

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: )  
21<sup>st</sup> CENTURY MEDIATION, LLC, )  
Covered Service Provider License No.: UNL, )  
and ) Order No. 2014-107  
CHRISTOPHER WAGES, ) Case No. 2014-107  
Associated Covered Service Provider License No.: UNL, )  
and )  
MILES GODBEY, )  
Associated Covered Service Provider License No. UNL, )  
Respondents. )

FINAL ORDER  
TO CEASE AND DESIST  
AND IMPOSING AN ADMINISTRATIVE FINE AND ADMINISTRATIVE COSTS

Issued and Entered,  
This 24th day of September, 2014,  
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 "Statute"), and Chapter 645F of the Nevada Administrative Code, NAC 645F.005 *et seq.* (the "Regulation") governing the licensing and conduct of covered service providers in the State of Nevada; and,

1           **WHEREAS**, on or about August 1, 2014, the Commissioner issued to Respondents an ORDER  
2 TO CEASE AND DESIST, ORDER IMPOSING AN ADMINISTRATIVE FINE AND  
3 ADMINISTRATIVE COSTS, AND NOTICE OF OPPORTUNITY FOR HEARING (the "Order")  
4 attached hereto as Exhibit 1 and incorporated herein by this reference; and,

5           **WHEREAS**, on or about August 8, 2014, August 18, 2004, and August 28, 2014, the Order was  
6 served on Respondents by certified mail receipt requested (Article No. 7009 2250 0001 8859 4619,  
7 Article No. 7009 2550 0001 8859 4602, and Article No. 7009 2250 0001 8859 4671 respectively); and,

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

11           **WHEREAS**, Respondents failed to file a written request for a hearing within 20 days of receipt  
12 of the Order, as required by Chapter 645F of the NAC, specifically NAC 645F.850.

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

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

17           2. A FINAL ORDER TO CEASE AND DESIST, AND IMPOSING AN ADMINISTRATIVE  
18 FINE AND ADMINISTRATIVE COSTS, shall be and hereby is issued and entered against  
19 Respondents. FORTHWITH, Respondents shall:

20           a. CEASE AND DESIST from engaging in any activity requiring licensure under the  
21 Act or the Regulation; and

22           b. Pay to the Division an ADMINISTRATIVE FINE in the amount of \$5,000.00, as set  
23 forth in the Order; and

24           c. Pay to the Division the Division's ADMINISTRATIVE COSTS in the amount of  
25 \$618.00, as set forth in the Order.

26           3. This Final Order shall be and is effective on the date as issued and entered, as shown in the  
27 caption hereof.

28           4. This Final Order shall remain in effect and fully enforceable until terminated, modified, or

1 set aside, in writing, by the Commissioner.

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

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**IT IS SO ORDERED.**

DIVISION OF MORTGAGE LENDING



By *[Signature]*  
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:

21<sup>st</sup> CENTURY MEDIATION, LLC,  
Covered Service Provider License No.: UNL,

and

CHRISTOPHER WAGES,  
Associated Covered Service Provider License No.: UNL,

and

MILES GODBEY,  
Associated Covered Service Provider License No.: UNL,

Respondents.

Order No. 2014-107  
Case No. 2014-107

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

Issued and Entered,  
This 1st day of August, 2014,  
By James Westrin,  
Commissioner

I.  
ORDER TO CEASE AND DESIST  
and  
ORDER IMPOSING AN ADMINISTRATIVE FINE AND ADMINISTRATIVE 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*

1 *seq.*, and Chapter 645F of the Nevada Administrative Code, NAC 645F.005 *et seq.*, governing the  
2 licensing and conduct of covered service providers in the State of Nevada; and,

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

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

7 The Division of Mortgage Lending (the "Division") having received a complaint against 21<sup>st</sup>  
8 CENTURY MEDIATION, LLC ("21<sup>st</sup> CENTURY"), alleging that 21<sup>st</sup> CENTURY was engaged in  
9 activities requiring licensure as a covered service provider pursuant to the provisions of NRS 645F.010  
10 *et seq.*; and,

11 The Division having commenced an investigation pursuant to NAC 645F.440 and during such  
12 investigation determined that 21<sup>st</sup> CENTURY was engaged in activity requiring licensure as a covered  
13 service provider pursuant to provisions of NRS 645F.010 *et seq.* and NAC 645F.005 *et seq.*; and,

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

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

17 **Findings of Fact**

18 1. NAC 645F.200 provides as follows:

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

27 [Emphasis added].

