

1
2
3
4
5
6
7
8
9
10
11
12

**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:)
) Case No. 2023-002
WE SAVE HOMES.COM,)
Covered Service Provider License No. UNL.,)
)
and)
)
JESSE J. KEENAN,)
Covered Service Provider License No. UNL.,)
)
Respondents.)
)
)

13
14
15
16
17

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

18
19
20

Issued and Entered,
This 30th day of May, 2023,
By Cathy Sheehy,
Commissioner

21
22
23
24
25
26
27
28

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.250 (hereinafter, “NRS 645F” or “the Statutes”), and Chapter 645F of the Nevada Administrative Code, NAC 645F.005 *et seq.* (hereinafter, “NAC 645F” or “the Regulations”) (the Statutes and Regulations are collectively, the “Act”), governing the licensing and conduct of covered service providers in the State of Nevada; and,

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

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

7 Pursuant to that statutory authority and responsibility vested in the Commissioner,
8 and in accordance with provisions of the Act and other applicable law, notice is hereby
9 provided to wesavehomes.com and Jesse J. Keenan (“Keenan”) and/or their affiliates and/or
10 assignees (collectively “RESPONDENTS”),, to cease any and all activity as set forth herein
11 and for which licensure is required under the Act until such time as they have obtained a
12 license or exemption from the Nevada Division of Mortgage Lending (“the Division”).

13
14 **I. FACTUAL AND LEGAL BASIS**
15 **FOR CEASE AND DESIST ORDER AND ORDER IMPOSING**
16 **ADMINISTRATIVE FINE AND INVESTIGATIVE COSTS**

17 The Commissioner finds that there is sufficient factual basis and legal authority to
18 warrant this order as follows.

19 1. Pursuant to NAC 645F.200:

20 A person shall not advertise services as, provide any of the services of, act
21 as or conduct business as a covered service provider, foreclosure consultant
22 or loan modification consultant or otherwise engage in, carry on or hold
23 himself or herself out as engaging in or carrying on the activities of a
24 covered service provider, foreclosure consultant or loan modification
25 consultant unless the person has a license as a covered service provider,
26 foreclosure consultant or loan modification consultant, as applicable, issued
27 pursuant to the Nevada Covered Service Provider Regulations and chapter
28 645F of NRS.

2. Pursuant to NRS 645F.320. “Foreclosure consultant” means a person who,
directly or indirectly, makes any solicitation, representation or offer to a
homeowner to perform for compensation, or who, for compensation,
performs any covered service that the person represents will do any of the
following:

1. Prevent or postpone a foreclosure sale;

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

15 3. Pursuant to NRS 645F.390:

- 16 1. The Commissioner shall adopt regulations for the licensing of:
 - 17 (a) A person who performs any covered service for compensation;
 - 18 (b) A foreclosure consultant; and
 - 19 (c) A loan modification consultant.
- 20 2. The regulations must prescribe, without limitation:
 - 21 (a) The method and form of application for a license;
 - 22 (b) The method and form of the issuance, denial or renewal of a
23 license;
 - 24 (c) The grounds and procedures for the revocation, suspension
25 or nonrenewal of a license;
 - 26 (d) The imposition of reasonable fees for application and
27 licensure; and
 - 28

1 (e) Any provisions necessary to comply with the provisions of the
2 Secure and Fair Enforcement for Mortgage Licensing Act of
3 2008, Public Law 110-289, 12 U.S.C. §§ 5101 et seq.,
4 including registration with the Registry, and the Mortgage
Assistance Relief Services Rule, 16 C.F.R. Part 322, as
promulgated by the Federal Trade Commission.

5 3. An application for a license pursuant to this section must include a
6 complete set of the fingerprints of the applicant or, if the applicant
7 is not a natural person, a complete set of the fingerprints of each
8 person who will have an interest in the person who performs any
9 covered service as a principal, partner, officer, director or trustee,
10 and written permission authorizing the Division to forward the
fingerprints to the Central Repository for Nevada Records of
Criminal History for submission to the Federal Bureau of
Investigation for its report.

11 4. NRS 645F.400 Persons performing covered services for compensation:

12 1. A person who performs any covered service shall not:

13 (a) Claim, demand, charge, collect or receive any compensation
14 except in accordance with the terms of a contract for covered
15 services.

16 (b) Claim, demand, charge, collect or receive any fee, interest or
17 other compensation for any reason which is not fully disclosed
to the homeowner.

18 (c) Take or acquire, directly or indirectly, any wage assignment,
19 lien on real or personal property, assignment of a homeowner's
equity, any interest in a residence or other security for the
20 payment of compensation. Any such assignment or security is
void and unenforceable.

21 (d) Receive any consideration from any third party in connection
22 with a covered service provided to a homeowner unless the
23 consideration is first fully disclosed to the homeowner.

