



1 applicable administrative regulations.

2 Following a review of the evidence and consideration of the testimony of the witnesses  
3 and arguments of counsel, the Appeals Officer renders the following Findings of Fact and  
4 Conclusions of Law:

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6 **FINDINGS OF FACT**

7 1. BV Nevada Holdings, Inc. is a corporation organized and existing under the  
8 laws of the state of Nevada since on or about June 14, 2004 and is doing business in Nevada as  
9 Nationwide Discount Mortgage.

10 2. On August 11, 2005 Nationwide Discount Mortgage was issued a mortgage  
11 broker license (License no. 1986) by the Division pursuant to Chapter 645B of NRS.

12 3. On September 24, 2008 Respondent Vavla was issued a mortgage agent license  
13 (License No. 46416) by the Division pursuant to Chapter 645B of NRS.

14 4. At all relevant times herein Vavla was the President, Secretary, Treasurer and  
15 Director of nationwide Discount Mortgage and was employed by Nationwide Discount  
16 Mortgage as a licensed mortgage agent; Nationwide Discount Mortgage maintained an office  
17 located at 3987 W. Flamingo Rd. #105, Las Vegas NV 89147.

18 5. At all relevant times herein Vavla used the name of " Bobby Val" in performing  
19 his duties as a licensed mortgage agent for Nationwide Discount Mortgage.

20 6. On October 28, 2009 Bari Fraire was employed as a branch manager for  
21 Evergreen Home Loans and received a pre-approval letter, in favor of Jonathan and Maria  
22 Lopez, attached to a real estate contract. The pre-approval letter was dated October 28, 2009  
23 and bear the letterhead of Evergreen Home Loan and the contact information of " Bobby Val"  
24 at 3987 W. Flamingo Rd. #105 Las Vegas NV 89147.  
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1           7.     On December 9, 2009 a complaint was filed with the Division regarding the  
2 unauthorized pre-approval letter of October 28, 2009 on the letterhead of Evergreen Home  
3 Loans.

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5           8.     At the April 11, 2011 Ms. Fraire credibly testified that Vavla was not  
6 authorized to issue pre-authorization letters on behalf of Evergreen Home Loans in October of  
7 2009.

8           9.     At the April 11, 2011 evidentiary hearing Vavla denied that he had created the  
9 October 28, 2009 pre-approval letter on the letterhead of Evergreen Home Loan.

10          10.    At the April 11, 2011 evidentiary hearing Vavla testified that in 2009 he was  
11 authorized by Wells Fargo, through its wholesale Mortgage Division to use its software to  
12 qualify buyers and to issue pre-approval letters bearing the Wells Fargo letterhead.

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14          11.    At the April 11, 2011 evidentiary hearing Vavla also testified that he created  
15 the November 13, 2009 pre-approval letter, on Wells Fargo letterhead, in favor of his client,  
16 Melissa Serrano, stating that she was pre approved to purchase a house with a loan amount of  
17 \$155,200.00.

18          12.    The format and content of the October 28, 2009 pre-approval letter is  
19 substantially similar to the November 13, 2009 pre-approval letter except for the letterheads,  
20 and the details (i.e. borrower, pre-approval amount, dates).

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22          13.    Respondent Vavla' s testimony to the effect that he did not create the October  
23 28, 2009 pre-approval letter under the letterhead of Evergreen Home Loans is not credible.  
24 Respondent Vavla did create the October 28, 2009 pre-approval letter under the letterhead of  
25 Evergreen Home Loans without the authorization of Evergreen home Loans.

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27          14.    At the April 11, 2011 hearing Melissa Serrano testified that she had made an l  
28 earnest money deposit on a house located on MACKANOSE; that her offer was accepted but  
she had not completed the purchase. She testified that she contacted Vavla and requested that

1 he delete her social security number and information concerning a 2007 bankruptcy from her  
2 credit report and send the redacted copy of her credit report to Ryan Tate, the realtor  
3 representing the seller of the MACKANOSE residence. This request was made to assist Mr.  
4 Serrano obtain the return of her earnest money deposit. The earnest money deposit was  
5 returned to Ms. Serrano.  
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7 15. Vavla testified that he redacted Ms. Serrano's social security number and the  
8 reference to the 2007 bankruptcy from Ms. Serrano's credit report and transmitted it to Ryan  
9 Tate and that Ms. Serrano did receive the return of her earnest money deposit.  
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11 16. The Division submitted a credit report for Ms. Serrano dated October 18, 2009  
12 with her social security number and the bankruptcy information redacted. Mr. Vavla testified  
13 that he believed the credit report he had transported to Ryan Tate to assist Ms. Serrano get her  
14 earnest money deposit was dated later than November 13, 2009.

