

1 STATE OF NEVADA

2 DEPARTMENT OF BUSINESS AND INDUSTRY

3 DIVISION OF MORTGAGE LENDING

4  
5 In re:

6 United Travel & Services LLC and  
7 Marisol Perez;

8 Respondent.  
9  
10

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

13 The State of Nevada, Department of Business and Industry, Division of Mortgage  
14 Lending (the "Division") has the general duty to exercise supervision and control over  
15 foreclosure consultants, modification consultants and those who provide covered services  
16 pursuant to Chapters 645F of the Nevada Revised Statutes ("NRS"), Chapters 645F of the  
17 Nevada Administrative Code ("NAC"), and by permanent regulations promulgated pursuant  
18 thereto (the "Regulations").

19 Pursuant to that authority, the Division makes the following Findings of Fact,  
20 Violations of Law and Order, as follows:

21 **JURISDICTION AND NOTICE**

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23 1. UNITED TRAVEL & SERVICES LLC ("UTS") at all relevant times was a  
24 domestic limited-liability company located at 3376 S. Eastern Ave, Suite 166, Las Vegas, NV  
25 89169. Currently, UTS's status with the Nevada Secretary of State is "Revoked."

26 2. MARISOL PEREZ ("PEREZ") was, and continues to be, the Principal who acted  
27 and continues to act as an agent or person employed by or associated with UTS.

28 3. UTS and PEREZ (collectively "RESPONDENTS") were never licensed with the

1 Division.

2 4. RESPONDENTS, and each of them, are subject to the provisions of Chapter  
3 645F and are each subject to the jurisdiction of the Division and the Commissioner of the  
4 Division pursuant to the provisions of NRS 645F.390.

5 5. COMPLAINANT AD ("AD") is the owner of Residential Real Property; Parcel No.  
6 163-21-421-004.

7 6. On November 3, 2010, the Division received a Complaint from AD alleging that  
8 RESPONDENTS had engaged in unlicensed activity pursuant to Chapter 645F.

9 7. On November 10, 2010, the Division mailed RESPONDENTS a letter informing  
10 them that a complaint had been received alleging multiple violations of the provisions of  
11 Chapter 645F.

12 8. On November 30, 2010, RESPONDENTS replied via fax admitting to providing  
13 covered service provider, foreclosure consultant and loan modification services without first  
14 being licensed pursuant to Chapter 645F.

15  
16 **FINDINGS OF FACT**

17 9. On or about December 13, 2009, RESPONDENTS met with AD to discuss  
18 providing loan modification services for a mortgage on real property without first obtaining a  
19 license pursuant to Chapter 645F.

20 10. On or about December 13, 2009, AD paid RESPONDENTS \$1,000.00 for  
21 modification services with check no. 868.

22 11. On or about January 27, 2010, AD paid RESPONDENTS \$800.00 for  
23 modification services with check no. 878.

24 12. On or about January 21, 2010, RESPONDENTS contacted Bank of America on  
25 behalf of AD and negotiated a trial period loan modification.

26 13. On or about July 29, 2010, RESPONDENTS counseled AD, collected  
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1 documents and negotiated with Bank of America in an attempt to modify a loan for AD.

2 14. On October 14, 2010, as a result of RESPONDENTS modification services, AD  
3 received a loan modification which changed the term, interest rate, and payment amount for a  
4 mortgage on real property.

5 **VIOLATIONS OF LAW**

6 15. RESPONDENT violated Section 17 of the Regulation by holding themselves out  
7 as, providing the services of, acting as or conducting business as a covered service provider,  
8 foreclosure consultant or loan modification consultant without a license pursuant to Chapter  
9 645F.

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11 16. RESPONDENT violated Section 102 of the Regulation by contacting Bank of  
12 America, a creditor, on behalf of AD, a homeowner pursuant to NRS 645F.310(3) without a  
13 license pursuant to Chapter 645F.

14 17. RESPONDENT violated Section 102 of the Regulation by preventing a  
15 foreclosure sale pursuant to NRS 645F.320(1) without a license pursuant to Chapter 645F.

16 18. RESPONDENT violated Section 102 of the Regulation by obtaining a  
17 forbearance from a mortgagee or beneficiary of a deed of trust pursuant to NRS 645F.320(2)  
18 without a license pursuant to Chapter 645F.

19  
20 19. RESPONDENT violated Section 102 of the Regulation by assisting AD, a  
21 homeowner, avoid residential foreclosure pursuant to NRS 645F.320(8) without a license  
22 pursuant to Chapter 645F.

23 20. RESPONDENT violated Section 102 of the Regulation by providing or offering  
24 to provide services to adjust the terms of a mortgage loan by changing the payment amount  
25 for compensation pursuant to NRS 645F.365(1) without a license pursuant to Chapter 645F.

26 21. RESPONDENT violated Section 102 of the Regulation by providing or offering  
27 to provide services to adjust the terms of a mortgage loan by obtaining a loan forbearance for  
28

1 compensation pursuant to NRS 645F.365(3) without a license pursuant to Chapter 645F.

2 22. RESPONDENT violated Section 102 of the Regulation by providing or offering  
3 to provide services to adjust the terms of a mortgage loan by changing the loan maturity for  
4 compensation pursuant to NRS 645F.365(4) without a license pursuant to Chapter 645F.

5 23. RESPONDENT violated Section 102 of the Regulation by providing or offering  
6 to provide services to adjust the terms of a mortgage loan by changing the interest rate for  
7 compensation pursuant to NRS 645F.365(5) without a license pursuant to Chapter 645F.  
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10 **DISCIPLINE AUTHORIZED**

11 24. Pursuant to NRS 645F.310(3), covered services includes, without  
12 limitation contacting a creditor on behalf of a homeowner.