24 (e) Accept a power of attorney from a homeowner for any purpose,
25 other than to inspect documents as provided by law.

26 (f) Make any representation, express or implied, that a homeowner
27 cannot or should not contact or communicate with his or her
lender or servicer.

28 (g) Misrepresent any aspect of any covered service.

1 (h) Make any representation, express or implied, that a covered
2 service is affiliated with, associated with or endorsed or
3 approved by:

4 (1) The Federal Government, the State of Nevada or any
5 department, agency or political subdivision thereof;

6 (2) Any governmental plan for homeowner assistance;

7 (3) Any nonprofit housing counselor agency or program;

8 (4) The maker, holder or servicer of a homeowner's
9 mortgage loan; or

10 (5) Any other person, entity or program.

11 (i) Make any representation, express or implied, about the benefits,
12 performance or efficacy of any covered service unless, at the
13 time the representation is made, the person who performs any
14 covered service, the foreclosure consultant or the loan
15 modification consultant possesses and relies upon competent
16 and reliable evidence which substantiates that the
17 representation is true. As used in this paragraph, "competent
18 and reliable evidence" means tests, analyses, research, studies
19 or other evidence based on the expertise of professionals in the
20 relevant area that have been conducted and evaluated in an
21 objective manner by persons qualified to do so using procedures
22 generally accepted in the profession to yield accurate and
23 reliable results.

24 (j) Obtain or attempt to obtain any waiver of the provisions of NRS
25 645F.300 to 645F.450, inclusive, or any regulations adopted
26 pursuant thereto. Any such waiver is void and unenforceable.

27 2. In addition to any other penalty, a violation of any provision of this
28 section shall be deemed to constitute mortgage lending fraud for the
purposes of NRS 205.372.

5. On or about May 19, 2022, MLD Licensing received an email correspondence
from Attorney Kristin A. Schuler-Hintz of the Law Firm of McCarthy Holthus, LLP, that
alleged Real Estate Agent Keenan has and is conducting unlicensed foreclosure and loan
modification.

6. The Division commenced an investigation. Investigator Nixon Medina ("NM")
reviewed Keenan's website (wesavehomes.com) and found examples of foreclosure and loan

1 modification consultation; specifically, under hyperlink “Info Videos,” questionable videos
2 were found that were titled, “Why Over 100 Homes go to Foreclosure every Month in LV”,
3 “A \$30,000 Wire Saves a family's home 1 hour before foreclosure”, “Behind on Your
4 Mortgage Payments?” and “We have 8 ways to Stop Foreclosure and Resort Credit.”

5 7. A review of the MLD’s database confirmed that Keenan has no type of
6 mortgage lending license. Additionally, NM confirmed that Keenan is not a Nevada
7 licensed attorney.

8 8. On or about June 6, 2022, the Division sent correspondence to Keenan
9 advising him that his activity requires licensure. Keenan responded back via email
10 correspondence claiming that he does not engage in covered-service-provider (“CSP”)
11 activity.

12 9. NM exchanged multiple email correspondence with Keenan that provided him
13 with information that justified his need to obtain a CSP license. Keenan disagreed and
14 responded that he would not seek licensure.

15 10. After review of this investigation with Chief Investigator Jessica Monsour
16 (“JM”), she and NM decided that a conference call with Keenan was necessary.

17 11. On or about June 10, 2022, Chief Investigator JM and NM had a conference
18 call with Keenan. Keenan stated that he does not charge “fees” for “foreclosure
19 consultations” but does charge a “higher-fee” when his client’s home is sold. JM and NM
20 concluded this call with an understanding that Keenan needed to be licensed, that his
21 website was considered advertisement and that his website needed to be removed
22 immediately. Keenan was given 30-days to comply.

23 12. On or about July 5, 2022, a review of Keenan’s website shows that this website
24 is still active. NM checked MLD’s database and found no application for CSP license or
25 having been granted a CSP license.

26 13. On or about July 20, 2022, the Division sent email correspondence to Keenan
27 encouraging compliance by completing the tasks already discussed.
28

1 14. On or about August 4, 2022, the Division received email correspondence from
2 Keenan which stated that he “could not afford the \$500.00 license fee” and he would not
3 remove his website.

4 15. On or about October 26, 2022, based on information obtained from one of
5 Keenan’s videos, titled, “Home saved by Bankruptcy Five times before short sale 5801 La
6 Jolla Way,” After viewing this video, NM was able to identify a person in this video was a
7 real person, not an actor.

8 16. On or about February 2, 2023, a review of Keenan’s website reveals that the
9 website is still active. NM reviewed the MLD’s database again and confirmed that Keenan
10 has no type of mortgage lending license. Additionally, NM confirmed that Keenan is not a
11 Nevada licensed attorney.

