

1 **BEFORE THE DEPARTMENT OF BUSINESS & INDUSTRY**

2 **LAS VEGAS, NEVADA**

3
4 **IN THE MATTER OF:**

5 **DIVISION OF MORTGAGE LENDING,**

6
7 **Claimant,**

8 **vs.**

9 **JOEL MOLINA,**
10 **Mortgage Agent License No. 47195,**
11 **NMLS ID No. 367081,**

12 **Respondent.**

MLD Case No. 2018-007

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER

13
14 On November 22, 2019, a hearing was held between Claimant, the Nevada Department of
15 Business and Industry, Division of Mortgage Lending and Respondent, Joel Molina before Gary
16 J. Mathews, Esq., serving in his capacity as Administrative Law Judge appointed pursuant to
17 Chapter 645B of the Nevada Revised Statutes ("NRS"). Joel Molina was present and represented
18 himself.

19 Appearing on behalf of the Division of Mortgage Lending were Dennis Belcourt, Esq.,
20 Deputy Attorney General, and Diana Martinez, Compliance Audit Investigator.

21
22 After hearing the allegations and the respective arguments of counsel, and having
23 considered all the evidence introduced and admitted by both parties, the undersigned
24 Administrative Law Judge finds and concludes as follows:

25 **I. PROCEDURAL HISTORY**

26 On August 15, 2018, the Division of Mortgage Lending ("the Division") issued the
27 Respondent Joel Molina ("Molina") a Notice of Intent to Issue and Enter Final Order Imposing
28 Administrative Fine and Requiring Payment of Investigative Costs and Notice of Opportunity for

1 Hearing ("Final Order") for providing incomplete and misleading information to the Division as
2 to the status and business activities Molina was involved in pursuant to NRS chapter 645B and
3 chapter 645B of the Nevada Administrative Code ("NAC"). The Division's Final Order asserts
4 violations of NRS 645B.670; NAC 645B.505(3)(d)(3); NAC 645B.505(3)(d)(4); and NAC
5 645B.505(3)(D)(5).
6

7 On December 13, 2018, the Division requested the appointment of a hearing officer. On
8 January 30, 2019, a pre-hearing conference was held. The pre-hearing conference was continued
9 until February 25, 2019. The hearing took place on November 22, 2019. The Division's
10 documentary exhibit 1, pages MLD 00001 – MLD 00154 were admitted into evidence through
11 stipulation by both parties.

12 **II. FINDINGS OF FACT**

13 There is substantial evidence in the record, which contains the legal evidence presented at
14 the hearing, to establish each of the facts hereinafter set forth in these Findings of Fact:
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16 1. Molina has held a Nevada mortgage agent license pursuant to NRS chapter 645B
17 since March 18, 2010.

18 2. On or about December 19, 2017, the Division received a complaint from Eli
19 Loloya-Vazquez ("Complainant") in which Molina as officer and manager of the Fortaleza
20 Management Group, LLC ("FMG") was accepting funds for the acquisition, restoration, and the
21 subsequent "flipping" of three separate properties in the Las Vegas, area.¹
22

23 3. FMG is an active domestic limited-liability company established in March of 2016
24 in which Molina is the registered agent.

25 4. Molina's signature appears on each one of the Complainant's executed
26 Management Agreements ("Contracts") as being the sole representative for FMG.²
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28 ¹ State's Exhibit 1 pp. MLD00096-MLD00099.

² State's Exhibit 1 pp. MLD00104, MLD00110, MLD00118.

1 5. On December 22, 2017, the Division sent a letter to: 9136 Wine Cellar Ave., Las
2 Vegas, NV 89148; the address Molina listed on the Nationwide Multistate Licensing System &
3 Registry ("NMLS").³

4 6. NMLS is a nationwide registration and licensing service in which all licensed
5 mortgage agents are mandated to provide pertinent information such as a home and mailing
6 address, employment history, and the name and address of any business(es) which the agent is
7 involved whether or not it is related to a financial service.

8 7. NMLS also requires each licensed agent to attest under the penalty of perjury, that
9 the information and declarations contained in the record are true, accurate, and complete.

