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

Before the Commissioner of the Division of Mortgage Lending

In the Matter of: MAJESTIC GROUP, LLC Covered Service Provider License No. UNL, JOSE BENJAMIN RODRIGUEZ A/K/A BEN RODRIGUEZ, Covered Service Provider License No. UNL, and NEVADA SKY PREMIER, LLC Covered Service Provider License No. UNL, Respondents.	Order No. 2012-04

FINAL ORDER TO
CEASE AND DESIST AND MAKE RESTITUTION,
AND
IMPOSING AN ADMINISTRATIVE FINE

Issued and Entered,
This 17th day of April, 2012,
By James Westrin,
Commissioner

WHEREAS, the Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner") is statutorily charged with the responsibility and authority to administer and enforce Chapter 645F of the Nevada Revised Statutes, NRS 645F.010 *et seq.* (the "Act"), and Chapter 645F of the Nevada Administrative Code, NAC 645F.001 *et seq.*, as amended by Adopted Regulation of the Commissioner of Mortgage Lending, R052-09 (the "Regulation"), governing the licensing and conduct of covered service providers in the State of Nevada; and,

WHEREAS, the Commissioner is statutorily vested with general supervisory power and control over all covered service providers doing business in the State of Nevada pursuant to NRS 645F; and,

WHEREAS, on or about March 23, 2012, the Commissioner issued to Respondents an ORDER TO CEASE AND DESIST, ORDER TO MAKE RESTITUTION, ORDER IMPOSING AN ADMINISTRATIVE FINE AND NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING (the "Order"), attached hereto as Exhibit 1 and incorporated herein by this reference; and,

WHEREAS, the Order was served on Respondents on March 27, 2012, via certified mail; and,

WHEREAS, the Order advised Respondents that Respondents were entitled to an administrative hearing in this matter if Respondents filed a written request for a hearing within 20 days of receipt of the Order; and,

WHEREAS, Respondents failed to file a written request for a hearing within 20 days of receipt of the Order, as required by Chapter 645F of the NAC, NAC 645F.001 et seq., as amended by § 108 of the Regulation.

NOW, THEREFORE, based upon the factual findings set forth above and the files and records of the Division of Mortgage Lending, **IT IS HEREBY ORDERED THAT:**

1. The findings of fact and conclusions of law set forth in the Order shall be and hereby are found to be true and correct.
2. A FINAL ORDER TO CEASE AND DESIST, ORDER TO MAKE RESTITUTION, AND ORDER IMPOSING AN ADMINISTRATIVE FINE shall be and hereby is issued and entered against Respondents. FORTHWITH, Respondents shall:
    a. CEASE AND DESIST from engaging in any activity requiring licensure under the Act or the Regulation.
    b. MAKE RESTITUTION as set forth in the Order.
    c. Remit the ADMINISTRATIVE FINE as set forth in the Order.
3. This Order shall be and is effective on the date is issued and entered, as shown in the caption hereof.
4. This Order shall remain in effect and fully enforceable until terminated, modified, or set aside, in writing by the Commissioner.

5. The Commissioner specifically retains jurisdiction of the matter(s) contained herein to issue such further order or orders as he may deem just, necessary, or appropriate so as to assure compliance with the law and protect the interest of the public.

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: James Westrin
JAMES WESTRIN
COMMISSIONER

EXHIBIT “1”

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

Before the Commissioner of the Division of Mortgage Lending

In the Matter of: MAJESTIC GROUP, LLC Covered Service Provider License No. UNL, JOSE BENJAMIN RODRIGUEZ A/K/A BEN RODRIGUEZ, Covered Service Provider License No. UNL, and NEVADA SKY PREMIER, LLC Covered Service Provider License No. UNL, Respondents.	Order No. 2012-04

ORDER TO CEASE AND DESIST,
ORDER TO MAKE RESTITUTION,
ORDER IMPOSING AN ADMINISTRATIVE FINE,
AND
NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING

Issued and Entered,
This 23rd day of March, 2012,
By James Westrin,
Commissioner

I.
ORDER TO CEASE AND DESIST VIOLATING NRS 645F.010 *et seq.*,
ORDER TO MAKE RESTITUTION,
and
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*

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

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

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

The Division of Mortgage Lending (the "Division") having received two complaints against the MAJESTIC GROUP, LLC ("MAJESTIC"), JOSE BENJAMIN RODRIGUEZ A/K/A BEN RODRIGUEZ ("RODRIGUEZ") and NEVADA SKY PREMIER, LLC ("NEVADA SKY") (collectively, the "RESPONDENTS") alleging that the RESPONDENTS were engaged in activities or practices that violate NRS 645F; and,

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

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

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

Findings of Fact

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

> 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.