12 17. RESPONDENTS engaged in unlicensed activity of covered service as a
13 foreclosure and loan modification consultant in Nevada while not holding the proper
14 licensure required under NRS Chapter 645F from the Division.

15 18. Unless otherwise exempt from the provisions of NRS 645F or NAC 645F, it is
16 a violation of NAC 645F.800 for any person to provide or offer to provide any of the services
17 of a covered service provider, foreclosure consultant, or loan modification consultant or
18 otherwise to engage in, carry on or hold himself or herself out as engaging in or carrying on
19 the business of a covered servicer provider, foreclosure consultant or loan modification
20 consultation without first obtaining the applicable license issued pursuant to the provisions
21 of NRS 645F or NAC 645F.

22 19. Although Keenan stated in his correspondence that no services have been
23 performed in Nevada; his website for wesavehomes.com as stated above shows that he
24 provides foreclosure and loan modification services in Nevada. Therefore, by advertising on
25 their website and engaging with consumers for foreclosure and loan modification services
26 for payment or compensation shows that RESPONDENTS have engaged in, or otherwise
27 held themselves out as covered service providers, foreclosure consultants, or loan
28 modification consultants in violation of NRS 645F.390.

1 relinquished the right to an administrative hearing in this matter and a FINAL ORDER
2 shall be issued in this matter.

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

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

7 IT IS FURTHER ORDERED that the Commissioner specifically retains jurisdiction
8 over the matters contained herein and has the authority to issue such further order(s) as
9 the Commissioner shall deem just, necessary, and appropriate to enforce the Act and
10 protect the public.

11 IT IS SO ORDERED.

12 DIVISION OF MORTGAGE LENDING

13
14 By: 

15 Cathy Sheehy, Commissioner
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **III. NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING**
2 **ON CEASE AND DESIST ORDER AND ASSESSMENT OF FINE AND**
3 **INVESTIGATIVE COSTS**

4 **NAC 645F.850 authorizes the Commissioner to issue a cease and desist**
5 **order, from certain activities: (NRS 645F.255, 645F.390).**

- 6 1. If a person engages in an activity in violation of the provisions of the
7 Nevada Covered Service Provider Regulations or chapter 645F of NRS or
8 an order of the Commissioner, the Commissioner may issue an order to the
9 person directing the person to cease and desist from engaging in the
10 activity.
- 11 2. The order to cease and desist must be in writing and must state that, in the
12 opinion of the Commissioner, the person has engaged in an activity:
- 13 (a) For which the person has not received a license as required by
14 the Nevada Covered Service Provider Regulations or chapter
15 645F of NRS; or
- 16 (b) In a manner that violates the provisions of the Nevada Covered
17 Service Provider regulations or chapter 645F of NRS or an order
18 of the Commissioner.
- 19 3. A person who receives an order to cease and desist pursuant to this section
20 shall not engage in any activity governed by the Nevada Covered Service
21 Provider Regulations or chapter 645F of NRS after receiving the order
22 unless the order is suspended or rescinded.
- 23 4. **Not later than 20 calendar days after receiving an order pursuant**
24 **to this section, the person who receives the order may file a**
25 **verified petition with the Commissioner to request a hearing.** Upon
26 receipt of the verified petition, the Commissioner may, for good cause
27 shown, suspend the order pending the hearing. The Commissioner will
28 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.

1 5. The decision of the Commissioner after a hearing is a final decision of the
2 Division for the purposes of judicial review.

3 **NAC 645F.855 Notice of and hearing on certain orders of Commissioner;**
4 **entry of final order; appeal of final order taking disciplinary action. (NRS**
5 **645F.255, 645F.390).**

- 6
- 7 1. If the Commissioner enters an order taking any disciplinary action against
8 a person, denying a person's application for a license, denying a provider
9 the right to teach approved courses, denying the approval of a provider's
10 course or denying the right of an instructor of a provider to teach an
11 approved course or approved courses, the Commissioner will cause a written
12 notice of the order to be served personally or sent by certified mail or
13 telegram to the person.
- 14 2. Unless a hearing has already been conducted concerning the matter, the
15 person, upon application, is entitled to a hearing. If the person does not
16 make such an application within 20 days after the date of the initial order,
17 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
20 of chapter 233B of NRS that apply to a contested case.

21 **IV. REQUESTING A HEARING**

22 **If you wish to exercise your right to an opportunity for administrative**
23 **hearing, within 20 calendar days (for the administrative fine) or 30 calendar days**
24 **(for the cease and desist) after receiving this Notice, you must file a verified**
25 **petition with the Commissioner to request a hearing. A form for such request is**
26 **provided below. The verified petition must be delivered to:**

27 **Division of Mortgage Lending**
28 **Attn: Jennifer Hill**
3300 West Sahara Avenue, Suite #285
Las Vegas, Nevada 89102

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 and
a final order will be issued and entered in this matter.