

**STATE OF NEVADA**  
**OFFICE OF THE SECRETARY OF STATE – SECURITIES DIVISION**  
**2250 LAS VEGAS BOULEVARD NORTH, SUITE 400**  
**NORTH LAS VEGAS, NEVADA 89030**

**In the Matter of:**

**MICHAEL B. ECKERMAN, DUSTIN KLEIN,  
& ROBERT PAYNE, individuals; and NOVUS  
DIA, LLC d/b/a NOVUS DIA FINANCIAL,  
aka NOVUS DIA, LLC, NV PROPERTY 1,  
NDF CAPITAL HOLDINGS,**

**Respondents.**

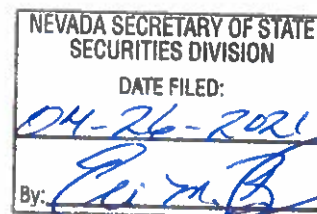
**File No. I13-196**

**FINAL ORDER TO CEASE AND DESIST**

**TO: Michael B. Eckerman  
8812 N. 65<sup>th</sup> Street  
Paradise Valley, AZ 85253-1809**

**Dustin Klein  
2151 Village Walk Drive, #2  
Henderson, NV 89012**

**Novus Dia, LLC  
c/o John E. Dawson, its Registered Agent  
8925 W. Post Road, Suite 210  
Las Vegas, NV 89148**



**WHEREAS,** the Securities Division of the Office of the Nevada Secretary of State (Division) filed a Notice of Summary Order to Cease and Desist and Opportunity for Hearing on August 3, 2020. Pursuant to NRS 90.630, the Division attempted to serve these documents on Respondents that same day. Service was not effective, as no one could be found at the listed addresses the Division had on file.

**WHEREAS,** after diligent search, the Division ultimately was able to serve Defendants via certified mail on December 24, 2021.

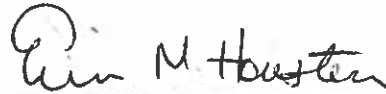
**WHEREAS,** pursuant to the original Notice, Respondents had 45 days to respond to the Division's Order to Cease and Desist.

**WHEREAS,** Respondents failed to request a hearing within forty-five (45) of being served.

1       **NOW THEREFORE**, pursuant to the authority set forth in NRS 90.630, the Order to Cease and  
2 Desist (a copy of which is attached hereto and incorporated herein by this reference) is hereby made final.

3  
4       **IT IS SO ORDERED.**

5                               **BY ORDER OF THE ADMINISTRATOR**  
6 Nevada Securities Division, Office of the Secretary of State

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9                               ERIN M. HOUSTON  
10 Deputy Secretary of State for Securities  
11 Securities Administrator  
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3 **CERTIFICATE OF MAILING**

4 I certify that I am an employee of the Office of the Nevada Secretary of State and that on the  
5 26TH day of April, 2021 have caused a copy of the foregoing **FINAL ORDER TO CEASE AND**  
6 **DESIST**, to be served by United States Certified Mail, Return Receipt Requested, and First Class Mail, to the  
7 following:  
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9 **Michael B. Eckerman**  
10 **8812 N. 65<sup>th</sup> Street**  
11 **Paradise Valley, AZ 85253-1809**

12 **Dustin Klein**  
13 **2151 Village Walk Drive, #2**  
14 **Henderson, NV 89012**

15 **Novus Dia, LLC**  
16 **c/o John E. Dawson, its Registered Agent**  
17 **8925 W. Post Road, Suite 210**  
18 **Las Vegas, NV 89148**

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Eli Beauchamp, Division Legal Secretary

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NORTH LAS VEGAS, NEVADA 89030**

**MICHAEL B. ECKERMAN, DUSTIN KLEIN, & ROBERT PAYNE individuals; and NOVUS DIA, LLC d/b/a NOVUS DIA FINANCIAL, aka NOVUS DIA, LLC, NV PROPERTY 1, NDF CAPITAL HOLDINGS**

