

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

Before the Commissioner of the Division of Mortgage Lending

5 _____)
6 In the Matter of:)
7)
7 NATIONWIDE LENDING LLC)
d/b/a SIERRA FORECLOSURE SOLUTIONS) Order No. 2012-05
8 Covered Service Provider License No. UNL,)
9)
9 LAWRENCE M. DAY)
Managing Member)
10 Covered Service Provider License No. UNL,)
11)
11 and)
12)
13 EDMOND MARK HODGES,)
Managing Member)
14 Covered Service Provider License No. UNL,)
15)
15 Respondents.)
16 _____)

17 ORDER TO CEASE AND DESIST,
18 ORDER IMPOSING AN ADMINISTRATIVE FINE AND INVESTIGATIVE COSTS,
19 AND
20 NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING

21 Issued and Entered,
22 This 2nd day of April, 2012,
23 By James Westrin,
24 Commissioner

25 I.
26 ORDER TO CEASE AND DESIST VIOLATING NRS 645F.010 *et seq.*,
27 and
28 ORDER IMPOSING AN ADMINISTRATIVE FINE

The Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner") having been statutorily charged with the responsibility and authority to administer and enforce Chapter 645F of the Nevada Revised Statutes, NRS 645F.010 *et*

1 *seq.*, and Chapter 645F of the Nevada Administrative Code, NAC 645F.001 *et seq.*, as amended by
2 Adopted Regulation of the Commissioner of Mortgage Lending, R052-09 (the “Regulation”), governing
3 the licensing and conduct of covered service providers in the State of Nevada; and,

4 The Commissioner having been vested with general supervisory power and control over all
5 covered service providers doing business in the State of Nevada pursuant to NRS 645F; and,

6 The Commissioner having been further vested with broad authority to conduct investigations to
7 determine whether any person has violated any provision of NRS 645F or the Regulation; and,

8 The Division of Mortgage Lending (the “Division”) having received a complaint against the
9 NATIONWIDE LENDING LLC (“NATIONWIDE”) doing business as SIERRA FORECLOSURE
10 SOLUTIONS (“SIERRA”) with LAWRENCE M. DAY (“DAY”) and EDMOND MARK HODGES
11 (“HODGES”) as managing members (collectively, the “RESPONDENTS”) alleging that
12 RESPONDENTS were engaged in activities or practices that violate NRS 645F; and,

13 The Division having commenced a full and thorough investigation of such complaint pursuant to
14 NAC 645F.001 *et seq.*, as amended by § 63 of the Regulation, and determined that RESPONDENTS
15 were engaged in activity requiring licensure as a covered service provider pursuant to provisions of
16 NRS 645F.010 *et seq.* and NAC 645F.001 as amended by the Regulation; and,

17 The Division staff having reported the results of its investigation to the Commissioner; and,

18 The Commissioner, having reviewed the results of the investigation, made the following
19 FINDINGS OF FACT and CONCLUSIONS OF LAW from such investigation:

20 Findings of Fact

21 1. NAC 645F.001 *et seq.*, as amended by § 17 of the Regulation, provides as follows:

22 A person shall not advertise services as, provide any of the services of, act
23 as or conduct business as a covered service provider, foreclosure
24 consultant or loan modification consultant or otherwise engage in, carry
25 on or hold himself out as engaging in or carrying on the activities of a
26 covered service provider, foreclosure consultant or loan modification
27 consultant unless the person has a license as a covered service provider,
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1 foreclosure consultant or loan modification consultant, as applicable,
2 issued pursuant to this chapter and chapter 645F of NRS.

3 2. Pursuant to NRS 645F.310, "Covered Service" is defined to include, without limitation, all of
4 the following:

5 1. Financial counseling, including, without limitation, debt counseling
6 and budget counseling.

7 2. Receiving money for the purpose of distributing it to creditors in
8 payment or partial payment of any obligation secured by a mortgage or
9 other lien on a residence in foreclosure.

10 3. Contacting a creditor on behalf of a homeowner.

11 4. Arranging or attempting to arrange for an extension of the period
12 within which a homeowner may cure a default and reinstate an obligation
13 pursuant to a note, mortgage or deed of trust.

14 5. Arranging or attempting to arrange for any delay or postponement of
15 the time of a foreclosure sale of a residence in foreclosure.

16 6. Advising a homeowner regarding the filing of any document or
17 assisting in any manner in the preparation of any document for filing with
18 a bankruptcy court.

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

24 8. Arranging or conducting, or attempting to arrange or conduct, for a
25 homeowner any forensic loan audit or review or other audit or review of
26 loan documents.

27 9. Arranging or attempting to arrange for a homeowner the purchase by a
28 third party of the homeowner's mortgage loan.

