

1 CATHERINE CORTEZ MASTO
Attorney General
2 GARY J. MATHEWS
Deputy Attorney General
3 Nevada Bar Number 12255
Office of the Attorney General
4 Fraud Unit
555 E Washington Ave., Ste. 3900
5 Las Vegas, Nevada 89101
P: (702) 486-0661
6 F: (702) 486-0661
GMathews@ag.nv.gov
7 Attorneys for State of Nevada

FILED

Nov 15 8 50 AM '12

JUSTICE COURT
LAS VEGAS NEVADA

BY _____
JA DEPUTY

8 **IN THE JUSTICE COURT, LAS VEGAS TOWNSHIP**

9 **CLARK COUNTY, STATE OF NEVADA**

10 THE STATE OF NEVADA,)	Case No.: 12F18420X
)	
11 Plaintiff,)	Dept. No.: 11
)	
12 v.)	
)	
13 XOCHITL CERVANTES,)	
14 ID#2696944)	
)	
15 Defendant.)	

16 **CRIMINAL COMPLAINT**

17 The undersigned, CATHERINE CORTEZ MASTO, Attorney General of the State of
18 Nevada, by and through her Deputy Attorney General GARY J. MATHEWS, upon information
19 and belief and under penalty of perjury, complains and charges the above named defendant
20 has committed the following offenses:

21 XOCHITL CERVANTES, ("CERVANTES") d/b/a CSR SERVICES ("CSR"), has
22 committed two (2) counts of MORTGAGE LENDING FRAUD, all category "C" felonies in
23 violation of NRS 205.372; NRS 645F.400; NRS 645F.405; NRS 195.020; one (1) count of
24 EMBEZZLEMENT, a category "B" felony in violation of NRS 205.300; NRS 205.222; eight (8)
25 counts of UTTERING A FORGED INSTRUMENT, all category "D" felonies in violation of NRS
26 205.100; one (1) count of PATTERN OF MORTGAGE LENDING FRAUD, a category "B"
27 felony in violation of NRS 205.372; and one (1) count of MULTIPLE TRANSACTIONS

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1 INVOLVING DECEIT IN THE COURSE OF ENTERPRISE OR OCCUPATION, a category "B"
2 felony in violation of NRS 205.377.

3 All of the acts alleged herein have been committed on or between March 2009 and May
4 2010, by the above-named Defendant within the County of Clark, State of Nevada, in the
5 following manner:

6 **COUNT I**

7 **MORTGAGE LENDING FRAUD**

8 **(Category "C" FELONY – NRS 205.372; NRS 645F.400; NRS 645F.405; NRS 195.020)**

9 From on or about March 2009 and May 2010, within the County of Clark, State of
10 Nevada, either by virtue of their own actions or by actions of their agents or employees,
11 knowingly and unlawfully made one or more false statements or misrepresentations
12 concerning a material fact or knowingly concealed or failed to disclose a material fact, as a
13 participant in a mortgage lending transaction, knowingly and unlawfully claimed, demanded,
14 charged, collected or received compensation for the performance of a mortgage lending
15 transaction, which they failed to complete or provide a full refund as agreed upon, which
16 constitutes mortgage lending fraud, to wit;

17 On or between March 2009 and May 2010, CERVANTES met with HUGO
18 DONIS ("DONIS") at CERVANTES' office located in Clark County, Nevada. DONIS signed an
19 agreement for CERVANTES to provide a loan modification service at an upfront fee of
20 \$2,500.00. CERVANTES made material representations that she would successfully negotiate
21 a loan modification for DONIS or make a full refund. CERVANTES knowingly and unlawfully
22 collected and received compensation for the performance and negotiation for a loan
23 modification service which was never performed or a full refund provided. All of which
24 constitutes the crime of MORTGAGE LENDING FRAUD, a category "C" felony in violation of
25 NRS 205.372; NRS 645F.400; NRS 645F.405.