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

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 of a residence in foreclosure.

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

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 a residence, the full satisfaction of the obligation, or the postponement or avoidance of a foreclosure sale.

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

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

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

11. Providing the services of a loan modification consultant.

12. Providing the services of a foreclosure consultant.

3. On October 24, 2011, the Division received a complaint from MA against RESPONDENTS and immediately commenced an investigation into RESPONDENTS' business practices. On March 6, 2012, the Division received an additional similar complaint against RESPONDENTS from SB, and further investigated RESPONDENTS' business practices. During the course of the investigation the Division determined the following:

a. RESPONDENTS are actively engaged in the business of a covered service provider requiring licensure pursuant to provisions of NRS 645F.010 et seq. and NAC 645F.001 as amended by the Regulation, and RESPONDENTS are not currently and have at no time relevant to this matter been licensed by the Commissioner as an independent or associated covered service provider, pursuant to provisions of NRS 645F. Specifically, the RESPONDENTS offered to provide, and solicited homeowners to participate in, MAJESTIC'S "New Start Program", a program or scheme generally promoted by RESPONDENTS to stop foreclosure, reduce the principal amount of a homeowner's mortgage loan, or otherwise assist a distressed homeowner.

MAJESTIC'S contract setting forth the terms of the "New Start Program" indicate that, on behalf of the homeowner, RESPONDENTS would provide "[a]ssistance with [homeowner's] loan evaluation audit of the properties closing documents", "[a]ssistance with new negotiations if the lender takes the opportunity to settle", and "[a]ssistance with filing and recording property's documents for the Company's NEW START PROGRAM".

In exchange for providing this service to a homeowner, MAJESTIC'S contract requires that the homeowner make a one-time advance fee payment in the amount of approximately $3,600.00 upon the execution of the contract. Thereafter, homeowner is required to pay a monthly fee in the amount of $800.00 over the lifetime of the agreement.

MAJESTIC'S contract also contains the following disclaimer:

"[MAJESTIC] is not a law firm."

b. Using the title of "President" of MAJESTIC, RODRIGUEZ advertised and solicited his services as well as those of MAJESTIC through business cards and other mediums. One side of the business card used by RODRIGUEZ contains the following solicitation:

"MAJESTIC GROUP, LLC"

"Don't lose your Home!"

"OUR PROGRAM [*sic*] ARE PRINCIPAL REDUCTION

HAVE YOU GONE 1, 3, OR 12 MONTH [*sic*] NOT

PAYING YOUR MORTGAGE? WE ARE HERE TO HELP? [*sic*]

WE ARE YOUR LAST OPTION"

The other side of the business card contains the above solicitation in Spanish.

c. Complainant MA, after meeting with RODRIGUEZ, entered into the above-described contract with MAJESTIC on March 4, 2011. Under the terms of the contract, and as evidenced by supporting documentation, Complainant MA made a payment in the amount of $3,623.00 to MAJESTIC on March 4, 2011. This payment was acknowledged and received by RODRIGUEZ. Thereafter, Complainant MA tendered monthly payments in the amount of $800.00 to MAJESTIC on March 28, 2011, May 2, 2011, June 1, 2011, July 5, 2011, August 3, 2011, and September 26, 2011.

d. Complainant SB, after meeting with RODRIGUEZ, entered into a contract with MAJESTIC on November 4, 2010. In connection with the contract, and as evidenced by supporting documentation, SB made a payment in the amount of $3,498.00 to MAJESTIC on November 4, 2010. This payment was acknowledged and received by RODRIGUEZ. Thereafter, Complainant SB tendered monthly payments in the amount of $800.00 to MAJESTIC on January 3, 2011, February 3, 2011, March 2, 2011, April 4, 2011, May 9, 2011, June 6, 2011, July 5, 2011, August 8, 2011, September 6, 2911, and October 1, 2011. Beginning on October 19, 2011, at RESPONDENTS' instruction, SB began tendering the monthly payment to NEVADA SKY. The monthly payment was made to NEVADA SKY on October 19, 2011, November 7, 2011, November 7, 2011, December 5, 2011, January 3, 2012, and February 6, 2012. Complainant SB indicated that

