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2 STATE OF NEVADA
3 DEPARTMENT OF BUSINESS AND INDUSTRY
4 DIVISION OF MORTGAGE LENDING

5 Before the Commissioner of the Division of Mortgage Lending

6 In the Matter of:)

7 VALLEY CONSTRUCTION SERVICES, INC.,)

Order No.: 2014-146

Case No.: 2014-146

8 and)

9 ALAN MAYNOR,)
10 PRESIDENT & DIRECTOR,)

11 and)

12 JAN MAYNOR,)
13 SECRETARY & TREASURER,)

14 Respondents.)
15

16 **CONSENT ORDER**
17 **CEASE AND DESIST VIOLATING NRS 645A,**
18 **MAKE RESTITUTION, AND**
19 **PAY ADMINISTRATIVE COSTS.**

20 Issued and Entered,
21 This 5th day of June, 2015,
22 By James Westrin,
23 Commissioner

24 The Commissioner of the State of Nevada, Department of Business and Industry, Division of
25 Mortgage Lending (the "Commissioner") is statutorily charged with the responsibility and authority to
26 administer and enforce Chapter 645A of the Nevada Revised Statutes, NRS 645A.010 *et seq.* ("NRS
27 645A"), and Chapter 645A of the Nevada Administrative Code, NAC 645A.005 *et seq.* ("NAC 645A"),
28 (collectively, the "Act") governing the licensing and conduct of escrow agencies and escrow agents in
the state of Nevada; and,

1 The Commissioner having been granted general supervisory power and control and
2 administrative enforcement authority over all escrow agencies and escrow agents doing business in the
3 state of Nevada pursuant to the Act; and,

4 The Commissioner having determined that Respondents failed to comply with the Act; the
5 investigation of the Respondents by the Division of Mortgage Lending (the "Division") having revealed
6 that:

- 7 1. Valley Construction Services, Inc ("Valley") was a closely-held Nevada domestic corporation.
8 Alan Maynor was the President and Director of Valley. Jan Maynor was the Secretary and
9 Treasurer of Valley.
- 10 2. On or about April 14, 2014, the Division received a complaint from AT against Respondents,
11 alleging that, while acting as an escrow agency in connection with a construction control
12 account in relation to a residential construction project, Respondents had mishandled and was
13 unable to account for \$107,777.64 in funds it held in escrow for AT.
- 14 3. Neither Valley nor Alan Maynor or Jan Maynor held a license under the Act to engage in the
15 conduct and activity of an escrow agency or escrow agent.
- 16 4. From its place of business located at 3265 East Warm Springs Road, Las Vegas, Nevada 89120,
17 Respondents engaged in conduct and activity requiring licensure as an escrow agency under the
18 Act. Particularly, in connection with at least the construction control account that is the subject
19 of the complaint, Respondents held, controlled and disbursed monies deposited with it by and on
20 behalf of the complainant for the purposes of making payments to persons providing goods,
21 materials or services in relation to the construction of the residential construction project.

22 The Commissioner, having served upon Respondents on or about December 31, 2014, an Order to
23 Cease and Desist, Order to Make Restitution, Order Imposing an Administrative Fine and Assessing
24 Investigative Costs as well as a Notice of Opportunity for Hearing and the Respondents having timely
25 requested a Hearing in this matter;

26 The Division and the Respondents having conferred concerning this matter and determined to
27 resolve this matter pursuant to the following terms:

- 28 1. Respondents agree to CEASE AND DESIST from any violation of NRS 645A;