**COMPLAINT FOR SUMMARY ORDER  
AND FINAL ORDER TO CEASE AND  
DESIST AND OTHER APPROPRIATE  
RELIEF**

**File No. I13-196**

NEVADA SECRETARY OF STATE  
SECURITIES DIVISION  
DATE FILED:  
08-03-2020  
By: *[Signature]*

COMES NOW, the Securities Division of the Office of the Secretary of State, State of Nevada ("Division"), sets forth the following allegations of fact, conclusions of law, notice of agency action, temporary order to cease and desist, and notice of right to a hearing for violations of the Nevada Uniform Securities Act, as codified in Chapter 90 of the Nevada Revised Statutes. The Administrator has authority to take such action pursuant to NRS 90.800.

1. Respondent Michael B. Eckerman ("Eckerman"), is an individual who, upon information and belief, is a resident of Scottsdale, Arizona.

2. Respondent Dustin Klein ("Klein"), is an individual who, upon information and belief, is a resident of Las Vegas, Nevada.

3. Respondent Robert Payne ("Payne") is an individual the Division has no knowledge of his actual whereabouts.

1           4.       Respondent Novus Dia, LLC, d/b/a Novus Dia Financial ("NDF") was a Nevada-  
2 based, self-professed real estate asset management firm offering above-market returns and claiming  
3 to hold over \$18,000,000.00 in real estate. Michael B. Eckerman is the CEO and founder of NDF.  
4 Dustin Klein and Robert Payne allegedly appear to have been employees and/or salespersons of  
5 NDF. NDF's business license was revoked on September 1, 2018.

6           5.       NV Property 1 was a Nevada-based LLC that was registered with the Nevada  
7 Secretary of State Commercial Recordings Division ("Commercial Recordings"), Nevada Business  
8 ID #NV20121176507. NV Property 1's business license was revoked in 2018.

9           6.       NDF Capital Holdings ("NDF Capital") was a Nevada-based LLC that was registered  
10 with the Nevada Secretary of State Commercial Recordings Division ("Commercial Recordings"),  
11 Nevada Business ID#20121646746. NDF Capital's business license was revoked in 2018.

12          7.       NDF used both mailings and personal contacts to solicit capital on the guise that they  
13 were offering investments with fixed interest rates of return, with the capital purportedly to be used  
14 for the development of real property for profit.

15          8.       NDF provided investors with the option of being secured by deeds of trust to properties  
16 owned by NV Property 1, LLC. The alleged purpose of these deeds of trust was to give investors  
17 the assurance that they could foreclose and liquidate the assets to receive their principal back if the  
18 venture failed.

19          9.       NDF allegedly used Provident Trust Group ("PTG") to hold the investments and make  
20 distribution payouts to the investors. The alleged purpose of this was to give investors the assurance  
21 that their money was being securely held by third parties.

22          10.       In August 2014, an unnamed investor wired \$54,000.00 to PTG in order to invest those  
23 funds with NDF. According to the unnamed investor, both Klein and Payne promised an 8% return  
24 through a promissory note that held interest in a residential property. The maturity date for that  
25 promissory note was August 2017.

26          11.       Between August 2014 and August 2017, the aforementioned unnamed investor  
27 contacted Klein and Payne on numerous occasions via text message and e-mail seeking information  
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1 relative to the initial \$54,000.00 investment, as well as requesting a copy of the document showing  
2 investment type and ownership. Throughout this time period, the unnamed investor was unable to  
3 speak directly with either Klein or Payne. Instead, the investor spoke to multiple individuals, all of  
4 whom said that someone would be in contact with them at some point relative to the status of their  
5 investment.

6 12. Throughout the first year of the loan, NDF failed to make several interest payments,  
7 namely, March 2015, May 2015, June, 2015, July 2015, and September 2015. Payments commenced  
8 in January 2016 and continued through August 2016; however, NDF failed to make payments from  
9 December 2016 through August 2017.

