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: ARISTOCRAT GLOBAL PROPERTIES & SERVICES, a division of DOYLE SERVICES CORPORATION Mortgage Broker License No. UNL, and BOBBY DOYLE Mortgage Broker License No. UNL, Respondents.	Order No. 2012-26

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

Issued and Entered,
This 14th day of November, 2012,
By James Westrin,
Commissioner

I.
ORDER TO CEASE AND DESIST VIOLATING NRS 645B.010 *et seq.*,
ORDER TO MAKE RESTITUTION,
ORDER IMPOSING AN ADMINISTRATIVE FINE AND INVESTIGATIVE COSTS

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 645B of the Nevada Revised Statutes, 645B.010 *et seq.* ("NRS 645B"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* (the "Regulation"), governing the licensing and conduct of mortgage brokers in the State of Nevada; and,

The Commissioner having been vested with general supervisory power and control over all mortgage brokers doing business in the State of Nevada pursuant to NRS 645B; and,

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

The Division of Mortgage Lending (the "Division") having received two complaints against ARISTOCRAT GLOBAL PROPERTIES & SERVICES, a DIVISION OF DOYLE SERVICES CORORATION ("ARISTOCRAT"), and BOBBY DOYLE ("DOYLE") (collectively, the "RESPONDENTS") alleging that RESPONDENTS were engaged in activities or practices that violate NRS 645B; and,

The Division Staff having commenced an investigation of such complaints pursuant to NRS 645B.060(2)(c), and determined that RESPONDENTS were engaged in activity requiring licensure as a mortgage broker pursuant to provisions of NRS 645B.010 et seq.; and,

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

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

Findings of Fact

1. NRS 645B.900, provides as follows:

   It is unlawful for any person to offer or provide any of the services or a mortgage broker or mortgage agent or otherwise to engage in, carry on or hold himself or herself out as engaging in or carrying on the business of a mortgage broker or mortgage agent without first obtaining the applicable license issued pursuant to this chapter, unless the person:

   (1) Is exempt from the provision of this chapter; and

   (2) Complies with the requirements for that exemption.

2. Pursuant to NRS 645B.0127, "Mortgage Broker" is defined as follows:

   1. "Mortgage Broker" means a person who, directly or indirectly:

(a) Holds himself or herself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;

(b) Holds himself or herself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(c) Holds himself or herself out as being able to make loans secured by liens on real property;

(d) Holds himself or herself out as being able to buy or sell notes secured by liens on real property;

(e) Offers for sale in the State any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.

3. On February 21, 2012, the Division received a complaint against RESPONDENTS from LA on behalf of his client TP ("Client TP") ("Complainant LA" or "LA Complaint"). The Division commenced an investigation into the LA Complaint. During the course of the investigation, the Division received a second complaint against RESPONDENTS from LM ("Complainant LM" or "LM Complaint") on July 13, 2012. The Division added this second complaint to its inquiry and continued its investigation into RESPONDENTS' business practices. During the course of the investigation the Division determined the following:

a. RESPONDENTS have been actively engaged in the business of a mortgage broker requiring licensure pursuant to provisions of NRS 645B and RESPONDENTS are not currently and have at no time relevant to this matter been licensed by the Commissioner as an mortgage broker or mortgage agent, pursuant to provisions of NRS 645B.

<u>LA Complaint</u>

b. On November 8, 2011, RESPONDENTS issued a "Letter of Intent" to make a loan to Client TP secured by a first lien on real property located in Las Vegas, Nevada.

c. In emails of November 15 and 16, 2011, RESPONDENT guaranteed that RESPONDENT will refund to Client TP 100% of fees paid "in the event [RESPONDENT] [is] unable to close and fund" Client TP's loan. Thereafter, on November 16, 2011, Client TP wired RESPONDENTS the sum of Two Thousand Dollars and No/Cents ($2,000.00) to cover "the expenses for due diligence" or "the expense deposit". RESPONDENTS acknowledged receipt, and payment in full, of the due diligence fee in a Receipt of Payment dated November 17, 2011.