1 10. Arranging or attempting to arrange for a homeowner a reduction of
2 the principal of the homeowner's mortgage loan when such a mortgage
3 loan is held by or serviced by a third party.

4 11. Providing the services of a loan modification consultant.

5 12. Providing the services of a foreclosure consultant.

6 3. On February 8, 2012, the Division received a complaint from LO against RESPONDENTS and
7 immediately commenced an investigation into RESPONDENTS' business practices. During the course
8 of the investigation the Division determined the RESPONDENTS are engaged in activity requiring
9 licensure as an independent and associated covered service provider, respectively, under NRS 645F.
10 The investigation specifically revealed the following:

11 a. RESPONDENTS, are not currently and have never been licensed by the Commissioner
12 as an independent or associated covered service provider, pursuant to the provisions of NRS 645F.

13 b. RESPONDENTS, operating out of business locations at 406 Pyramid Way and 1285
14 Baring Boulevard, Suite 306 in Sparks, Nevada, are advertising services to homeowners offering to help
15 homeowners obtain a mortgage loan modification, prevent foreclosure or other covered services, as
16 defined in NRS 645F.310.

17 c. RESPONDENTS operate a website, located at www.SierraForeclosureSolutions.com.
18 On RESPONDENTS' website, RESPONDENTS offer homeowners a foreclosure rescue program to
19 "help stop the trustee sale of your home" and a "Mortgage Reduction Program" that RESPONDENTS
20 claim will "[r]educe your Mortgage to ½ the home's market value". RESPONDENTS charge
21 homeowners an "initial" fee of \$5,000.00 to participate in RESPONDENTS' programs.

22 d. RESPONDENTS' website further claims that RESPONDENTS can "Stop a foreclosure
23 sale within 48-72 hours", "Reverse a trustee's sale for 4-6 months and stop eviction", and "Restructure
24 your mortgage and cut your payments in half".

25 e. In addition to the website, at least RESPONDENT HODGES utilizes a business card to
26 solicit homeowners and advertise RESPONDENTS' services. RESPONDENT HODGES' business
27 card identifies him as a "Foreclosure Specialist" and contains the following:

28 "Foreclosure? Fight Back!"

1 "Sierra Foreclosure Solutions"

2 4. NAC 645F.001 *et seq.*, as amended by § 108(1)-(3) of the Regulation of, vests in the
3 Commissioner the authority to order a person engaging in activity in violation of NRS 645F or the
4 Regulation to immediately cease and desist from engaging in the activity.

5 5. NRS 645F.410(1) grants the Commissioner the authority to impose an administrative penalty of
6 not more than \$25,000 on any person licensed or required to be licensed pursuant to provisions of NRS
7 645F who violates any provisions of this chapter or any regulation adopted pursuant thereto or any other
8 applicable law.

9 6. Any finding of fact that may be deemed a conclusion of law shall be so construed.

10 Conclusions of Law

11 7. It is a violation of NAC 645F.001 *et seq.*, as amended by § 17 and § 102 of the Regulation, for a
12 person to advertise, engage in, or otherwise carry on or hold oneself out as engaging in or carrying on
13 the activities of a covered service provider without first obtaining a license under provisions of NRS
14 645F and NAC 645F.

15 8. By offering, soliciting or advertising to provide assistance to homeowners to save their home
16 from foreclosure or to obtain a principal reductions, RESPONDENTS have advertised, engaged in, or
17 otherwise held themselves out as covered service providers, in violation of NAC 645F.001 *et seq.*, as
18 amended by § 17 and § 102 of the Regulation.

19 9. The Commissioner is authorized pursuant to NAC 645F.001 *et seq.*, as amended by § 108 the
20 Regulation, to order a person to cease and desist from engaging in any activity that violates any
21 provision of NRS 645F.

22 10. The Commissioner is authorized pursuant to NRS 645F.410(1) to impose an administrative
23 penalty of not more than \$25,000 on any person licensed or required to be licensed as a covered service
24 provider who violates any provisions of this chapter or any regulation adopted pursuant thereto or any
25 other applicable law.

26 11. Any conclusion of law that may be deemed a finding of fact shall be so construed.

1 **Order**

2 The Commissioner having formed the opinion based upon the foregoing that RESPONDENTS
3 are engaged in unlicensed activity in violation of NRS 645F and NAC 645F, and concluded and
4 determined that RESPONDENTS should be ordered to: 1) cease and desist from engaging in any
5 activity requiring licensure under NRS 645F, 2) pay an administrative fine and 3) pay the Division's
6 investigative costs.