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

3           1. Financial counseling, including, without limitation, debt counseling  
4           and budget counseling.

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

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

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

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

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

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

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

25          9. Arranging or attempting to arrange for a homeowner the purchase by a  
26          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 [Emphasis added].

7 3. NRS 645F.320 defines a "Foreclosure consultant" as follows:

8 "Foreclosure consultant" means a person who, directly or indirectly,  
9 makes any solicitation, representation or offer to a homeowner to perform  
10 for compensation, or who, for compensation, performs any covered  
11 service that the person represents will do any of the following:

- 12 1. Prevent or postpone a foreclosure sale;
- 13 2. Obtain any forbearance from any mortgagee or beneficiary of a deed  
14 of trust;
- 15 3. Assist the homeowner to exercise the right of reinstatement provided  
16 in the legal documents;
- 17 4. Obtain any extension of the period within which the homeowner may  
18 reinstate the homeowner's obligation;
- 19 5. Obtain any waiver of an acceleration clause contained in any  
20 promissory note or contract secured by a mortgage on a residence in  
21 foreclosure or included in the mortgage or deed of trust;
- 22 6. Assist the homeowner in foreclosure or loan default to obtain a loan  
23 or advance of money;
- 24 7. Avoid or ameliorate the impairment of the homeowner's credit  
25 resulting from the recording of a notice of default or the conduct of a  
26 foreclosure sale;
- 27 8. Save the homeowner's residence from foreclosure; or
- 28 9. Assist the homeowner to obtain a foreclosure reconveyance.



1 4. NRS 645F.365 defines a “Loan modification consultant” as follows:

2 “Loan modification consultant” means a person who, directly or  
3 indirectly, makes any solicitation, representation or offer to a homeowner  
4 to perform for compensation, or who, for compensation, performs any act  
5 that the person represents will adjust the terms of a mortgage loan in a  
6 manner not provided for in the original or previously modified mortgage  
7 loan. Such an adjustment includes, without limitation:

- 8 1. A change in the payment amount;
- 9 2. A change in the loan amount;
- 10 3. A loan forbearance;
- 11 4. A change in the loan maturity; and
- 12 5. A change in the interest rate.

13 5. NAC 645F.800 provides as follows:

14 It is unlawful for any person to provide or offer to provide any of the  
15 services of a covered service provider, foreclosure consultant or loan  
16 modification consultant or otherwise to engage in, carry on or hold himself  
17 or herself out as engaging in or carrying on the business of a covered  
18 service provider, foreclosure consultant or loan modification consultant  
19 without first obtaining the applicable license issued pursuant to this  
20 chapter and chapter 645F of NRS, unless the person:

- 21 1. Is exempt from the provisions of this chapter and chapter 645F of  
22 NRS; and
- 23 2. Complies with the requirements for that exemption.

24 6. On or about June 28, 2013, the Division received a complaint against 21<sup>st</sup> CENTURY, and the  
25 Division immediately commenced an investigation. During the course of the investigation the Division  
26 determined that 21<sup>st</sup> CENTURY was actively engaged in activity requiring licensure as an independent  
27 and associated covered service provider, respectively, under NRS 645F. The investigation specifically  
28 revealed the following:

1 a. 21<sup>st</sup> CENTURY is an inactive, limited liability company organized under the laws of  
2 Texas, with its business location identified by the Texas Secretary of State as 3010 LBJ Freeway, Suite  
3 1200, Dallas, Texas 75234.

4 b. 21<sup>st</sup> CENTURY's managing members are identified as CHRISTOPHER LEE WAGES  
5 ("WAGES") and MILES GODBEY ("GODBEY") (collectively, with 21<sup>st</sup> CENTURY, the  
6 "RESPONDENTS")

7 c. A review of the Division's records reveals that 21<sup>st</sup> CENTURY, WAGES, and  
8 GODBEY are not currently and have never been licensed by the Commissioner as an independent or  
9 associated covered service provider, pursuant to the provisions of NRS 645F.

10 d. On or about June 2013, RESPONDENTS mailed to Complainant LG, at his home in  
11 Nevada, a solicitation entitled "Important Notice of Pending Foreclosure, Auction and Eviction," in  
12 which RESPONDENTS explicitly identified Complainant's existing loan and falsely informed  
13 Complainant LG that his home was currently in foreclosure and scheduled for public auction on  
14 September 19, 2013. The solicitation was contained in a large envelope stating "IMPORTANT  
15 DOCUMENTS ENCLOSED," "EMERGENCY GOVERNMENT ASSISTANCE AVAILABLE."