10 13. In late 2015, legal counsel for NDF contacted the unnamed investor and explained that  
11 Klein and Payne were illegally representing NDF and that Eckerman was entirely unaware of the  
12 fraud they perpetrated. Through legal counsel, Eckerman promised the unnamed investor a return  
13 on the investment, replacement of missed interest payments, and a return of the initial contribution.

14 14. Despite Eckerman's promises, the unnamed investor did not receive any missed or  
15 future interest payments. Further, no return of the initial investment amount was made to the  
16 unnamed investor.

17 15. In June 2019, the Division subpoenaed NDF, PTG, and NV Property 1.

18 16. In July 2019, counsel for NDF and NV Property 1 stated that they had no  
19 documentation to produce that would be responsive to the subpoena. While providing documents  
20 that included the file for the unnamed investor, PTG's submissions did not contain any new  
21 information subsequent to material it provided the Division earlier in 2017.

22 17. In December 2019, Klein confirmed with the Division that he was employed by  
23 Eckerman and NDF. Klein further confirmed that he is a resident of Las Vegas, and was such at the  
24 time of his employment with NDF. While confirming that he solicited clients on behalf of NDF,  
25 Klein could not confirm the identities of the clients.

1       18.     As of today's date, NDF, NDF Capital Holdings, and NV Property 1 have no physical  
2     presence in Nevada, no active business licenses, or any d/b/a's. Further, none of the aforementioned  
3     entities have any active websites.

4       19.     According to Division records, none of the Respondents have been licensed with the  
5     Division as a sales representative of a broker-dealer or issuer. Respondents did not disclose this fact  
6     to either the unnamed investor or other investors who may have been solicited.

7       20.     According to Division records, NDF never filed an application for the registration of  
8     securities, nor filed a notice of exemption from registration with the Division. Respondents did not  
9     disclose this fact to either the unnamed investor or other investors who may have been solicited.

#### 10                                   **CONCLUSIONS OF LAW**

11       21.     The Nevada Uniform Securities Act ("Act"), as codified in Chapter 90 of the Nevada  
12     Revised Statutes ("NRS") and regulates the offer, sale, and purchase of securities in or from the State  
13     of Nevada.

14       22.     Pursuant to NRS 90.220, a broker-dealer is any person who engages in the business of  
15     effecting transaction securities for the account of others.

16       23.     Pursuant to NRS 90.310(1), it is unlawful for a person to transact business in Nevada  
17     as a broker-dealer unless the person is registered with the Division or is exempt from registration.

18       24.     Respondents acted as an unregistered broker-dealer as a result of never being licensed  
19     with the Division as a sales representative of a broker-dealer or issuer.

20       25.     Pursuant to NRS 90.250, an "investment adviser" is "any person who, for  
21     compensation, engages in the business of advising others as to the value of securities or as to the  
22     advisability of investing in, purchasing or selling securities, or who, for compensation and as a part  
23     of a regular business, issues or promulgates analyses or reports concerning securities."

24       26.     Pursuant to NRS 90.330(1), "it is unlawful for any person to transact business as an  
25     investment adviser or as a representative of an investment adviser unless licensed or exempt from  
26     licensing under this chapter."

1       27. Respondents violated NRS 90.330(1) by acting as investment advisors when they  
2 promised an 8% return through a promissory note that held interest in a residential property.

3       28. Pursuant to NRS 90.570, a person shall not, directly or indirectly and in connection  
4 with the offer to sell, sale, offer to purchase or purchase of a security, employ any device, scheme or  
5 artifice to defraud; make an untrue statement of a material fact or omit to state a material fact  
6 necessary in order to make the statements made not misleading in the light of the circumstances  
7 under which they are made; or engage in an act, practice or course of business which operates or  
8 would operate as a fraud or deceit upon a person.

9       29. Respondents violated NRS 90.570 by not informing investors of the fact that they were  
10 not and never had been licensed with the Division as a sales representative of a broker-dealer or  
11 issuer.