7 NOW, THEREFORE, IT IS ORDERED that RESPONDENTS shall immediately CEASE AND
8 DESIST from advertising, engaging in, or otherwise carrying on or holding themselves out as engaging
9 in or carrying on the activities of a covered service provider.

10 IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of Twenty-Five
11 Thousand Dollars and No Cents (\$25,000.00) shall be and hereby is imposed, jointly and severally, on
12 RESPONDENTS, in accordance with NRS 645F.410. The ADMINISTRATIVE FINE shall be due and
13 payable on the 30th day following the effective date of this order and shall be tendered to the Division in
14 accordance with the attached wire transfer instructions.

15 IT IS FURTHER ORDERED that RESPONDENTS shall be and hereby are, jointly and
16 severally, assessed the Division's INVESTIGATIVE COSTS in the amount of Four Hundred Twenty
17 Dollars and No Cents (\$420.00), in accordance with NRS 622.400. INVESTIGATIVE COSTS shall be
18 due and payable on the 30th day following the effective date of this order and shall be tendered to the
19 Division in accordance with the attached wire transfer instructions.

20 IT IS FURTHER ORDERED that an administrative hearing shall be scheduled in this matter
21 only if RESPONDENTS timely request an administrative hearing in accordance with the instructions
22 set forth in Section II of this ORDER entitled Notice of Opportunity for an Administrative Hearing. If
23 no administrative hearing is requested within 20 calendar days of the effective date of this ORDER,
24 RESPONDENTS shall be deemed to have waived and relinquished the right to an administrative
25 hearing in this matter and a FINAL ORDER shall be issued in this matter.

26 IT IS FURTHER ORDERED that this Order shall be and is effective and enforceable on the
27 date that it is issued, as shown in the caption hereof.

1 IT IS FURTHER ORDERED that this Order shall remain effective and enforceable until
2 terminated, modified, set aside, or suspended in writing by the Commissioner.

3 IT IS FURTHER ORDERED that the Commissioner specifically retains jurisdiction over the
4 matters contained herein and has the authority to issue such further order(s) as he shall deem just,
5 necessary, and appropriate to enforce provisions of NRS 645F and NAC 645 and to protect the public.

6 IT IS SO ORDERED.

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8 DIVISION OF MORTGAGE LENDING

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10 By 
11 JAMES WESTRIN
12 COMMISSIONER
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1 II.

2 NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

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4 NAC 645F.001 et seq., as amended by § 108(4)-(5) of the Regulation, provides as follows:

5 (4) Not later than 20 calendar days after receiving an order pursuant to
6 this section, the person who receives the order may file a verified petition
7 with the Commissioner to request a hearing. Upon receipt of the verified
8 petition, the Commissioner may, for good cause shown, suspend the order
9 pending the hearing. The Commissioner will hold the hearing on a date
10 not later than 30 calendar days after the date the petition is filed unless the
11 Commissioner and the person agree to another date. The order to cease
12 and desist is rescinded if the Commissioner fails to:

13 (a) Hold a hearing:

14 (1) Not later than 30 calendar days after the petition is filed; or

15 (2) On a date agreed to by the Commissioner and the person; or

16 (b) Render a written decision within 45 days after the hearing is
17 concluded.

18 (5) The decision of the Commissioner after a hearing is a final decision of
19 the Commissioner for the purposes of judicial review. [Emphasis added.]

20 NAC 645F.001 et seq., as amended by § 113 of the Regulation, provides as follows:

21 1. If the Commissioner enters an order taking any disciplinary action
22 against a person, denying a person's application for a license, denying a
23 provider the right to teach approved courses, denying the approval of a
24 provider's course or denying the right of an instructor of a provider to
25 teach an approved course or approved courses, the Commissioner will
26 cause a written notice of the order to be served personally or sent by
27 certified mail or telegram to the person.

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1 2. Unless a hearing has already been conducted concerning the matter,
2 the person, upon application, is entitled to a hearing. If the person does
3 not make such an application within 20 days after the date of the initial
4 order, the Commissioner will enter a final order concerning the matter.

5 3. A person may appeal a final order of the Commissioner taking any
6 disciplinary action against the person in accordance with the provisions of
7 chapter 233B of NRS that apply to a contested case. [Emphasis added.]

8 **If you wish to exercise your right to an opportunity for an administrative hearing, within**
9 **20 calendar days after the date of this Order, you must file a verified petition with the**
10 **Commissioner to request a hearing.** The verified petition requesting a hearing must be delivered to:

11 Division of Mortgage Lending

12 Attn. Susan Slack

13 7220 Bermuda Road, Suite A

14 Las Vegas, Nevada 89119

15 **If you fail to timely file a verified petition to request a hearing, your right to a hearing to**
16 **contest this matter will be deemed waived and relinquished.**