

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

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

Issued and Entered,
This 26th day of March, 2013,
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 645B of the Nevada Revised Statutes, NRS 645B.010 *et seq.* (the "Act"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.*, governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

1 **WHEREAS**, the Commissioner is statutorily vested with general supervisory power and control
2 over all mortgage brokers and mortgage agents doing business in the State of Nevada pursuant to NRS
3 645B; and,

4 **WHEREAS**, on or about November 14, 2012, the Commissioner issued to Respondents an
5 ORDER TO CEASE AND DESIST, ORDER TO MAKE RESTITUTION, ORDER IMPOSING AN
6 ADMINISTRATIVE FINE AND INVESTIGATIVE COSTS, ORDER TO FILE REPORT, AND
7 NOTICE OF OPPORTUNITY FOR HEARING (the "Order"), attached hereto as Exhibit 1 and
8 incorporated herein by this reference; and,

9 **WHEREAS**, the Order was served on Respondents on or about February 20, 2013 by First
10 Class US Mail; and,

11 **WHEREAS**, the Order advised Respondents that Respondents were entitled to an
12 administrative hearing in this matter if Respondents filed a written request for a hearing within 30 days
13 of receipt of the Order; and,

14 **WHEREAS**, Respondents failed to file a written request for a hearing within 30 days of receipt
15 of the Order, as required by Chapter 645B of the NAC, NAC 645B.515.

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

18 1. The findings of fact and conclusions of law set forth in the Order shall be and hereby are found
19 to be true and correct.

20 2. A FINAL ORDER TO CEASE AND DESIST, TO MAKE RESTITUTION, IMPOSING AN
21 ADMINISTRATIVE FINE AND ASSESSING INVESTIGATIVE COSTS, shall be and hereby is
22 issued and entered against Respondents. FORTHWITH, Respondents shall:

23 a. CEASE AND DESIST from engaging in any activity requiring licensure under the Act
24 or the Regulation.

25 b. Make RESTITUTION to Complainant TP in the amount of \$3,956.00.

26 c. Make RESTITUTION to Complainant LM in the amount of \$1,150.00.

1 d. Pay to the Division an ADMINISTRATIVE FINE in the amount of \$20,000.00. The
2 ADMINISTRATIVE FINE shall be tendered to the Division in accordance with the attached wire
3 transfer instructions.

4 e. Pay to the Division the Division's INVESTIGATIVE COSTS in the amount of
5 \$2,040.00. The ADMINISTRATIVE COSTS shall be tendered to the Division in accordance with the
6 attached wire transfer instructions.

7 3. This Order shall be and is effective on the date it is issued and entered, as shown in the caption
8 hereof.

9 4. This Order shall remain in effect and fully enforceable until terminated, modified, or set aside,
10 in writing by the Commissioner.

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

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15 **IT IS SO ORDERED.**

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17 DIVISION OF MORTGAGE LENDING

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19 B

JAMES WESTRIN, COMMISSIONER

EXHIBIT “1”

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

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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,

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

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

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

10 The Division Staff having commenced an investigation of such complaints pursuant to NRS
11 645B.060(2)(c), and determined that RESPONDENTS were engaged in activity requiring licensure as a
12 mortgage broker pursuant to provisions of NRS 645B.010 et seq.; and,

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

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

16 **Findings of Fact**

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

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

- 23 (1) Is exempt from the provision of this chapter; and
24 (2) Complies with the requirements for that exemption.

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

- 26 1. "Mortgage Broker" means a person who, directly or indirectly:
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1 (a) Holds himself or herself out for hire to serve as an agent for any
2 person in an attempt to obtain a loan which will be secured by a lien on
3 real property;

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

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

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

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

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

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

25 LA Complaint

26 b. On November 8, 2011, RESPONDENTS issued a "Letter of Intent" to make a loan to
27 Client TP secured by a first lien on real property located in Las Vegas, Nevada.
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1 c. In emails of November 15 and 16, 2011, RESPONDENT guaranteed that
2 RESPONDENT will refund to Client TP 100% of fees paid “in the event [RESPONDENT] [is] unable
3 to close and fund” Client TP’s loan. Thereafter, on November 16, 2011, Client TP wired
4 RESPONDENTS the sum of Two Thousand Dollars and No/Cents (\$2,000.00) to cover “the expenses
5 for due diligence” or “the expense deposit”. RESPONDENTS acknowledged receipt, and payment in
6 full, of the due diligence fee in a Receipt of Payment dated November 17, 2011.

