

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:

PINNACLE LENDING GROUP, INC.

Mortgage Broker License No. 2306,

NMLS ID No. 344850,

and

ROBERT ALAN RINK, JR.,

Sole Officer, Owner, and Qualified Employee

Mortgage Agent License No. 22339,

NMLS ID No. 365590,

Respondents.

Order No. 2017-003

Case No. 2017-003

CONSENT ORDER REQUIRING COMPLIANCE,
IMPOSING AN ADMINISTRATIVE FINE,
AND ASSESSING INVESTIGATIVE COSTS

Issued and Entered,
This 2nd day of January, 2018,
By Cathy Sheehy,
Commissioner

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, NRS 645B.010 *et seq.* ("the Statute"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* ("the Regulation") (collectively "the Act"), governing the licensing and conduct of mortgage brokers and mortgage agents in the State of Nevada; and,

The Commissioner having been granted general supervisory power and control and administrative enforcement authority over mortgage brokers and mortgage agents doing business in the State of Nevada pursuant to the Statute; and,

1 The Commissioner having been further vested with broad authority to conduct investigations to
2 determine whether any person has violated any provision of the Act; and,

3 PINNACLE LENDING GROUP, INC. ("PINNACLE"), an active domestic corporation, having
4 made application for and been granted a mortgage broker license, MLD License No. 2306, by the
5 Commissioner on or about on or about March 8, 2006; and,

6 ROBERT ALAN RINK, JR. ("RINK") having made application for and been granted a
7 mortgage agent license, MLD License No. 22339, by the Commissioner on or about on or about
8 December 23, 2003; and,

9 RINK being the sole officer, 100% owner, and qualified employee officer of PINNACLE; and,

10 The Division having conducted an investigation of PINNACLE's business practices and
11 activities for the period of April 1, 2015, through February 29, 2016, and having determined that
12 PINNACLE and RINK (collectively, "RESPONDENTS") instructed, authorized or otherwise permitted a
13 mortgage agent to engage in loan origination activities while that mortgage agent was only in an
14 "Approved-Inactive" licensure status; and,

15 RESPONDENTS having been served on or about July 12, 2017, and in accordance with
16 NRS 233B.127(3), with a NOTICE OF OPPORTUNITY TO SHOW COMPLIANCE AND
17 PROPOSED ADMINISTRATIVE COMPLAINT providing RESPONDENTS with (1) notice of facts
18 or conduct which warrant disciplinary action against RESPONDENTS, and (2) notice of their
19 opportunity for an administrative hearing; and,

20 An informal conference having been conducted by the Division with RESPONDENTS on
21 September 28, 2017; and,

22 RESPONDENTS having asserted their belief that they did not violate the Statute and did not
23 receive notice from the Nationwide Multistate Licensing System & Registry as to the change in
24 licensure status, their intent to comply with the Statute, and their desire to cooperate with the Division,
25 and to avoid the time and expense involved in a formal administrative enforcement hearing; and,

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

28 . . .

1 1. RESPONDENTS agree to henceforth CEASE AND DESIST from any violations of the
2 Act; and,

3 2. RESPONDENTS agree to pay to the Division an ADMINISTRATIVE FINE in the
4 amount of \$10,000.00. However, the collection of \$5,000.00 of the ADMINISTRATIVE FINE will be
5 deferred for a period of one year beginning with RESPONDENTS' execution of the attached
6 VOLUNTARY CONSENT TO ENTRY OF COMMISSIONER'S CONSENT ORDER ("Voluntary
7 Consent"). If RESPONDENTS fully comply with all terms of this Consent Order during that one-year
8 period, that remaining \$5,000.00 of the ADMINISTRATIVE FINE will be waived and rescinded; and,

9 3. RESPONDENTS agree to pay to the Division its INVESTIGATIVE COSTS in the
10 amount of \$5,550.00 in accordance with NRS 622.400; and,

11 4. RESPONDENTS understand and agree that failure to strictly comply with each and
12 every provision of this Consent Order is a violation of the Act and is grounds for any discipline
13 authorized under the Act.

14 RESPONDENTS, having knowingly and voluntarily affixed their signature to the attached
15 Voluntary Consent, incorporated herein by this reference, have consented to the issuance of this
16 Consent Order with the intent to be legally bound hereby, and having waived and relinquished any and
17 all rights that RESPONDENTS may now or hereafter have to be served with a notice of charges and an
18 administrative hearing in this matter or to judicial review of, or otherwise challenge or contest, the entry
19 of this Consent Order; and,

20 RESPONDENTS having had opportunity to consult with legal counsel of their choosing
21 concerning this matter; and,

22 The Commissioner having made the following FINDINGS and CONCLUSIONS based upon the
23 foregoing and the books and records of the Division:

24 1. The Commissioner has jurisdiction and authority to issue this Consent Order in this
25 matter, pursuant to the Nevada Administrative Procedures Act ("NAPA"), NRS 233B.010 *et seq.*, and
26 the Mortgage Brokers and Mortgage Agents Act, NRS 645B.010, *et seq.*

27 2. All required notices have been issued in this matter, and the notices and service thereof
28 were appropriate and lawful in all respects.

1 3. The terms of this Consent Order are a reasonable resolution of this matter and in the
2 public interest.

3 4. All applicable provisions of NAPA and NRS 622 have been met.

4 5. RESPONDENTS violated NRS 645B.460(1) and 645B.670(1)(b)(17).

5 NOW, THEREFORE, IT IS HEREBY ORDERED that:

6 1. RESPONDENTS shall fully comply with all provisions of the Act and CEASE AND
7 DESIST from any and all violations of the Act.

8 2. RESPONDENTS shall pay to the Division an ADMINISTRATIVE FINE in the amount
9 of \$10,000.00. However, the collection of \$5,000.00 of the ADMINISTRATIVE FINE will be deferred
10 for a period of one year beginning with RESPONDENTS' execution of the attached Voluntary Consent.
11 If RESPONDENTS fully comply with all terms of this Consent Order during that one-year period, that
12 remaining \$5,000.00 of the ADMINISTRATIVE FINE will be waived and rescinded.

13 3. RESPONDENTS shall pay to the Division INVESTIGATIVE COSTS in the amount of
14 \$5,550.00. The fine and costs shall be tendered to the Division in three monthly payments in
15 accordance with the instructions included in the enclosed invoice.

16 4. This Consent Order shall be and is effective and enforceable on the date that it is issued,
17 as shown in the caption hereof.

18 5. This Consent Order shall remain effective and enforceable until terminated, modified, set
19 aside, or suspended in writing by the Commissioner.

20 6. The Commissioner specifically retains jurisdiction over the matters contained herein and
21 has the authority to issue such further order(s) as the Commissioner shall deem just, necessary, and
22 appropriate to enforce the Act and protect the public.

23 IT IS SO ORDERED.

24
25 DIVISION OF MORTGAGE LENDING

26 
27 By: 
28 CATHY SHEEHY, COMMISSIONER