15 17. Vavla redacted material information from Ms. Serrano's credit report in 2009  
16 to assist her in obtaining a financial benefit in the nature of the return of her earnest money  
17 deposit.  
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19 18. The Division failed to establish that Vavla was not authorized to issue the  
20 November 13, 2009 pre-approval letter on Wells Fargo Letterhead.

21 19. At all times referenced herein Respondent Vavla was the alter ego of Respondent  
22 Nationwide Discount Mortgage.

23 20. Any finding of Fact which may be deemed a Conclusion of Law shall be so  
24 considered.  
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#### CONCLUSIONS OF LAW

26 1. NRS 645B.670 (2) (o) makes it a punishable offense for a mortgage broker to  
27 engage in any conduct constituting a deceitful, fraudulent or dishonest business practice.  
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2. NRS 645B.670 (3) (h) makes it a punishable offense for a mortgage agent to

1 engage in any conduct constituting a deceitful, fraudulent or dishonest business practice.

2 3. Respondent Valve' s act of issuing the October 28, 2009 pre-approval letter on  
3 the letter head of evergreen Home Loans constitutes a deceitful, fraudulent and dishonest  
4 business practice.

5 4. Respondent Valve' s act of redacting the bankruptcy information from Ms.  
6 Serrano' s credit report and transmitting it to Ryan Tate constitutes a deceitful, fraudulent and  
7 dishonest business practice.

8 5. NRS 645B.670 (3) (b) makes is a punishable offense for a mortgage agent to  
9 make a material representation in connection with any residential loan origination.

10 6. Respondent Valve' s act of issuing the October 28, 2009 pre-approval letter on  
11 the letter head of Evergreen Home constitutes a material misrepresentation in connection with  
12 the origination of a residential loan.

13 7. At all relevant times herein Vavla, was acting individually and as the President,  
14 Secretary, Treasurer and Director of Nationwide Discount Mortgage so as to make himself  
15 responsible for any actions/liabilities of Nationwide Discount Mortgage and Nationwide  
16 Discount Mortgage responsible for any actions/liabilities of Vavla' s.

17 8. Any Conclusion of Law which may be deemed a Finding of Fact shall be so  
18 considered.

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22 **ORDER**

23 1. Respondent' s Valve' s mortgage agent license is revoked for multiple  
24 Violations NRS 645B.670;

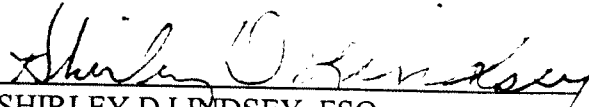
25 2. Respondent Discount Mortgage Company' s broker license is revoked for  
26 multiple violations of NRS 645B.670.

27 3. Respondents are jointly and severally liable for an administrative fine in the  
28 amount of Ten Thousand Dollars (\$10,000.00) payable to the Division and to be received by  
the Division on or before June 10, 2011.

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4. The Divisions requests for and costs and fees are denied without prejudice, and may be renewed with appropriate supporting documentation if the administrative fine is not received by the Division on or before June 11, 2011.

**IT IS SO ORDERED** this 2nd day of May, 2011.

  
SHIRLEY D LINDSEY, ESQ.  
APPEALS OFFICER

**NOTICE:** Pursuant to NRS 233B.130, should any party desire to appeal this final determination of the Appeals Officer, a Petition for Judicial Review must be filed with the District Court within 30 days after service by mail of this decision.

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**CERTIFICATE OF MAILING**

The undersigned, an employee of the State of Nevada, Department of Administration, Hearings Division, does hereby certify that on the date shown below, a true and correct copy of the foregoing **DECISION AND ORDER** was duly mailed, postage prepaid **OR** placed in the appropriate addressee runner file at the Department of Administration, Hearings Division, 2200 S. Rancho Drive, #220, Las Vegas, Nevada, to the following:

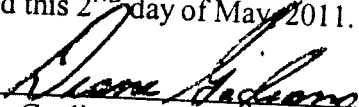
BV NV HOLDINGS DBA NATIONWIDE DISCOUNT MORTGAGE  
BOBBY VAVLA C/O KIRK T KENNEDY, ATTY AT LAW  
815 S CASINO CENTER BLVD  
LAS VEGAS NV 89101

KIRK T KENNEDY ESQ  
815 S CASINO CENTER BLVD  
LAS VEGAS NV 89101

DIVISION OF MORTGAGE LENDING  
STATE OF NEVADA  
NANCY CORBIN  
7220 BERMUDA RD STE A  
LAS VEGAS NV 89119

KALI MILLER, ESQ.  
OFFICE OF THE ATTORNEY GENERAL  
555 E WASHINGTON #3900  
LAS VEGAS NV 89101

Dated this 2<sup>ND</sup> day of May 2011.

  
\_\_\_\_\_  
Diane Gagliano, Legal Secretary II  
Employee of the State of Nevada