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COUNT II

EMBEZZLEMENT

(Category "B" FELONY- NRS 205.300 and NRS 205.222)

Defendant, CERVANTES on or between February 2010 and December 2012, within the County of Clark, in the State of Nevada, did act as a bailee of any money, goods or property, and converted it to his own use, with the intent to steal it or to defraud the owner or owners thereof and/or was an agent, manager or clerk of any person, corporation, association or partnership, or any person with whom any money, property or effects have been deposited or entrusted, who used or appropriated the money, property or effects or any part thereof in any manner or for any other purpose than that for which they were deposited or entrusted, and the value of such property converted or appropriated was \$2,500.00 or more, to wit:

In her capacity as owner of CSR Services, CERVANTES was entrusted with \$4,962.06 in mortgage payments that CERVANTES collected from DONIS owner of the property located at 4454 Crimson Tide Ave., North Las Vegas, NV 89031. Instead of holding the money in trust and sending the collected mortgage payments to DONIS' service provider, CERVANTES converted the money to her own use by using the money for other purposes and depriving DONIS of the benefit or use of the funds.

All of which constitutes the crime of EMBEZZLEMENT, a Category "B" Felony in Violation of NRS 205.300 and NRS 205.222.

COUNT III

UTTERING FORGED INSTRUMENT

(Category "D" FELONY – NRS 205.110)

From on or about October 2010 to February 2011, within the County of Clark, State of Nevada, CERVANTES, knowingly, feloniously and without lawful authority, forged or altered with intent to defraud, utter, offer, disposed of or put off as true or have in her possession with the intent to so utter, offer, dispose of or put off any forged writing, instrument or other thing, the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery the same as if the person had forged the same, to wit:

1 On or about February 2010, CERVANTES accepted money order # 68870411511 from
2 DONIS in the amount of \$1,000.00 payable to the Bank of America. Upon acceptance of said
3 money order CERVANTES altered the money order by making it payable to CERVANTES
4 AND ASSOCIATES, then depositing the funds into her own account.

5 All of which constitutes the crime of UTTERING FORGED INSTRUMENT, a Category
6 "D" Felony in Violation of NRS 205.110.

7 **COUNT IV**

8 **UTTERING FORGED INSTRUMENT**

9 **(Category "D" FELONY – NRS 205.110)**

10 From on or about October 2010 to February 2011, within the County of Clark, State of
11 Nevada, CERVANTES, knowingly, feloniously and without lawful authority, forged or altered
12 with intent to defraud, utter, offer, disposed of or put off as true or have in her possession with
13 the intent to so utter, offer, dispose of or put off any forged writing, instrument or other thing,
14 the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery
15 the same as if the person had forged the same, to wit:

16 On or about February 2010, CERVANTES accepted money order # 68870411500 from
17 DONIS in the amount of \$283.00 payable to the Bank of America. Upon acceptance of said
18 money order CERVANTES altered the money order by making it payable to CERVANTES
19 AND ASSOCIATES, then depositing the funds into her own account.

20 All of which constitutes the crime of UTTERING FORGED INSTRUMENT, a Category
21 "D" Felony in Violation of NRS 205.110.

22 **COUNT V**

23 **UTTERING FORGED INSTRUMENT**

24 **(Category "D" FELONY – NRS 205.110)**

25 From on or about October 2010 to February 2011, within the County of Clark, State of
26 Nevada, CERVANTES, knowingly, feloniously and without lawful authority, forged or altered
27 with intent to defraud, utter, offer, disposed of or put off as true or have in her possession with
28 the intent to so utter, offer, dispose of or put off any forged writing, instrument or other thing,

1 the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery
2 the same as if the person had forged the same, to wit:

3 On or about February 2010, CERVANTES accepted money order # 68237958514 from
4 DONIS in the amount of \$115.00 payable to the Bank of America. Upon acceptance of said
5 money order CERVANTES altered the money order by making it payable to CERVANTES
6 AND ASSOCIATES, then depositing the funds into her own account.

7 All of which constitutes the crime of UTTERING FORGED INSTRUMENT, a Category
8 "D" Felony in Violation of NRS 205.110.

9 **COUNT VI**

10 **UTTERING FORGED INSTRUMENT**

11 **(Category "D" FELONY – NRS 205.110)**

12 From on or about October 2010 to February 2011, within the County of Clark, State of
13 Nevada, CERVANTES, knowingly, feloniously and without lawful authority, forged or altered
14 with intent to defraud, utter, offer, disposed of or put off as true or have in her possession with
15 the intent to so utter, offer, dispose of or put off any forged writing, instrument or other thing,
16 the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery
17 the same as if the person had forged the same, to wit:

18 On or about February 2010, CERVANTES accepted money order # 68237958503 from
19 DONIS in the amount of \$1000.00 payable to the Bank of America. Upon acceptance of said
20 money order CERVANTES altered the money order by making it payable to NORMA LOPEZ,
21 then converting the funds into her own use.