10 8. The Division's letter set forth the allegations filed against Molina and required
11 Molina's written response by January 5, 2018.⁴

12 9. Never receiving a response, the Division sent Molina a second letter on January 9,
13 2018.⁵

14 10. On January 22, 2018, the Division received a call from Molina who acknowledged
15 receiving the Division's letter and that his correct mailing address is: 2451 S. Buffalo Dr., #145.

16 11. The Division allowed Molina additional time to respond to the complaint and
17 advised him to update his information on the NMLS.⁶

18 12. Diana Martinez testified that both Molina's mailing and physical address along
19 with his employment history information were incorrect on the NMLS.⁷

20 13. The Division's investigation also revealed that Molina is a licensed agent with the
21 Nevada Division of Insurance permitting him to sell health and life insurance. As a licensed agent
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27 ³ State's Exhibit 1 p. MLD00131.

⁴ State's Exhibit 1 pp. MLD00131-MLD00132.

⁵ State's Exhibit 1 p. MLD00133.

⁶ State's Exhibit 1 p. MLD00138.

⁷ State's Exhibit 1 p. MLD00003, MLD00004, MLD00005.

1 Molina is currently affiliated with four (4) separate insurance companies.

2 14. Notably, neither Molina's relationship with the Department of Insurance or his
3 employment information have ever been disclosed on the NMLS.⁸

4 15. On December 27, 2017, Molina submitted to the Division through the NMLS, a
5 license-renewal attestation in support of a license renewal application for his mortgage agent
6 license.

7 16. Molina attested and affirmed to the truth and accuracy of the information
8 contained in his NMLS record even though the information was incorrect.⁹

9 17. On February 13, 2018, the Division received Molina's response to the complaint
10 in which he denied conducting inappropriate mortgage lending practices with the Complainant.
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12 18. The Division again advised Molina to update his contact, mailing, and business
13 information on the NMLS.
14

15 19. Molina testified that his company JAS is a separate entity in which he routinely
16 uses to buy and sell property.¹⁰

17 20. Notably, Molina has never disclosed information about JAS to the Division or on
18 the NMLS.
19

20 21. Molina testified that due to personal reasons he is unable to maintain his records
21 on the NMLS.

22 22. Any finding of fact more appropriately considered a conclusion of law, and vice
23 versa, shall be so deemed.
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28 ⁸ State's Exhibit 1 p. MLD00148.

⁹ State's Exhibit 1 pp. MLD00002-MLD00033.

¹⁰ State's Exhibit 1 p. MLD00136.

1 **III. CONCLUSIONS OF LAW**

2 **A. Violation of NAC 645B.505(3)(d)(3)**

3 1. The Nevada Division of Mortgage Lending charges Molina with violating NAC
4 645B.505(3)(d)(3), which sets forth the rules and regulations for referring certain alleged
5 violations for investigation.

6 Specifically, NAC 645B.505(3)(d)(3) provides:

7 **NAC 645B.505(3)(d)(3) Referral of certain suspected violations
8 for investigation and action; grounds for disciplinary action.
9 (NRS 645B.060, 645B.670, 645F.292, 645F.293).**

10 ***

11 3. For the purposes of NRS 645B.670, a mortgage agent commits a
12 violation if the mortgage agent:

(d) Does any of the following:

(3) Makes a false statement of material fact to the division.

13 2. The Division contends that Molina provided false and misleading statements of
14 material fact to the Division.

15 3. Molina knew his obligation as a licensed mortgage agent was to provide complete
16 and accurate information to the Division. One of the requirements for providing that information
17 is to update the NMLS whenever necessary.

18 4. Molina failed on several occasions to provide critical information regarding his
19 employers, businesses, and addresses on the NMLS.

20 5. Additionally, Molina attested to the false and misleading information he provided
21 on the NMLS.

22 6. Such false and misleading information can be construed as a willful intent to
23 mislead the Division.

24 7. Molina was advised and given the opportunity to update his NMLS information
25 on several occasions but repeatedly failed to do so.

26 8. Molina's personal reasons for failing to maintain his NMLS records are irrelevant.
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