d. On December 21, 2011, Client TP wired RESPONDENTS the sum of One Thousand Nine Hundred Fifty-Six Dollars and No/Cents ($1,956.00). On January 9, 2012, RESPONDENTS issued a letter to Client TP acknowledging that 1% of the 4% origination fee had been received and advising Client TP "We are pleased to inform you that you are approved for a mortgage loan in the amount not to exceed $199,512.00 (One Hundred Ninety-Nine Thousand Five Hundred and Twelve) USD based on the information provided to Aristocrat Global Properties & Services and its' affiliate(s). Please take the "Down Payment" to the title company on the closing date for $40,000.000 USD in certified funds."

e. On January 18, 2012, RESPONDENTS issued a letter to Client TP advising, "Please be advised that we are requesting additional time to close the loan for the above referenced borrower. The loan shall close and fund no later than January 27, 2012."

f. The loan never did close and fund and RESPONDENT never refunded Client TP's "due diligence" fee or origination fee. As a result of RESPONDENTS' unlicensed activity, in violation of NRS 645B.900, Client TP suffered a direct economic loss of $3,956.00.

LM Complaint

g. On November 22, 2011, RESPONDENTS issued to Complainant LM a "Letter of Intent", setting forth an offer to make a loan at certain terms to Complainant LM secured by a first lien on real property located in North Las Vegas, Nevada 89084. The Letter of Intent requested an expense deposit in the amount of $1,600.00.

h. On January 14, 2012, RESPONDENTS provided Complainant LM with a Receipt of Payment acknowledging receipt of $1,150.00 from Complainant LM as payment in full for due diligence expenses.

i. On February 22, 2012, the Division sent notice to RESPONDENTS informing RESPONDENTS that its activities required it to obtain proper licensure under NRS 645B and that a mortgage broker license under NRS 645B is required prior to engaging in the activities of a mortgage broker.

j. On July 18, 2012, approximately five months after being contacted by the Division and advised they were conducting unlicensed activity under NRS 645B, RESPONDENTS issued a letter to Complainant LM, titled "Approval", advising "We are pleased to inform you that you are approved for a mortgage not to exceed $185,000.00 (One Hundred and Eighty-Five Thousand) USD based on the information provided to Doyle Services Corporation DBA Aristocrat Global Properties & Services and its' affiliate(s). Please be advised that a "closing date" will be finalized upon successful completion of an appraisal inspection, generally within 15 days after receiving the appraisal report."

4. NAC 645B.515 vests in the Commissioner the authority to order a person engaging in activity in violation of NRS 645B or the Regulation to immediately cease and desist from engaging in the activity.

5. NRS 645B.955 vests in the Commissioner the authority to order a person who engages in an activity for which licensure is required under NRS 645B 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 645B of NRS or an order of a court of competent jurisdiction.

6. NRS 645B.690 grants the Commissioner the authority to impose an administrative penalty of not more than $50,000 on a person that offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself or herself out as engage in or carrying on the business of a mortgage broker or mortgage agent and, at the time the person was required to have a license pursuant to this chapter and the person did not have such a license.

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 NRS 645B.900, for a person to offer or provide any of the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or hold himself or herself out

as engaging in or carrying on the business of a mortgage broker or mortgage agent without first obtain the applicable license issued pursuant to this chapter.

9. In connection with the complaints that the Division investigated, RESPONDENTS received payments totaling $3,956.00 from Client TP and $1,150.00 from Complainant LM. RESPONDENTS' unlicensed activity, in violation of NRS 645B.900, resulted in a direct economic loss to Client TP and Complainant LM.

10. The Commissioner is authorized pursuant to NAC 645B.515, to order a person to cease and desist from engaging in any activity that violates any provision of NRS 645B.