22 All of which constitutes the crime of UTTERING FORGED INSTRUMENT, a Category
23 "D" Felony in Violation of NRS 205.110.

24 **COUNT VII**

25 **UTTERING FORGED INSTRUMENT**

26 **(Category "D" FELONY – NRS 205.110)**

27 From on or about October 2010 to February 2011, within the County of Clark, State of
28 Nevada, CERVANTES, knowingly, feloniously and without lawful authority, forged or altered

1 with intent to defraud, utter, offer, disposed of or put off as true or have in her possession with
2 the intent to so utter, offer, dispose of or put off any forged writing, instrument or other thing,
3 the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery
4 the same as if the person had forged the same, to wit:

5 On or about February 2010, CERVANTES accepted money order # 68870423127 from
6 DONIS in the amount of \$1000.00 payable to the Bank of America. Upon acceptance of said
7 money order CERVANTES altered the money order by making it payable to CERVANTES
8 AND ASSOCIATES, then depositing the funds into her own account.

9 All of which constitutes the crime of UTTERING FORGED INSTRUMENT, a Category
10 "D" Felony in Violation of NRS 205.110.

11 **COUNT VIII**

12 **UTTERING FORGED INSTRUMENT**

13 **(Category "D" FELONY – NRS 205.110)**

14 From on or about October 2010 to February 2011, within the County of Clark, State of
15 Nevada, CERVANTES, knowingly, feloniously and without lawful authority, forged or altered
16 with intent to defraud, utter, offer, disposed of or put off as true or have in her possession with
17 the intent to so utter, offer, dispose of or put off any forged writing, instrument or other thing,
18 the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery
19 the same as if the person had forged the same, to wit:

20 On or about February 2010, CERVANTES accepted money order # 68870423138 from
21 DONIS in the amount of \$282.06 payable to the Bank of America. Upon acceptance of said
22 money order CERVANTES altered the money order by making it payable to VT
23 MANAGEMENT, then converting the funds into her own use.

24 All of which constitutes the crime of UTTERING FORGED INSTRUMENT, a Category
25 "D" Felony in Violation of NRS 205.110.

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COUNT IX

UTTERING FORGED INSTRUMENT

(Category "D" FELONY – NRS 205.110)

From on or about October 2010 to February 2011, within the County of Clark, State of Nevada, CERVANTES, knowingly, feloniously and without lawful authority, forged or altered with intent to defraud, utter, offer, disposed of or put off as true or have in her possession with the intent to so utter, offer, dispose of or put off any forged writing, instrument or other thing, the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery the same as if the person had forged the same, to wit:

On or about February 2010, CERVANTES accepted money order # 14-162323238 from DONIS in the amount of \$1000.00 payable to the Bank of America. Upon acceptance of said money order CERVANTES altered the money order by making it payable to CERVANTES AND ASSOCIATES, then depositing the funds into her own account.

All of which constitutes the crime of UTTERING FORGED INSTRUMENT, a Category "D" Felony in Violation of NRS 205.110.

COUNT X

UTTERING FORGED INSTRUMENT

(Category "D" FELONY – NRS 205.110)

From on or about October 2010 to February 2011, within the County of Clark, State of Nevada, CERVANTES, knowingly, feloniously and without lawful authority, forged or altered with intent to defraud, utter, offer, disposed of or put off as true or have in her possession with the intent to so utter, offer, dispose of or put off any forged writing, instrument or other thing, the false making, forging or altering of which is punishable as forgery, shall be guilty of forgery the same as if the person had forged the same, to wit:

On or about February 2010, CERVANTES accepted money order # 14-162323239 from DONIS in the amount of \$282.06 payable to the Bank of America. Upon acceptance of said money order CERVANTES altered the money order by making it payable to CERVANTES AND ASSOCIATES, then depositing the funds into her own account.

1 All of which constitutes the crime of **UTTERING FORGED INSTRUMENT**, a Category
2 "D" Felony in Violation of NRS 205.110.