16 e. RESPONDENTS advised Complainant LG that "[t]o apply for assistance and stop the  
17 sale of your home, contact us no later than 48 hours of receiving this letter." Included in the unsolicited  
18 mailing were forms for Complainant LG to complete (including Complainant's social security number,  
19 income, expenses, and financial assets) and fax to RESPONDENTS in order to obtain mortgage  
20 assistance or be considered for "foreclosure prevention options".

21 f. Attempts to contact RESPONDENTS at the registered agent address on file with the  
22 Texas Secretary of State were unsuccessful.

23 7. NAC 645F.850 vests in the Commissioner the authority to order a person engaging in activity in  
24 violation of NRS 645F or NAC 645F to immediately cease and desist from engaging in the activity.

25 8. NRS 645F.410(1) grants the Commissioner the authority to impose an administrative penalty of  
26 not more than \$25,000 on any person licensed or required to be licensed pursuant to provisions of NRS  
27 645F who violates any provisions of this chapter or any regulation adopted pursuant thereto or any other  
28 applicable law.

1 9. NRS 622.400 authorizes the Division to recover from a person reasonable attorney's fees and  
2 costs incurred as part of its investigative, administrative, and disciplinary proceedings against the  
3 person.

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

5 **Conclusions of Law**

6 11. It is a violation of NAC 645F.200 for a person to advertise, engage in, or otherwise carry on or  
7 hold oneself out as engaging in or carrying on the activities of a covered service provider without first  
8 obtaining a license under provisions of NRS 645F and NAC 645F.

9 12. By advertising and offering to provide covered services, as defined in NRS 645F.310, without  
10 being properly licensed as required by NRS 645F.200, RESPONDENTS have engaged in, or otherwise  
11 held themselves out as covered service providers in violation of NAC 645F.800.

12 **Order**

13 The Commissioner having formed the opinion based upon the foregoing that RESPONDENTS  
14 engaged in unlicensed activity in violation of NRS 645F and NAC 645F, and concluded and determined  
15 that RESPONDENTS should be ordered to: 1) cease and desist violating NRS 645F; 2) pay an  
16 administrative fine; and 3) pay the Division's administrative costs.

17 NOW, THEREFORE, IT IS ORDERED that RESPONDENTS shall immediately CEASE AND  
18 DESIST from advertising, engaging in, or otherwise carrying on or holding themselves out as engaging  
19 in or carrying on any activities of a covered service provider requiring licensure under NRS 645F in the  
20 State of Nevada.

21 IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of \$5,000.00  
22 shall be and hereby is imposed, jointly and severally, on RESPONDENTS. The ADMINISTRATIVE  
23 FINE shall be due and payable on the 30<sup>th</sup> day following the effective date of this order and shall be  
24 tendered to the Division in accordance with the attached wire transfer instructions.

25 IT IS FURTHER ORDERED that RESPONDENTS shall be and hereby are assessed, jointly and  
26 severally, the Division's ADMINISTRATIVE COSTS in the amount of \$618.00. The  
27 ADMINISTRATIVE COSTS shall be due and payable on the 30<sup>th</sup> day following the effective date of  
28

1 this order and shall be tendered to the Division in accordance with the attached wire transfer  
2 instructions.

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

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

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

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

16 IT IS SO ORDERED.  
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DIVISION OF MORTGAGE LENDING

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20  
21 By: 

JAMES WESTRIN,  
COMMISSIONER

1 II.

2 NOTICE OF OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

3 NAC 645F.850 provides as follows:

4 1. If a person engages in an activity in violation of the provisions of  
5 this chapter or chapter 645F of NRS or an order of the Commissioner, the  
6 Commissioner may issue an order to the person directing the person to  
7 cease and desist from engaging in the activity.

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

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

13 (b) In a manner that violates the provisions of this chapter or chapter  
14 645F of NRS or an order of the Commissioner.

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

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

27 (a) Hold a hearing:

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

- 1 (2) On a date agreed to by the Commissioner and the person; or  
2 (b) Render a written decision within 45 days after the hearing is  
3 concluded.

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

6 NAC 645F.855 provides as follows:

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

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

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

21 **If you wish to exercise your right to an opportunity for an administrative hearing, within**  
22 **20 calendar days after receiving this Order, you must file a verified petition with the**  
23 **Commissioner to request a hearing.**

24 The verified petition requesting a hearing must be delivered to:  
25 Division of Mortgage Lending  
26 Attn. Susan Slack  
27 7220 Bermuda Road, Suite A  
28 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.**