RODRIGUEZ explained to SB that the monthly payment of the $800.00, which closely matched SB's monthly mortgage payment, would be forwarded by RESPONDENTS to SB's mortgage servicer in satisfaction of SB's monthly mortgage payment. RODRIGUEZ further instructed SB that SB should have no contact with SB's lender or servicer and that any communication (*i.e.*, letters, notices, statements, etc.) from SB's lender or servicer should be immediately delivered to RESPONDENTS to handle. RESPONDENTS failed to forward any of the $800.00 monthly payment to SB's lender or servicer or otherwise provide any service to SB and SB received notice that SB's home was in foreclosure.

e. As a result of RESPONDENTS' unlicensed activity in violation of NAC 645F.001 et seq., as amended by § 17 and § 102 of the Regulation, Complainant MA suffered a direct economic loss of $8,423.00 and MA's home was foreclosed on, and Complainant SB suffered a direct economic loss of $16,298.00 and SB's home is in the foreclosure process.

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

5. NAC 645F.001 *et seq.*, as amended by § 103(2) of the Regulation of, vests in the Commissioner the authority to order a person who engages in an activity for which licensure is required under NRS 645F or the Regulation 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 or an order of a court of competent jurisdiction.

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

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

Conclusions of Law

8. It is a violation of NAC 645F.001 et seq., as amended by § 17 and § 102 of the Regulation, for a

person to advertise, engage in, or otherwise carry on or hold oneself out as engaging in or carrying on the activities of a covered service provider without first obtaining a license under provisions of NRS 645F and NAC 645F.

9. By offering, soliciting or advertising to assist homeowners to save their home or obtain a principal reduction; and by entering into the above-described contracts with complainants MA and SB; and by receiving payments from complainants MA and SB for distribution to their respective lender or servicer, RESPONDENTS have advertised, engaged in, or otherwise held themselves out as covered service providers, in violation of NAC 645F.001 et seq., as amended by § 17 and § 102 of the Regulation.

By receiving 5 monthly payments of $800.00 from SB for the purposes of distributing said $800.00 payment to SB's lender or servicer, NEVADA SKY has engaged in, or otherwise held itself out as a covered service provider, in violation of NAC 645F.001 et seq., as amended by § 17 and § 102 of the Regulation.

10. In connection with the two complaints that the Division investigated, RESPONDENTS received payments totaling $8,423.00 from Complainant MA and $16,298.00 from Complainant SB. As a result of RESPONDENTS' unlicensed activity in violation of NAC 645F.001 *et seq.*, as amended by § 17 and § 102 of the Regulation, Complainant MA suffered a direct economic loss of $8,423.00 and Complainant SB suffered a direct economic loss of $16,298.00.

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

12. The Commissioner is authorized pursuant to NAC 645F.001 *et seq.*, as amended by § 103(2) of the Regulation, to order a person to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions NRS 645F.

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

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

Order

The Commissioner having formed the opinion based upon the foregoing that RESPONDENTS are engaged in unlicensed activity in violation of NRS 645F and NAC 645F, and concluded and determined that RESPONDENTS should be ordered to: 1) cease and desist from engaging in , 2) make restitution to those individuals injured by Respondents conduct, and 3) pay an administrative fine.

NOW, THEREFORE, IT IS ORDERED that MAJESTIC, RODRIGUEZ, and NEVADA SKY shall immediately CEASE AND DESIST from advertising, engaging in, or otherwise carrying on or holding themselves out as engaging in or carrying on the activities of a covered service provider.

IT IS FURTHER ORDERED that MAJESTIC, RODRIGUEZ, and NEVADA SKY shall be and hereby are required to make RESTITUTION to Complainant MA in the amount of $8,423.00 and Complainant SB in the amount of $16,298.00. MAJESTIC, RODRIGUEZ, and NEVADA SKY shall be jointly and severally liable for the amount of RESTITUTION required to be made to Complainant MA and Complainant SB. The required RESTITUTION shall be made to Complainant MA and Complainant SB no later than 30 days after the effective date of this order. MAJESTIC, RODRIGUEZ, and NEVADA SKY shall contact the Division within 25 days of the effective date of this order to make arrangements for the delivery of RESTITUTION to Complainant MA and Complainant SB.

IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of Fifty Thousand Dollars and No Cents ($50,000.00) shall be and hereby is imposed, jointly and severally, on MAJESTIC, RODRIGUEZ, and NEVADA SKY, in accordance with NRS 645F.410. The ADMINSITRATIVE FINE shall be due and payable on the 30th day following the effective date of this order and shall be tendered to the Division in accordance with the attached wire transfer instructions.

IT IS FURTHER ORDERED that an administrative hearing shall be scheduled in this matter only if MAJESTIC, RODRIGUEZ, or NEVADA SKY timely request an administrative hearing in accordance with the instructions set forth in Section II of this ORDER entitled Notice of Opportunity for an Administrative Hearing. If no administrative hearing is requested within 20 calendar days of the effective date of this ORDER, MAJESTIC, RODRIGUEZ, and NEVADA SKY shall be deemed to

have waived and relinquished the right to an administrative hearing in this matter and a FINAL ORDER shall be issued in this matter.

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

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

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

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By James Westrin
JAMES WESTRIN
COMMISSIONER

II.

NOTICE OF OPPORTUNITY FOR AN ADMINSITRATIVE HEARING

NAC 645F.001 et seq., as amended by § 108 of the Regulation, provides as follows:

1. If 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 to the person directing the person to cease and desist from engaging in the activity.

2. The order to cease and desist must be in writing and must state that, in the opinion of the Commissioner, the person has engaged in an activity:

(a) For which the person has not received a license as required by this chapter or chapter 645F of NRS; or

(b) In a manner that violates the provisions of this chapter or chapter 645F of NRS or an order of the Commissioner.

3. A person who receives an order to cease and desist pursuant to this section shall not engage in any activity governed by this chapter or chapter 645F of NRS after receiving the order unless the order is suspended or rescinded.

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

(a) Hold a hearing:

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

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

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

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

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

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

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

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

If you wish to exercise your right to an opportunity for an administrative hearing, <u>within 20 calendar days after receiving this Order</u>, you must file a verified petition with the Commissioner to request a hearing.

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The verified petition requesting a hearing must be delivered to:

Division of Mortgage Lending

Attn. Susan Slack

7220 Bermuda Road, Suite A

Las Vegas, Nevada 89119

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

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on March 26, 2012, 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 ORDER TO CEASE AND DESIST, ORDER TO MAKE RESTITUTION, ORDER TO IMPOSE ADMINISTRATIVE FINE, and NOTICE OF OPPORTUNITY FOR AN ADMINSITRATIVE HEARING, addressed as follows:

Majestic Group, LLC
2300 W. Sahara Avenue #400
Las Vegas, NV 89102

Certified Mail No. **7009 2250 0001 8859 3384**

Jose Benjamin Rodriguez
2300 W. Sahara Avenue #400
Las Vegas, NV 89102

Certified Mail No. **7009 2250 0001 8859 3049**

Nevada Sky Premier, LLC
2300 W. Sahara Avenue # 400
Las Vegas, NV 89102

Certified Mail No. **7009 2250 0001 8859 3056**

DATED this 23rd day of March 2012.

Susan Slack
Susan Slack
Administrative Assistant II
Division of Mortgage Lending

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on April 18, 2012, 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 FINAL ORDER TO CEASE AND DESIST AND MAKE RESTITUTION AND IMPOSING ADMINISTRATIVE FINE, for MAJESTIC GROUP, LLC, JOSE BENJAMIN RODRIGUEZ aka BEN RODRIGUEZ and NEVADA SKY PREMIER, LLC, addressed as follows:

Majestic Group, LLC
2300 W. Sahara Avenue #400
Las Vegas, NV 89102

Certified Mail No. **7009 2250 0001 8859 3223**

Jose Benjamin Rodriguez
2300 W. Sahara Avenue #400
Las Vegas, NV 89102

Certified Mail No. **7009 2250 0001 8859 3209**

Nevada Sky Premier, LLC
2300 W. Sahara Avenue # 400
Las Vegas, NV 89102

Certified Mail No. **7009 2250 0001 8859 3216**

DATED this 17th day of April 2012.

Susan Slack

Susan Slack
Administrative Assistant II
Division of Mortgage Lending