3 **COUNT XI**

4 **MORTGAGE LENDING FRAUD**

5 **(Category "C" FELONY – NRS 205.372; NRS 645F.400; NRS 645F.405; NRS 195.020)**

6 From on or about March 2009 and May 2010, within the County of Clark, State of
7 Nevada, either by virtue of their own actions or by actions of their agents or employees,
8 knowingly and unlawfully made one or more false statements or misrepresentations
9 concerning a material fact or knowingly concealed or failed to disclose a material fact, as a
10 participant in a mortgage lending transaction, knowingly and unlawfully claimed, demanded,
11 charged, collected or received compensation for the performance of a mortgage lending
12 transaction, which they failed to complete or provide a full refund as agreed upon, which
13 constitutes mortgage lending fraud, to wit;

14 On or between March 2009 and May 2010, CERVANTES met with BENJAMIN
15 GARCIA ("GARCIA") at CERVANTES' office located in Clark County, Nevada. GARCIA
16 signed an agreement for CERVANTES to provide a loan modification service at an upfront fee
17 of \$2,100.00. CERVANTES made material representations that she would successfully
18 negotiate a loan modification for GARCIA or make a full refund. CERVANTES knowingly and
19 unlawfully collected and received compensation for the performance and negotiation for a loan
20 modification service which was never performed or a full refund provided.

21 All of which constitutes the crime of **MORTGAGE LENDING FRAUD**, a category "C"
22 felony in violation of NRS 205.372; NRS 645F.400; NRS 645F.405.

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COUNT XII

MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT

(Category "B" FELONY - NRS 205.377)

From on or about March 2009 to May 2010, within the County of Clark, State of Nevada, CERVANTES, either by virtue of their own actions or by the actions of their agents or employees, knowingly and with the intent to defraud, engage in an act, practice or course of business or employed a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact; to wit;

As set forth in Counts I and XI, CERVANTES committed multiple transactions involving fraud or deceit in course of enterprise or occupation in two or more mortgage lending transactions as set forth more fully in those counts. The purposes, results and methods of commission in all two instances was the same or similar.

CERVANTES' actions constitute the crime of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN COURSE OF ENTERPRISE OR OCCUPATION, a category "B" felony in violation of NRS 205.377.

COUNT XIII

PATTERN OF MORTGAGE LENDING FRAUD

(Category "B" FELONY - NRS 205.372(2))

From on or about March 2009 to May 2010, within the County of Clark, State of Nevada, CERVANTES' either by virtue of their own actions or by the actions of their conspirators, agents or employees, knowingly and unlawfully committed mortgage lending fraud in two or more mortgage lending transactions having the same or similar purposes, results, accomplices, victims or methods of commission, or having other interrelated distinguishing characteristics; to wit:

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Las Vegas, NV 89101

1 As set forth in Counts I and XI, CERVANTES' committed mortgage lending fraud in two
2 or more mortgage lending transactions as set forth more fully in those counts. The purposes,
3 results and methods of commission in all two instances was the same or similar.

4 All of which constitutes the crime of PATTERN OF MORTGAGE LENDING FRAUD, a
5 category B felony in violation of NRS 205.372.

6 DATED this 13th day of November, 2012.

7 CATHERINE CORTEZ MASTO
8 Attorney General

9 By: 
10 GARY J. MATHEWS
11 Deputy Attorney General
12 Fraud Unit

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AFFIDAVIT IN SUPPORT OF ARREST WARRANT

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3 STATE OF NEVADA)
4) ss:
5 COUNTY OF CLARK)
6

7 I, Greg Painton, being first duly sworn, deposes and states, under penalty of perjury, that I
8 am the Affiant herein and I am an Investigator, Peace Officer, with the State of Nevada, Office of
9 the Attorney General, Bureau of Criminal Justice ("BCJ"). I have been assigned to the BCJ for
10 five months (5). I previously served as a peace officer in Arizona for four years (4), where I
11 graduated from the Western Arizona Law Enforcement Academy, after successfully completing
12 eighteen weeks (18) of instruction in Arizona Post Basic Course of Training. Since moving to
13 Nevada, I have completed 80 hours of written instruction, which permitted me to proceed in
14 taking and passing the Nevada Post Category I Peace Officer's Exam. In my positions I have
15 investigated various criminal offenses including crimes against persons, crimes against property,
16 financial criminal offenses and in many cases assisted in preparation and execution of arrest
17 warrants and search warrants. I have also obtained an Associate's degree in the study of
18 Human Behavior from Mohave Community College in Arizona and am currently completing my
19 Bachelor of Arts from Grand Canyon University Arizona, majoring in Criminal Justice Studies.
20 These assertions are true and accurate to the best of my knowledge.