13 25. Pursuant to NRS 645F.320(1), foreclosure consultant means a person who,  
14 directly or indirectly, makes any solicitation, representation or offer to a homeowner to  
15 perform for compensation, or who, for compensation, prevents or postpones a foreclosure  
16 sale.

17 26. Pursuant to NRS 645F.320(2), foreclosure consultant means a person who,  
18 directly or indirectly, makes any solicitation, representation or offer to a homeowner to  
19 perform for compensation, or who, for compensation, obtains any forbearance from any  
20 mortgagee or beneficiary of a deed of trust;  
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22 27. Pursuant to NRS 645F.365(1), loan modification consultant means a person  
23 who makes any solicitation, representation or offer to a homeowner to perform for  
24 compensation, or who, for compensation, performs any act that the person represents will  
25 adjust the terms of a mortgage loan through a change in the payment amount.  
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27 28. Pursuant to NRS 645F.365(3), loan modification consultant means a person  
28 who makes any solicitation, representation or offer to a homeowner to perform for

1 compensation, or who, for compensation, performs any act that the person represents will  
2 adjust the terms of a mortgage loan through a loan forbearance.

3 29. Pursuant to NRS 645F.365(4), loan modification consultant means a person  
4 who makes any solicitation, representation or offer to a homeowner to perform for  
5 compensation, or who, for compensation, performs any act that the person represents will  
6 adjust the terms of a mortgage loan through a change in the loan maturity.

7 30. Pursuant to NRS 645F.365(5), loan modification consultant means a person  
8 who makes any solicitation, representation or offer to a homeowner to perform for  
9 compensation, or who, for compensation, performs any act that the person represents will  
10 adjust the terms of a mortgage loan through a change in the interest rate.

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

18 32. Pursuant to Section 102 of the Regulation, it is unlawful for any person to  
19 provide or offer to provide any of the services of a covered service provider, foreclosure  
20 consultant or loan modification consultant or otherwise to engage in, carry on or hold himself  
21 out as engaging in or carrying on the business of a covered service provider, foreclosure  
22 consultant or loan modification consultant without first obtaining the applicable license issued  
23 pursuant to this chapter and chapter 645F of NRS unless exempt.

24 33. Pursuant to Section 103(3)(o), for each time a person required under this  
25 chapter and chapter 645F of NRS, without regard to whether the person is licensed under this  
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1 chapter and chapter 645F of NRS, engages in any other conduct constituting a deceitful,  
2 fraudulent or dishonest business practice the Commissioner may impose upon the person an  
3 administrative fine of not more than \$10,000.

4 34. Pursuant to Section 103(3)(w), for each time a person required to be licensed  
5 under this chapter and chapter 645F of NRS, without regard to whether the person is licensed  
6 under this chapter and chapter 645F of NRS, has offered or provided any services prescribed  
7 under this chapter or chapter 645F of NRS and the person did not have such a license and  
8 was not exempt from licensing at the time the person engaged in the activity the  
9 Commissioner may impose upon the person an administrative fine of not more than \$10,000.  
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11 35. Pursuant to Section 108(1), if a person engages in an activity in violation of the  
12 provisions of this chapter or chapter 645F of NRS the Commissioner may issue an order to  
13 the person directing the person to cease and desist from engaging in the activity.  
14

### 15 ORDER

16 Should RESPONDENT not request a hearing within twenty (20) days of the date of this  
17 Order the Division will enter a Final Order in this matter against RESPONDENT, as follows:  
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19 36. **IT IS HEREBY ORDERED**, that **RESPONDENTS IMMEDIATELY CEASE AND**  
20 **DESIST** from providing any of the services of a Chapter 645F licensee or otherwise engaging  
21 in, carrying on or holding herself out as engaging in or carrying on the services of a Chapter  
22 645F licensee.

23 37. **IT IS HEREBY ORDERED**, that RESPONDENT pay an administrative fine in  
24 the amount of Ten Thousand Dollars and No Cents (\$10,000.00), payable to the Division on  
25 account of RESPONDENTS' violations of Chapter 645F and the Regulation within **thirty (30)**  
26 **days** of entry of the Final Order.  
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1 38. **IT IS HEREBY ORDERED**, that RESPONDENT pay the Division's  
2 administrative costs in the amount of Fifteen Hundred Dollars and No Cents (\$1500.00) within  
3 **thirty (30) days** of entry of the Final Order.

4 39. **IT IS HEREBY ORDERED**, that RESPONDENT pay restitution to AD in the  
5 amount of Eighteen Hundred Dollars and No Cents (\$1,800.00) within **thirty (30) days** of  
6 entry of the Final Order.

7 **RIGHT TO HEARING**

8 Pursuant to NRS 233B.121 and Chapters 645F, upon the timely filing of an application  
9 with the Division, within twenty (20) days of the date of the Order, sent by the U.S. Postal  
10 Service or private carrier or delivery service to the Commissioner of the Division of Mortgage  
11 Lending at 7220 Bermuda Road, Suite, A, Las Vegas, Nevada 89119, RESPONDENT shall  
12 be entitled to a hearing with regard to the contents of this order, as follows:

13 40. RESPONDENT would have the right to be represented by legal counsel at her  
14 own cost and expense.

15 41. RESPONDENT would have the right to respond and to present evidence and  
16 argument on all issues involved.

17 42. RESPONDENT would have the right to examine witnesses on any matter  
18 relevant to the issues involved.

19 43. RESPONDENT would have other important rights listed in Chapter 645F and  
20 Chapter 233B.

21 Dated this 26<sup>th</sup> day of September, 2011.

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

25 By:   
26 Nancy Corbin, Acting Commissioner  
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