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

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

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

21 LM Complaint

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

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

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

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

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

15 5. NRS 645B.955 vests in the Commissioner the authority to order a person who engages in
16 an activity for which licensure is required under NRS 645B or the Regulation to pay restitution to any
17 person who has suffered an economic loss as a result of a violation of the provisions of this chapter or
18 chapter 645B of NRS or an order of a court of competent jurisdiction.

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

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

25 **Conclusions of Law**

26 8. It is a violation of NRS 645B.900, for a person to offer or provide any of the services of
27 a mortgage broker or mortgage agent or otherwise to engage in, carry on or hold himself or herself out
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1 as engaging in or carrying on the business of a mortgage broker or mortgage agent without first obtain
2 the applicable license issued pursuant to this chapter.

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

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

9 11. The Commissioner is authorized pursuant to NRS 645B.955, to order a person to pay
10 restitution to any person who has suffered an economic loss as a result of a violation of the provisions
11 NRS 645B.

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

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

18 Order

19 The Commissioner having formed the opinion based upon the foregoing that RESPONDENTS
20 are engaged in unlicensed activity in violation of NRS 645B, and concluded and determined that
21 RESPONDENTS should be ordered to: 1) cease and desist from engaging in any activity requiring
22 licensure under NRS 645B, 2) make restitution to those individuals injured by Respondents conduct, 3)
23 pay an administrative fine, and 4) pay the Division's investigative costs, and 5) produce and submit
24 records to the Division.

25 NOW, THEREFORE, IT IS ORDERED that ARISTOCRAT GLOBAL PROPERTIES &
26 SERVICES, DOYLE SERVICES CORPORATION and BOBBY DOYLE shall immediately CEASE
27 AND DESIST from advertising, engaging in, or otherwise carrying on or holding themselves out as
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1 engaging in or carrying on any activities that require licensure as a mortgage broker or mortgage agent
2 under NRS 645B.

3 IT IS FURTHER ORDERED that ARISTOCRAT GLOBAL PROPERTIES & SERVICES,
4 DOYLE SERVICES CORPORATION and BOBBY DOYLE shall be and hereby are required to make
5 RESTITUTION to CLIENT TP in the amount of \$3,956.00 and Complainant LM in the amount of
6 \$1,150.00. ARISTOCRAT GLOBAL PROPERTIES & SERVICES, DOYLE SERVICES
7 CORPORATION and BOBBY DOYLE shall be jointly and severally liable for the amount of
8 RESTITUTION required to be made herein. The required RESTITUTION shall be made to Client TP
9 no later than 30 days after the effective date of this order. ARISTOCRAT GLOBAL PROPERTIES &
10 SERVICES, DOYLE SERVICES CORPORATION and BOBBY DOYLE shall contact the Division
11 within 21 days of the effective date of this order to make arrangements for the delivery of
12 RESTITUTION to Client TP.

13 IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of (\$20,000.00)
14 shall be and hereby is imposed, jointly and severally, on ARISTOCRAT GLOBAL PROPERTIES &
15 SERVICES, DOYLE SERVICES CORPORATION and BOBBY DOYLE, in accordance with NRS
16 645B.690. The ADMINISTRATIVE FINE shall be due and payable on the 30th day following the
17 effective date of this order and shall be tendered to the Division in accordance with the attached wire
18 transfer instructions.

19 IT IS FURTHER ORDERED that RESPONDENTS shall be and hereby are, jointly and
20 severally, assessed the Division's INVESTIGATIVE COSTS in the amount of (\$2,040.00), in
21 accordance with NRS 622.400. The INVESTIGATIVE COSTS shall be due and payable on the 30th
22 day following the effective date of this order and shall be tendered to the Division in accordance with
23 the attached wire transfer instructions.

24 IT IS FURTHER ORDERED that an administrative hearing shall be scheduled in this matter
25 only if RESPONDENTS timely request an administrative hearing in accordance with the instructions
26 set forth in Section II of this ORDER entitled Notice of Opportunity for an Administrative Hearing. **If**
27 **no administrative hearing is requested within 30 calendar days of the effective date of this Order**
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1 **RESPONDENTS shall be deemed to have waived and relinquished the right to an administrative**
2 **hearing in this matter and a FINAL ORDER shall be issued in this matter.**

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

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

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

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11 IT IS SO ORDERED.

12 DIVISION OF MORTGAGE LENDING

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15 JAMES WESTRIN, COMMISSIONER
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II.

NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE 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.