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: CFG LOAN MODIFICATION Covered Service Provider License No. UNL, and GABRIEL RAMALLO Covered Service Provider License No. UNL, Respondents.	Order No. 2013-04

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

Issued and Entered,
This 9th day of July, 2013,
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 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 645F of the Nevada Revised Statutes, NRS 645F.010 *et seq.*, and Chapter 645F of the Nevada Administrative Code, NAC 645F.001 *et seq.*, governing the licensing and conduct of covered service providers and foreclosure consultants in the State of Nevada; and,

The Commissioner having been vested with general supervisory power and control over all covered service providers and foreclosure consultants 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 a complaint against CFG LOAN MODIFICATION ("CFG"), and GABRIEL ROBERTO RAMALLO ("RAMALLO") (collectively, the "RESPONDENTS") alleging that RESPONDENTS engaged in activities or practices that violate NRS 645F; and,

The Division staff having thereafter commenced an investigation of RESPONDENTS pursuant to NRS 645F.010 et seq. and NAC 645F.001 et seq. and during such investigation determined RESPONDENTS were engaged in activity requiring licensure as a covered service provider and foreclosure consultant pursuant to provisions of NRS 645F.010 et seq. and NAC 645F.001. Specifically, RESPONDENTS signed a contract and accepted payment for covered services and foreclosure consultant services without a license; 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.200, 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. Pursuant to NRS 645F.320, "Foreclosure Consultant" is defined as any person who, directly or indirectly, makes any solicitation, representation or offer to a homeowner to perform for compensation, or who, for compensation, performs any covered service that the person represents will do any of the following:

1. Prevent or postpone a foreclosure sale;
2. Obtain any forbearance from any mortgagee or beneficiary of a deed of trust;
3. Assist the homeowner to exercise the right of reinstatement provided in the legal documents;
4. Obtain any extension of the period within which the homeowner may reinstate the homeowner's obligation;
5. Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a residence in foreclosure or included in the mortgage or deed of trust;

6. Assist the homeowner in foreclosure or loan default to obtain a loan or advance of money;
7. Avoid or ameliorate the impairment of the homeowner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale;
8. Save the homeowner's residence from foreclosure; or
9. Assist the homeowner to obtain a foreclosure reconveyance.

4. During the investigation it was discovered that RESPONDENTS entered into an agreement with AH to directly or indirectly postpone a foreclosure sale or other foreclosure consultant services pursuant to NRS Chapter 645F without a license. In exchange for these foreclosure consultant services RESPONDENTS collected $4,500.00 from AH.

5. By entering into an agreement with AH to provide foreclosure consultant services and receiving money for those purposes, RESPONDENTS engaged in activity requiring licensure as a foreclosure consultant.

6. NAC 645F.850 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.

7. 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.

Conclusions of Law

1. It is a violation of NAC 645F.200 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 or a foreclosure consultant without first obtaining a license under provisions of NRS 645F and NAC 645F.

2. By entering into an agreement with AH to provide covered services and foreclosure consultant services pursuant to NRS 645F and receiving money for the purposes of providing covered services or foreclosure consultant services RESPONDENTS violated NAC 645F.200.

Order

The Commissioner having formed the opinion based upon the foregoing that RESPONDENTS engaged in activity that violates 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.*, and determined that an

order should issue against RESPONDENTS 1) ordering them to cease and desist violating NRS 645F.010 et seq., 2) requiring that they make restitution, and 3) requiring that they pay an administrative fine and administrative costs.

NOW, THEREFORE, IT IS ORDERED that RESPONDENTS shall immediately CEASE AND DESIST from violating NRS 645F.010 et seq. by advertising, engaging in, or otherwise carrying on or holding themselves out as engaging in or carrying on any activities of a covered service provider and foreclosure consultant.

IT IS FURTHER ORDERED, that RESPONDENTS shall be and hereby are required to immediately make RESTITUTION to Complainant AH for the sum of $4,500.00. The required RESTITUTION shall be made to the above complainant no later than 30 days from the effective date of this order. RESPONDENTS shall contact the Division within 25 days of the effective date of this order to make arrangements for the delivery of the required RESTITUTION to the complainant.

IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of $5,000.00 shall be and hereby is imposed, jointly and severally, on RESPONDENTS. The ADMINISTRATIVE 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 assessed, jointly and severally, the Division's ADMINISTRATIVE COSTS in the amount of $1,140.00. The ADMINISTRATIVE 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 20 calendar days of the effective date of this ORDER, RESPONDENTS' right to an administrative hearing shall be deemed waived and relinquished.

IT IS FURTHER ORDERED that this Order shall be and is effective and enforceable on the date that it is issued and entered, 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 NRS 645F and protect the public.

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: _____
JAMES WESTRIN, COMMISSIONER

II.

NOTICE OF OPPORTUNITY FOR AN ADMINSITRATIVE HEARING

NAC 645F.850, 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 <u>20 calendar days</u> 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.855 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 within 20 days 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, within 20 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, July 10th, 2013, 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, AND NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING for CFG LOAN MODIFICATION AND GABRIEL RAMALLO, addressed as follows:

Gabriel Ramallo
8301 W. Flamingo Road #2106
Las Vegas, NV 89147

Certified Receipt Number: 7009 2250 0001 8861 2023

DATED this 9th day of July, 2013

By: Susan Slack
Employee of the Division