12       30. Pursuant to NRS 90.630(1), if the Administrator of the Division reasonably believes  
13 that a security is being offered or has been offered or sold in violation of the Act, or that a person is  
14 acting in violation of the Act, the Administrator may issue, without a prior hearing, a Summary Order  
15 against the person engaged in the prohibited activities, directing such person to desist and refrain  
16 from further activity until the security is registered or such person is licensed under the Act.

17       31. Pursuant to NRS 90.630(2), the Administrator of the Division, after giving notice by  
18 registered certified mail and conducting a hearing in an administrative proceeding, unless the right  
19 to notice and hearing is waived by the person against whom the sanction is imposed, may: (a) issue  
20 an order against the person to cease and desist; (b) censure the person if he or she is a licensed broker-  
21 dealer, sales representative, investment adviser or representative of an investment adviser; (c) bar or  
22 suspend the person from association with a licensed broker-dealer or investment adviser in this State;  
23 (d) issue an order against an applicant, licensed person or other person who willfully violates this  
24 chapter, imposing a civil penalty of not more than \$25,000 for each violation, or if the violation was  
25 committed against an older person or vulnerable person, a civil penalty equal to twice the amount of  
26 the civil penalty that would otherwise have been imposed pursuant to this paragraph, not to exceed  
27 \$50,000 for each violation; or (e) initiate one or more of the actions specified in NRS 90.640.



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1 Respondents have the right to be accompanied, represented, and advised by an attorney.

2 The Securities Division, in addition to seeking a Final Order to Cease and Desist, may also  
3 seek any of the sanctions allowed pursuant to NRS 90.630, and may seek to hold Respondents liable  
4 for the costs of the investigation in this matter if this matter should proceed to hearing. The Nevada  
5 Securities Division does not waive the right to seek criminal prosecution pursuant to 90.650.

6 **POSSIBILITY OF DEFAULT**

7 If you do not request a hearing in writing within 15 days of receipt of this notice, you waive  
8 your right to a hearing and the Administrator may issue a permanent order and grant any relief  
9 requested herein. NRS 90.800(4)(a); 90.420(1).

10 **CONTACT WITH THE DIVISION**

11 If you have questions or wish to discuss this matter, please direct your comments to the Chief  
12 of Enforcement. Should you retain counsel, please make any contacts with the office through your  
13 attorney.

14  
15 Respectfully submitted this 3<sup>rd</sup> day of August, 2020.

16  
17 NEVADA SECURITIES DIVISION  
18 OFFICE OF THE SECRETARY OF STATE

19   
20 ERIN HOUSTON  
21 Securities Division Administrator

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1                                   **SUMMARY ORDER TO CEASE AND DESIST**

2           Based upon the Division's Allegations of Fact and Conclusions of Law, the Respondents pose  
3 an immediate danger to the public welfare because Respondents have previously engaged in  
4 violations of the Act, are actively engaging in violations of the Act, and appear to intend to continue  
5 to violate the Act. Therefore, Respondents Michael Eckerman, Dustin Klein, Robert Payne, Novus  
6 Dia Financial, NV Property 1, and NDF Capital Holdings are hereby ordered to immediately Cease  
7 and Desist from further activities in violation of the Act, including but not limited to acting as an  
8 unregistered investment advisor, acting as a sales representative or agent of Novus Dia Financial  
9 without being licensed, and engaging in an act, practice, or course of business which operates or  
10 would operate as a fraud or deceit upon a person.

11           Michael Eckerman, Dustin Klein, Robert Payne, Novus Dia Financial, NV Property 1, and  
12 NDF Capital Holdings are likewise prohibited from seeking investors in its pooled fund as described  
13 in the registration documents submitted to the Division.

14           This Summary Order to Cease and Desist is effective immediately upon signing.

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16           Dated this 3<sup>rd</sup> day of August, 2020.

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18                                   ERIN HOUSTON  
19                                   ADMINISTRATOR  
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**Novus Dia, LLC**  
**c/o John E. Dawson, its Registered Agent**  
**8925 W. Post Road, Suite 210**  
**Las Vegas, NV 89148**

Employee of the Nevada Securities Division