....if the person, whether or not acting as such...[d]oes not conduct busine accordance with law or has violated any provision of this chapter or chapter 645F of NR any order of the Commissioner...[or] [h]as refused to permit an examination by Commissioner of his books and affairs or has refused or failed, within a reasonable time furnish any information or make any report that may be required by the Commissio pursuant to the provisions of this chapter or chapter 645F of NRS...[or] [h]as engaged in other conduct constituting a deceitful, fraudulent or dishonest business practice." S Section 103(3(c), (i), and (o) of the Regulation.

15. Pursuant to the Regulation, "[a] person who engages in an activity for whi licensure as a covered service provider, foreclosure consultant or loan modification consulta is required under this chapter and chapter 645F of NRS, without regard to whether the perso is licensed under this chapter and chapter 645F of NRS, may be required by th Commissioner to pay restitution to any person who has suffered an economic loss as a resul of a violation of the provisions of this chapter or chapter 645F of NRS...." *See*, Section 103(2 of the Regulation.

16. Pursuant to the Regulation, "[i]f a person engages in an activity in violation of the provisions of this chapter or chapter 645F of NRS or an order of the Commissioner, the Commissioner may issue an order directing the person to cease and desist from engaging in the activity." *See*, Section 108(1) of the Regulation.

## VIOLATIONS OF LAW

After investigating this matter, the Division determined that, at all relevant times herein mentioned, Respondents:

a. Offered or provided

or loan modification consultant or otherwise engaged in, carried on or held itself o engaging in or carrying on the business of a covered services provider, foreclosure cons or loan modification consultant without having applied for and/or been issued a license b Division and without being exempt from licensing pursuant to the provisions of Chapter 6 of NRS or the Regulation, in violation of Chapter 645F of NRS, and Sections 17, 102 103(3)(c) and (w) of the Regulation;

b. Failed to adequately respond to the written complaints of Complainants RAS, MS RGH and JM, and altogether failed to respond to the written complaint of Complainants AG and MSM, in violation of Section 103(3)(i) of the Regulation; and

c. Engaged in deceitful, fraudulent or dishonest business practices by (i) askir Complainants AGM and MSM, RAS, RGH, and JM to each sign a document abrogating the rights under law and (ii) engaging in activities as a loan modification consultant, foreclosur consultant or covered service provider without proper licensure, in violation of Sectior 103(3)(o) of the Regulation.

## ORDER

**NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS,** pursuant to Chapter 645F of NRS and Section 108(1) of the Regulation, after having determined that Respondents, and each of them, offered or provided services of a covered services provider, foreclosure consultant or loan modification consultant or otherwise engaged in, carried on or held itself out as engaging in or carrying on the business of a covered services provider, foreclosure consultant or loan modification consultant without having applied for and/or been issued a license by the Division and without being exempt from licensing, in violation of Chapter 645F of NRS and the Regulation, that **RESPONDENTS IMMEDIATELY CEASE AND DESIST** from the following activities:

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

2. Offering or providing any of the services of a covered service provider, forecl consultant and/or loan modification consultant, or otherwise engaging in, carrying o holding itself out as engaging in or carrying on the business of a covered service prov foreclosure consultant and/or loan modification consultant in the State of Nevada for whi has not received a license from the Division to conduct such activities.

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

**NOTICE TO EACH RESPONDENT:** If you request a hearing, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through your counsel of choice at your own expense. At the hearing, if one is timely requested, the Division will call witnesses and present evidence against you. You have the right to respond and to present relevant evidence and argument on all issues involved. You have the right to call and examine witnesses, introduce exhibits and cross-examine opposing witnesses on any matter relevant to the issues involved.

**IT IS FURTHER ORDERED,** pursuant to Chapter 645F of NRS and Section 113(2) of the Regulation, that upon written application to the Division within **twenty (20) days** of the date of this Order, Respond

to the contents of this Order referenced hereafter. At that hearing the Division will se impose an administrative fine against Respondents, jointly and severally, in the amou Twenty Thousand Dollars and No Cents ($20,000.00), payable to the Division on accou Respondents' violations of Chapter 645F of NRS and the Regulation, the Divis investigative costs in the amount of Four Hundred Twenty Dollars and No Cents ($420.00 well as the Division's attorney's fees, if any, incurred herein, to be proven at the hearing.

**IT IS FURTHER ORDERED,** pursuant to Chapter 645F of NRS and Section 103(2 the Regulation, that Respondents immediately cancel all contracts, if any, with homeown and refund to homeowners all moneys collected by Respondents from such homeowne ("Restitution Amounts"), including, but not limited to, payment of Nine Hundred Dollars and Cents ($900.00) to Complainant MSO.

Should either Respondent not timely request a hearing within **twenty (20) days** of th date of this Order, the Division will enter a Final Order in this matter against suc Respondent, as required by Section 113(2) of the Regulation. The Division's Final Order wil require payment by such Respondent of the administrative fines, the Division's investigative costs and the Division's attorney's fees within **thirty (30) days** of the entry of the Final Order and payment by such Respondent of the Restitution Amounts immediately upon entry of the Final Order.

Dated this 12th day of April, 2010.

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

By: [redacted]
Joseph L. Waltuch, Commissioner

# EXHIBIT "A"

RECEIPT

DATE 1/3/09 No. 422778

RECEIVED FROM [redacted]

One thousand dollars $ 1,00

○ FOR RENT
● FOR 1/2 ward DOLL

| | | |
|---|---|---|
| ACCOUNT | 1000 | 00 |
| PAYMENT | 1000 | 00 |
| BAL. DUE | 0 | |

● CASH
○ MONEY ORDER
○ CHECK
○ CREDIT CARD

FROM CASH TO Reno

BY Marsha Tolenfino

RECEIPT

DATE 9/16/09 No. 496334

FROM [redacted]

Nine hundred dollars $ 900—

○ FOR RENT
● FOR Final of LLC. DOLLARS

| | | |
|---|---|---|
| ACCT. | 995 | — |
| PAID | 900 | — |
| DUE | 95 | — |

● CASH
○ MONEY ORDER
○ CHECK
○ CREDIT CARD

FROM CASH TO RSVP

BY Marsha Tolenfino