21 The BCJ has jurisdiction over crimes committed in Nevada contained in the Nevada
22 Revised Statutes ("NRS"), including but not limited to Theft and Multiple Transactions Involving
23 Fraud or Deceit contained within NRS 205.

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Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 In support of the assertions to constitute the existence of probable cause for the
2 requested arrest warrant, the following facts constitute evidence, which tends to demonstrate the
3 criminal offense crime of **MORTGAGE LENDING FRAUD**, a category C felony in violation of
4 NRS 205.372, NRS 645F.400, NRS 645F.405; **EMBEZZLEMENT**, a category B felony in
5 violation of NRS 205.300 and NRS 205.222; **PATTERN OF MORTGAGE LENDING FRAUD**, a
6 category B felony in violation of NRS 205.372; **MULTIPLE TRANSACTIONS INVOLVING**
7 **UTTERING A FORGED INSTRUMENT**, a category D felony in violation of NRS 205.100 and
8 **MULTIPLE TRANSACTIONS INVOLVING DECEIT IN THE COURSE OF ENTERPRISE OR**
9 **OCCUPATION**, a category B felony in violation of NRS 205.377, was committed between March
10 2009 and May 2010, by **XOCHITL CERVANTES (CERVANTES) d/b/a CSR SERVICES (CSR)**.

11 This affidavit is made of my own personal knowledge, except where stated on information
12 and belief, and as to those matters, I believe them to be true and if called as a witness, I will
13 competently testify as to matters contained in this affidavit.

14 Your Affiant, along with Investigator Bravo, began this investigation when the BCJ
15 reviewed complaints on or about May 2012, regarding the business practices of **CERVANTES**.
16 The complaints allege **CERVANTES** was paid money for loan modification services that were
17 not received and furthermore **CERVANTES** was entrusted with mortgage payments meant for
18 the service providers. **CERVANTES** required the victims to pay an initial cost of \$2500 for
19 consultation fees. The victims signed the contract provided by **CERVANTES** and on
20 subsequent visits **CERVANTES** informed them that mortgage payments had to be made through
21 her office. The victims were instructed to bring in the money orders made payable to their bank
22 and it was explained to them by **CERVANTES** that she would send out the payments herself to
23 their mortgage lender. After a couple of mortgage payments the victims contacted their
24 respective banks and were informed that no mortgage payments had been received. The
25 victims were able to obtain copies of their money orders from Western Union and MoneyGram
26 and discovered that **CERVANTES** had converted the money for her own use. **CERVANTES**
27 changed the money order pay to line from the victim's mortgage lender to Cervantes and
28 Associates and others.

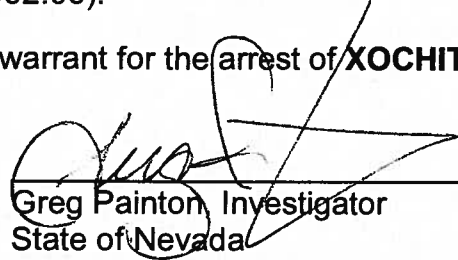
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1 In the course of this investigation, Investigator Bravo interviewed the two victims and
2 discovered that both victims were independent and had alike claims with their dealings with
3 **CERVANTES d/b/a CSR Services.**

4 **CONCLUSION**

5 Based upon your Affiant's and Investigator Bravo's investigation, it was discovered that
6 **CERVANTES** forged documents from victims, converted funds entrusted in her into her own
7 use, failed to refund the victims upfront fees for loan modification services totaling \$4,600 and
8 failed to refund the victims mortgage payments totaling \$4,962 made to **CERVANTES**. At the
9 time of this Affidavit **CERVANTES** is aware of the investigation and allegations into her conduct.
10 As of November 7, 2012, the total amount lost between the two (2) victims is approximately ten
11 thousand sixty two dollars and six cents (\$10,062.06).

12 Wherefore, your Affiant requests that a warrant for the arrest of **XOCHITL CERVANTES**
13 be issued.

14 
15 Greg Panton, Investigator
16 State of Nevada
Office of the Attorney General
Bureau of Criminal Justice

17 STATE OF NEVADA
18 COUNTY OF CLARK
19 SUBSCRIBED and SWORN TO before me
20 by Julie Fox-McCullough
21 this 7th day of Nov, 2012

22 Julie Fox-McCullough
23 NOTARY PUBLIC, in and for said
24 County and State

