

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:)
PRIVATE LENDING GROUP, INC.) Order No. 2015-004
Mortgage Broker License No. UNL,)
and) Case No. 2015-004
WYNN INVESTOR NETWORK, INC.)
Mortgage Broker License No. UNL,)
and)
DANIEL ARGUELLO, President & Owner)
Mortgage Broker License No. UNL)
Mortgage Agent License No. 50866)
NMLS ID No. 230094,)
Respondents.)

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

Issued and Entered,
This 20th day of October, 2015,
By James Westrin,
Commissioner

I.
ORDER TO CEASE AND DESIST
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 645B of the Nevada Revised Statutes, 645B.010 *et seq.*

1 (“NRS 645B” or “the Statute”), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001
2 *et seq.* (“NAC 645B” or “the Regulation”), governing the licensing and conduct of mortgage brokers
3 and mortgage agents doing business in the State of Nevada; and,

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

7 The Commissioner having been further vested with broad authority to conduct investigations to
8 determine whether any person is violating or has violated any provision of the Statute or the Regulation;
9 and,

10 The Division of Mortgage Lending (the “Division”) having received information indicating that
11 PRIVATE LENDING GROUP, INC. (“PLG”), WYNN INVESTOR NETWORK, INC. (“WYNN”),
12 and DANIEL ARGUELLO (“ARGUELLO”) (collectively, the “RESPONDENTS”) were engaged in
13 activity requiring licensure as a mortgage broker under the Statute; and,

14 The Division having conducted an investigation of RESPONDENTS’ business practices
15 pursuant to NRS 645B.060(2)(c), and determined, from that investigation, that RESPONDENTS were
16 engaged in activity requiring licensure as a mortgage broker under the Statute; and,

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

18 The Commissioner having reviewed the results of the investigation and made the following
19 FINDINGS OF FACT and CONCLUSIONS OF LAW:
20

21 **Findings of Fact**

22
23 1. NRS 645B.900 prohibits any person from offering or providing any of the services of a
24 mortgage broker or mortgage agent or otherwise engaging in, carrying on or holding himself or herself
25 out as engaging in or carrying on the business of a mortgage broker or mortgage agent without first
26 obtaining the applicable license issued pursuant to this chapter, unless the person is properly exempt
27 from licensure.
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1 2. NRS 645B.0127(1) defines "Mortgage Broker" to include "any person who, directly or
2 indirectly" does any of the following:

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

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

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

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

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

16 3. RESPONDENTS are not currently and have at no time relevant to this matter been licensed by
17 the Commissioner as a mortgage broker in Nevada under the Statute.

18 4. The investigation specifically revealed the following:

19 a. On or about November 5, 2013, ARGUELLO made application for and was granted a
20 Nevada mortgage agent license by the Commissioner (MLD License No. 50866, NMLS ID No.
21 230094). ARGUELLO'S current license status is approved-inactive. At all times relevant to this
22 matter, ARGUELLO held a mortgage agent license and was employed or associated with a licensed
23 Nevada mortgage broker.

24 b. PLG is a domestic corporation, formed and existing under the laws of the State of
25 Nevada (NV SOS Entity Number E0313612012-9). Based upon information and belief, its principal
26 place of business is located at 2300 West Sahara Avenue, Suite 800, Las Vegas, Nevada 89102.
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28

1 c. WYNN is a domestic corporation, formed and existing under the laws of the State of
2 Nevada (NV SOS Entity Number E0249862013-0). Based upon information and belief, its principal
3 place of business is located at 2300 West Sahara Avenue, Suite 800, Las Vegas, Nevada 89102.

4 d. Based upon information and belief, ARGUELLO is the president and owner of PLG and
5 WYNN.

6 e. On or about June 9, 2014, the Division became aware of facts indicating that PLG and
7 WYNN were engaged in activity requiring licensure under the Statute. In particular, through websites
8 located at privatelendinggroups.com and thewynnway.com and through various social media outlets,
9 RESPONDENTS solicited borrowers and investors to apply for or invest in residential and commercial
10 hard money loans.

