

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

4 * * *

5 In re:
6 Rafael Chacon and Yvonne Chacon
7 Respondents.

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10 FINAL ORDER

11 The State of Nevada, Department of Business and Industry, Division of Mortgage
12 Lending (hereinafter, the "Division"), having served the Respondents, Rafael Chacon and
13 Yvonne Chacon (hereinafter, "Respondents") on November 17, 2010, with its Notice of Intent
14 to Impose Fine, and Notice of Right to Request Hearing, attached hereto as Exhibit "1" and
15 incorporated herein by reference, which notified Respondents that a final order would issue
16 in this matter unless, within twenty (20) days of entry and receipt of said Order, Respondents
17 requested a hearing to contest the charges against him, with said request to be made in
18 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 November 19, 2010, and;

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

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25 NOW, THEREFORE, **IT IS HEREBY ORDERED** that, pursuant to NRS 645B.670 and
26 NRS 645B.690, Respondents shall immediately **CEASE AND DESIST** all unlicensed
27 mortgage broker or agent activity in the State of Nevada.
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1 **IT IS FURTHER ORDERED** that the sum of said administrative fines, fees and/or costs
2 be paid in full within **thirty (30) days** of entry of the Final Order;

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4 Dated this 8th day of December, 2010.

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7 State of Nevada
8 Department of Business and Industry
9 Division of Mortgage Lending

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

EXHIBIT “1”

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

In re:
Rafael Chacon and Yvonne Chacon,
Respondents.

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NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING

The licensing and regulation of mortgage brokers and mortgage agents in the State of Nevada is governed by Chapter 645B of the Nevada Revised Statutes (hereinafter "NRS") and Chapter 645B of the Nevada Administrative Code (hereinafter "NAC"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter the "Division") has the general duty to exercise supervision and control over mortgage brokers and mortgage agents, as well as mortgage broker and mortgage agent activity. See NRS 645B.060(1), NRS 645B.670 and NRS 645B.690. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order:

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FACTUAL ALLEGATIONS

1. Based upon information and belief, and at all relevant times herein mentioned, Integrated Business & Tax Solutions (hereinafter "Integrated") was a domestic corporation organized and existing under the laws of the State of Nevada since on or about April 23, 2002. Currently, Integrated's status with the Secretary of State is "dissolved."

2. Based upon information and belief, and at all relevant times herein mentioned, Rafael Chacon (hereinafter "Respondent R. Chacon") was an officer and Director of Integrated.

1 3. Based upon information and believe, and at all relevant times herein mentioned,
2 Yvonne Chacon (hereinafter "Respondent Y. Chacon") was an officer and Director of
3 Integrated.

4 4. Based upon information and belief, neither Respondent R. Chacon nor
5 Respondent Y. Chacon has ever been issued a mortgage broker license by the Division
6 pursuant to Chapter 645B of NRS.

7 5. Based upon information and belief, and at all relevant times herein mentioned,
8 Respondents held themselves out as engaging in or carrying on the business of a mortgage
9 broker pursuant to Chapter 645B of NRS and conducted mortgage broker activity in the State
10 of Nevada.
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12 6. On approximately February 8, 2010, the Division received a complaint from
13 Complainants IK and MP (hereinafter "Complainants") alleging, among other things, that
14 Respondents unlawfully offered or provided unlicensed services of a mortgage broker or
15 otherwise engaged in, carried on, or held themselves out as engaging in or carrying on the
16 business of a mortgage broker.
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18 7. Pursuant to NRS 645B.610(1) and (3), if a person properly files a complaint with
19 the Division, the Division is further charged with investigating "...each violation alleged in the
20 complaint..." and the Division "...shall determine from the investigation whether there is
21 reasonable cause to believe that the person committed the alleged violation..."

22 8. Pursuant to NRS 645B.060(2)(c), the Division commenced an investigation
23 which revealed, among other things, that:

24 a. Respondents offered or provided services of a mortgage broker or
25 otherwise engaged in, carried on, or held themselves out as engaging in or carrying on, the
26 business of a mortgage broker without a license;

27 b. In 2006, Respondents R. Chacon and Y. Chacon solicited
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1 Complainants, and each of them, to invest in a loan secured by a second deed of trust in the
2 amount of Twenty Five Thousand Dollars and No Cents (\$25,000.00) against property located
3 at 250 Liliu Street, Henderson, Nevada 89015 (hereinafter "the Stated Investment");

4 c. Complainant MP executed an "Investor Application" on
5 July 24, 2006 (hereinafter "Investor Application") which stated that the note secured by a
6 second deed of trust "...will close under the Name of Integrated Business & Tax Solutions,
7 Inc...and subsequent to the close, the Note and Deed of Trust will be assigned to
8 [Complainant MP]";

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10 d. Respondents did not invest the Twenty Five Thousand Dollars and
11 No Cents (\$25,000.00) in the Stated Investment on behalf of Complainants; and

12 e. Respondents did not record or assign the Note and Deed of Trust
13 to Complainant MP.