11. The Commissioner is authorized pursuant to NRS 645B.955, 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 645B.

12. The Commissioner is authorized pursuant to NRS 645B.690 to impose an administrative penalty of not more than $50,000 on a person who offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself or herself out as engage in or carrying on the business of a mortgage broker or mortgage agent and, at the time the person was required to have a license pursuant to this chapter and the person did not have such a license.

13. 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 645B, and concluded and determined that RESPONDENTS should be ordered to: 1) cease and desist from engaging in any activity requiring licensure under NRS 645B, 2) make restitution to those individuals injured by Respondents conduct, 3) pay an administrative fine, and 4) pay the Division's investigative costs, and 5) produce and submit records to the Division.

NOW, THEREFORE, IT IS ORDERED that ARISTOCRAT GLOBAL PROPERTIES & SERVICES, DOYLE SERVICES CORPORATION and BOBBY DOYLE shall immediately CEASE AND DESIST from advertising, engaging in, or otherwise carrying on or holding themselves out as

engaging in or carrying on any activities that require licensure as a mortgage broker or mortgage agent under NRS 645B.

IT IS FURTHER ORDERED that ARISTOCRAT GLOBAL PROPERTIES & SERVICES, DOYLE SERVICES CORPORATION and BOBBY DOYLE shall be and hereby are required to make RESTITUTION to CLIENT TP in the amount of $3,956.00 and Complainant LM in the amount of $1,150.00. ARISTOCRAT GLOBAL PROPERTIES & SERVICES, DOYLE SERVICES CORPORATION and BOBBY DOYLE shall be jointly and severally liable for the amount of RESTITUTION required to be made herein. The required RESTITUTION shall be made to Client TP no later than 30 days after the effective date of this order. ARISTOCRAT GLOBAL PROPERTIES & SERVICES, DOYLE SERVICES CORPORATION and BOBBY DOYLE shall contact the Division within 21 days of the effective date of this order to make arrangements for the delivery of RESTITUTION to Client TP.

IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of ($20,000.00) shall be and hereby is imposed, jointly and severally, on ARISTOCRAT GLOBAL PROPERTIES & SERVICES, DOYLE SERVICES CORPORATION and BOBBY DOYLE, in accordance with NRS 645B.690. 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 RESPONDENTS shall be and hereby are, jointly and severally, assessed the Division's INVESTIGATIVE COSTS in the amount of ($2,040.00), in accordance with NRS 622.400. The INVESTIGATIVE COSTS 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 RESPONDENTS 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 30 calendar days of the effective date of this Order**

RESPONDENTS 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 645B and NAC 645B 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 645B.515, provides as follows:

If a person engages in an activity in violation of the provisions of this chapter or chapter 645B of NRS, 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 or certificate of exemption as required by chapter 645B of NRS; or

(b) In a manner that violates the provisions of this chapter or chapter 645B of NRS.

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

4. Not later than **30 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 date 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 date the hearing is concluded.

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

NRS 645B.750, provides as follows:

1. If the Commissioner enters an order taking any disciplinary action against a person or denying a person's application for a license, the Commissioner shall 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 **within 20 days** after the date of the initial order, the Commissioner shall enter a final order concerning the matter.

3. A person may appeal a final order of the Commissioner 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, within 30 calendar days after receiving this Order, you must file a verified petition with the Commissioner to request a hearing.

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, November 14th, 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 IMPOSING AN ADMINISTRATIVE FINE AND INVESTIGATIVE COSTS, ORDER TO FILE REPORT, AND NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING for ARISTOCRAT GLOBAL PROPERTIES & SERVICES, A DIVISION OF DOYLE SERVICES CORPORATION AND BOBBY DOYLE, addressed as follows:

Bobby Doyle
13999 Goldmark Drive, Suite 417
Dallas, TX 75240

Certified Receipt Number: 7009 2250 0001 8861 1507

DATED this 14th day of November, 2012

By: Susan Slack
Employee of the Division