11 f. In RESPONDENTS' operation of the aforementioned websites and social media outlets,
12 RESPONDENTS:

- 13 i. Hold themselves out as hard-money lenders who evaluate loan
14 proposals for both residential and commercial property;
- 15 ii. Hold themselves out as hard-money lenders able to originate,
16 underwrite, and fund all of their mortgage loans and transactions;
- 17 iii. Hold themselves out as hard-money lenders able to assist
18 borrowers and private investors in pursuing refinancing or
19 investment projects, obtaining income-producing properties, or
20 repairing or rehabilitating residential properties for resale; and
- 21 iv. Hold themselves out as negotiators of loans in mortgage
22 transactions between borrowers and hard-money lenders.

23 g. RESPONDENTS engaged in unlicensed activity in relation to at least four Nevada
24 situated properties.

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

27 6. NRS 645B.690 requires the Commissioner to impose an administrative fine of not more than
28 \$50,000 on a person that offers or provides any of the services of a mortgage broker or mortgage agent

1 or otherwise engages in, carries on or holds himself or herself out as engage in or carrying on the
2 business of a mortgage broker or mortgage agent and, at the time the person was required to have a
3 license pursuant to this chapter and the person did not have such a license.

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

5 **Conclusions of Law**

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

10 9. By engaging in activities or conduct which require licensure under the Statute without holding
11 the appropriate license, RESPONDENTS are in violation of NRS 645B.900.

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

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

19 12. Any conclusion of law that may be deemed a finding of fact shall be so construed.

20 **Order**

21 The Commissioner having formed the opinion based upon the foregoing that RESPONDENTS
22 have been or are engaged in unlicensed activity in violation of the Statute, and concluded and
23 determined that RESPONDENTS should be ordered to: 1) cease and desist from engaging in any
24 activity requiring licensure under NRS 645B; 2) pay an administrative fine; and 4) pay the Division's
25 investigative costs.

26 NOW, THEREFORE, IT IS ORDERED that PRIVATE LENDING GROUP, INC., WYNN
27 INVESTOR NETWORK, INC., and DANIEL ARGUELLO shall immediately CEASE AND DESIST
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1 from advertising, engaging in, or otherwise carrying on or holding themselves out as engaging in or
2 carrying on any activities that require licensure as a mortgage broker under the Statute.

3 IT IS FURTHER ORDERED that an ADMINISTRATIVE FINE in the amount of \$10,000.00
4 shall be and hereby is imposed, jointly and severally, on PRIVATE LENDING GROUP, INC., WYNN
5 INVESTOR NETWORK, INC., and DANIEL ARGUELLO in accordance with NRS 645B.690. The
6 ADMINISTRATIVE FINE shall be due and payable on the 30th day following the effective date of this
7 order and shall be tendered to the Division in accordance with the attached wire transfer instructions.

8 IT IS FURTHER ORDERED that RESPONDENTS shall be and hereby are, jointly and
9 severally, assessed the Division's INVESTIGATIVE COSTS in the amount of \$3,585.00, in accordance
10 with NRS 622.400. The INVESTIGATIVE COSTS shall be due and payable on the 30th day following
11 the effective date of this order and shall be tendered to the Division in accordance with the attached
12 wire transfer instructions.

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

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

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

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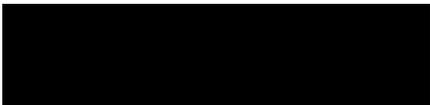
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1 IT IS FURTHER ORDERED that the Commissioner specifically retains jurisdiction over the
2 matters contained herein and has the authority to issue such further order(s) as he shall deem just,
3 necessary, and appropriate to enforce provisions of NRS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

4
5 IT IS SO ORDERED.

6 DIVISION OF MORTGAGE LENDING

7
8 By: 
9 JAMES WESTRIN, COMMISSIONER

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.

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DANIEL ARGUELLO, President & Owner
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Mortgage Agent License No. 50866
NMLS ID No. 230094,

Respondents.

Order No. 2015-004

Case No. 2015-004

REQUEST FOR INFORMAL CONFERENCE OR HEARING

I, _____ hereby request an informal conference or contested case hearing, as applicable, in the above-captioned matter.

CONTACT INFORMATION

(Provide contact information and check as applicable)

Home address: _____

Mailing address: _____

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Home Phone: _____

Mobile Phone: _____

Office Phone: _____

_____ **I am not** represented by counsel and direct all documents and correspondence regarding this matter to be sent to me at the address represented above.

_____ **I am** represented by counsel and direct all documents and correspondence regarding this matter to be sent to my counsel of record at the address provided in the attached appearance. (Attorneys must attach and file an appearance with this response.)

Respectfully Submitted,