14 9. Pursuant to NRS 645B.0127, "mortgage broker" means "a person who, directly
15 or indirectly: (a) Holds himself or herself out for hire to serve as an agent for any person in an
16 attempt to obtain a loan which will be secured by a lien on real property; (b) Holds himself or
17 herself out for hire to serve as an agent for any person who has money to lend, if the loan is or
18 will be secured by a lien on real property; (c) Holds himself or herself out as being able to
19 make loans secured by liens on real property; (d) Holds himself or herself out as being able to
20 buy or sell notes secured by liens on real property; or (e) Offers for sale in this State any
21 security which is exempt from registration under state or federal law and purports to make
22 investments in promissory notes secured by liens on real property.
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24 10. Pursuant to NRS 645B.900, "[i]t is unlawful for any person to offer or provide any
25 of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or
26 hold himself or herself out as engaging in or carrying on the business of a mortgage broker or
27 mortgage agent without first obtaining the applicable license issued pursuant to this chapter,
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1 unless the person: 1. Is exempt from the provisions of this chapter; and 2. Complies with the
2 requirements for that exemption.”

3 11. WHEREAS, pursuant to NRS 645B.690, as it existed at the time of the violations
4 in question, “[i]f a person offers or provides any of the services of a mortgage broker or
5 mortgage agent or otherwise engages in, carries on or holds himself out as engaging in or
6 carrying on the business of a mortgage broker or mortgage agent and, at the time...[t]he
7 person was required to have a license pursuant to this chapter and the person did not have
8 such a license...The Commissioner shall impose upon the person an administrative fine of not
9 more than \$10,000 for each violation and if the person has a license, the Commissioner shall
10 revoke it...” See NRS 645B.690(1)(a).
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12 VIOLATIONS OF LAW

13 After investigating this matter, the Division determined that Respondents, and each of
14 them, offered or provided services of a mortgage broker or otherwise engaged in, carried on
15 or held themselves out as engaging in or carrying on the business of a mortgage broker in
16 violation of Chapter 645B of NRS.
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18 ORDER

19 **NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS,**
20 pursuant to NRS 645B.750, that upon application to the Division **within twenty (20) days** of the
21 date of this Order, Respondents shall be entitled to a hearing with regards to the contents of this
22 Order referenced below. At that hearing the Division will seek to impose an administrative fine
23 against Respondents, jointly and severally, in the amount of Ten Thousand Dollars and No
24 Cents (\$10,000.00), for each Respondent’s violation of Chapter 645B of NRS, the Division’s
25 investigative costs in the amount of Nine Hundred Seventy Eight Dollars and No Cents
26 (\$978.000), as well as the Division’s administrative costs and attorneys’ fees, if any, incurred
27 herein, each to be proven at the hearing or upon the filing of a proper affidavit; and require each
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1 Respondent's payment, in full, of the administrative fine, investigative costs, as well as the costs
2 and fees to the Division, within thirty (30) days of entry of the Final Order. The Division reserves
3 its right to supplement its costs and attorneys' fees.

4 Should either Respondent request a hearing, such Respondent is advised of the
5 following: Respondent is entitled to be represented by legal counsel at its own cost and
6 expense; b) At any hearing Respondent shall be entitled to respond and to present evidence
7 and argument on all issues involved; c) Requests may be made to the Commissioner for the
8 issuance of subpoenas; however, the Commissioner may request the proposed testimony of any
9 such person prior to the issuance of the subpoena; and d) Unless precluded by law, the parties
10 may agree to an informal resolution or settlement prior to any hearing.
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12 IT IS FURTHER ORDERED that should either Respondent not request a hearing within
13 twenty (20) days of the date of this Order, the Division will enter a Final Order in this matter
14 against such Respondent, as required by NRS 645B.750(2).

15 Dated this 17th day of November, 2010.

16 State of Nevada
17 Department Of Business and Industry
18 Division of Mortgage Lending

19 By: Joseph L. Waltuch
20 Joseph L. Waltuch, Commissioner
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CERTIFICATE OF SERVICE

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I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on, November 18, 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, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for Rafael Chacon and Yvonne Chacon, addressed as follows:

**Rafael Chacon and Yvonne Chacon
Integrated Business & Tax Solutions
4550 W. Oakey Blvd. #111
Las Vegas, NV 89102**

Certified Receipt Number: 7008 1830 0002 7959 7004

DATED this 17th day of November, 2010

By: *Sheila Staudenroth*
Employee of the Division

CERTIFICATE OF SERVICE

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3 **I certify that I am an employee of the State of Nevada, Department of Business and Industry,**
4 **Division of Mortgage Lending, and that on, December 9, 2010, I deposited in the U.S. mail,**
5 **postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct**
6 **copy of the foregoing, FINAL ORDER for Rafael Chacon and Yvonne Chacon, addressed as**
7 **follows:**
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10 **Rafael Chacon and Yvonne Chacon**
11 **Integrated Business & Tax Solutions**
12 **4550 W. Oakey Blvd. #111**
13 **Las Vegas, NV 89102**

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15 **Certified Receipt Number: 7008 1830 0002 7959 7042**

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17 **DATED this 8th day of December 2010**

18 By: Sheila Garduno
19 **Employee of the Division**
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