- 1 2. Respondents agree to continue to make RESTITUTION to Complainant AT in the total amount
2 of \$107,777.64 of which \$50,286.31 remains due and outstanding as of the date of this Consent
3 Order; such restitution shall be tendered monthly in the amount of \$1,500.00 to AT with the
4 total amount to be paid within 36 months from the date of entry of this Consent Order;
- 5 3. Respondents agree to pay to the Division an ADMINISTRATIVE FINE in the amount of
6 \$75,000.00. It is agreed that the collection of the administrative fine will be deferred for a
7 period of 36 months (“deference period”) from the date of entry of this Consent Order. If during
8 the deference period, the Division receives a complaint against Respondents related to NRS
9 645A activities in Nevada; or Respondents fail to make the monthly restitution payments in
10 paragraph 2; or the Respondents fail to pay the agreed to costs in paragraph 4 when they are due,
11 the fine will become immediately due and payable. If, however, no complaints are received
12 during the deferment period and the restitution and costs are paid in full, the administrative fine
13 will be deemed rescinded;
- 14 4. Respondents agree to pay the Division’s ADMINISTRATIVE COSTS in the amount of
15 \$6,179.00; with \$1,500 due on June 1, 2015; \$1,500 due on July 15, 2015 and the remaining
16 \$3,179 due on September 15, 2015 and shall be tendered to the Division in accordance with the
17 attached wire transfer instructions;
- 18 5. Respondents agree that if they fail to make the monthly restitution payments in paragraph 2; or
19 they fail to pay the agreed to costs in paragraph 4 when they are due, the Division may file the
20 attached Confession of Judgement with the Court and the Respondents expressly agree that upon
21 the filing of the Confession of Judgment with the Court, judgment may be immediately entered
22 against the Respondents, with or without prior notice;
- 23 6. Respondents agree, now and at all times hereafter, to fully cooperate and thoroughly respond to
24 any request from the Division for information or records confirming compliance with this Order;
25 and
- 26 7. Respondents agree that a Hearing is no longer needed in this matter and that counsel for the
27 Division shall notify the Hearing Officer that the matter has been resolved and may be removed
28 from his calendar.

1 Respondents having knowingly and voluntarily affixed their signature to the attached
2 VOLUNTARY CONSENT TO ENTRY OF CONSENT ORDER, incorporated herein by this reference,
3 have consented to the issuance of this CONSENT ORDER (the "Order") with the intent to be legally
4 bound hereby, and having waived and relinquished any and all rights that Respondents may now or
5 hereafter have to an administrative hearing in this matter or to judicial review of, or otherwise challenge
6 or contest, the entry of this Order; and,

7 Respondents having had opportunity to consult with legal counsel of their choosing concerning
8 this matter; and,

9 The Commissioner having determined that the terms of this ORDER are a reasonable resolution
10 of this matter and in the public interest.

11 NOW, THEREFORE, IT IS HEREBY ORDERED that:

12 1. RESPONDENTS shall CEASE AND DESIST from any violation of NRS 645A.

13 2. RESPONDENTS shall make RESTITUTION to Complainant AT in the total amount of
14 \$107,777.64 of which \$50,286.31 remains due and outstanding as of the date of this Consent Order;
15 such restitution shall be tendered monthly in the amount of \$1,500.00 to AT with the total amount to be
16 paid within 36 months from the date of entry of this Consent Order.

17 3. RESPONDENTS shall pay an ADMINISTRATIVE FINE in the amount of \$75,000.00.
18 It is agreed that the collection of the administrative fine will be deferred for a period of 36 months
19 ("deference period") from the date of entry of this Consent Order. If during the deference period, the
20 Division receives a complaint against RESPONDENTS related to NRS 645A activities in Nevada; or
21 RESPONDENTS fail to make the monthly restitution payments in paragraph 2; or the RESPONDENTS
22 fail to pay the agreed to costs in paragraph 4 when they are due, the fine will become immediately due
23 and payable. If, however, no complaints are received during the deferment period and the restitution
24 and costs are paid in full, the administrative fine will be deemed rescinded.

25 4. RESPONDENTS agree to pay the Division's ADMINISTRATIVE COSTS in the
26 amount of \$6,179.00; with \$1,500 due on June 1, 2015; \$1,500 due on July 15, 2015 and the remaining
27 \$3,179 due on September 15, 2015.

1 5. If the RESPONDENTS fail to make the monthly restitution payments in paragraph 2; or
2 they fail to pay the agreed to costs in paragraph 4 when they are due, the Division may file the attached
3 Confession of Judgement with the Court.

4 6. RESPONDENTS, now and at all times hereafter, are to fully cooperate and thoroughly
5 respond to any request from the Division for information or records confirming compliance with this
6 Order.

7 7. RESPONDENTS are jointly and severally liable for all amounts under this Order
8 including but not limited to, restitution, fines, and costs.

9 8. This Order shall be and is effective and enforceable on the date that it is issued, as shown
10 in the caption hereof.

11 9. This Order shall remain effective and enforceable until terminated, modified, set aside,
12 or suspended in writing by the Commissioner.

13 10. The Commissioner specifically retains jurisdiction over the matters contained herein and
14 has the authority to issue such further order(s) as he shall deem just, necessary, and appropriate to
15 enforce the provisions of NRS 645A and protect the public.

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17 IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

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19 
20 By _____
21 JAMES WESTRIN
22 COMMISSIONER
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