

State of New Hampshire

**State of New Hampshire
Banking Department**

Master Docket # 08-417

v.

**Marc Baldinger Financial Counselor,
LLC d/b/a Zeus Mortgage Company;
and Marc Baldinger**

Consent Order

Respondents

CONSENT ORDER

1. Pursuant to authority granted under RSA 397-A (RSA 397-A:15-a, I; RSA 397-A:17; RSA 397-A:20, VI)and RSA 541-A, the State of New Hampshire Banking Department (“the Department”) finds and orders as follows:

Respondents

2. Marc Baldinger Financial Counselor, LLC d/b/a. Zeus Mortgage Company (“Zeus Mortgage”) is a corporation duly registered in the State of New Hampshire with a former principal business location at 25 Nashua Road Unit B-3, Londonderry, NH 03053.
3. Zeus Mortgage held a valid New Hampshire mortgage broker license for its Londonderry branch (License Number 10833-MBR-BCH) between January 1, 2005 and December 31, 2006.
4. Marc Baldinger (“Baldinger”) is an individual and, at all times relevant to this matter, the sole principal of Zeus Mortgage, with a contact address of P.O. Box 1718, Jensen Beach, FL 34958.
5. Zeus Mortgage and Baldinger are hereinafter collectively referred to as “Respondents”.
6. All Respondents are “Persons.” RSA 397-A:1, XVIII.

Jurisdiction

7. The Department has jurisdiction to revoke, deny or suspend a license of a licensee and/ or assess fines, penalties and costs pursuant to RSA Chapter 397-A. RSA 397-A:17 and RSA 397-A:21.

Facts

8. On December 11, 2006, the Department received a complaint against Zeus Funding, LLC (“Zeus Funding”) from New Hampshire Consumer A, alleging that the company had engaged in misleading practices and misrepresentation concerning a mortgage loan in violation of 397-A:2, I.
9. Although, Consumer A stated the company was Zeus Funding, LLC, the evidence presented in the complaint indicated the actual transaction occurred with Zeus Mortgage.
10. On March 4, 2008, the Department received a complaint against Zeus Mortgage from New Hampshire Consumer B, alleging that Zeus Mortgage had engaged in misleading practices and misrepresentation concerning a mortgage loan, in violation of RSA 397-A:2, I.
11. Beginning in December of 2006, the Department conducted an investigation of Respondents’ activities within New Hampshire.
12. On January 26, 2007, the Department, sent a letter via U.S. Certified Mail return receipt requested to Baldinger requesting that he address Consumer A’s complaint. Baldinger received this letter on February 1, 2007. The Department received no response to this letter in violation of RSA 397-A:15-a, I.
13. On May 14, 2007, the Department, sent a letter via U.S. certified mail return receipt requested to Baldinger again requesting that he address Consumer A’s complaint. Baldinger received this letter on May 22, 2007. The Department received no response to this letter. RSA 397-A:15-a, I.

14. On February 2, 2011, the Department sent another letter, via U.S. certified mail return receipt requested, to Baldinger requesting that he address Consumer B's complaint. Baldinger received this letter on February 15, 2011.
15. On February 3, 2011, the Department sent a letter via U.S. certified mail return receipt requested, to Baldinger once again requesting that he address Consumer A's complaint. Baldinger received this letter on February 10, 2011.
16. Upon receipt of the 2011 letters, Baldinger contacted the Department.
17. Respondents no longer conduct business within the State of New Hampshire.
18. No further consumer complaints have been filed with the Department against Respondents.

Violations of Law and Penalties

19. Each Respondent may be assessed an administrative fine not to exceed \$2,500.00 per violation for each of the four (4) violations detailed above, for a total possible fine of \$10,000.00 per Respondent. RSA 397-A:21, IV and V.
20. The Department may assess late penalties of \$50.00 per day for each day past the due date Respondents were required to address the two (2) consumer complaints. RSA 397-A:15-a, II.

Respondents' Consent

21. Respondents hereby agree, do not deny the facts, allegations, and violations, and consent to this Order.
22. Respondents hereby acknowledge, understand, and agree that they have the right to notice, hearing, and/or a civil action and hereby waive said rights.

Order

23. **Whereas**, pursuant to RSA 397-A:20, VI, this Consent Order is necessary and appropriate, in the public interest, for the protection of consumers, and consistent with the purposes of New Hampshire banking laws, the Department Orders.
- a. Respondents' New Hampshire Mortgage Broker license shall hereby be revoked.
RSA 397-A:17;
 - b. Respondents shall continue to cease and desist from engaging in the business of a mortgage broker, mortgage banker, and/ or mortgage loan originator in New Hampshire without applicable licensure. RSA 397-A:3;
 - c. Respondents shall pay an administrative fine of \$1,000.00. RSA 397-A:21.
24. All payments shall be made by certified check or other guaranteed funds, payable to "State of New Hampshire". All payments shall be made contemporaneously with Respondent's execution of the Consent Order.
25. This Consent Order may be revoked and the Department may pursue any and all remedies available under law if the Department later finds that the Respondents knowingly or willfully withheld information that was used and relied upon in this Consent Order.
26. This Consent Order is binding on all heirs, assigns, and/or successors in interest.
27. This Consent Order shall become effective on the date the Commissioner signs it.
28. Except as what may already be pending, upon the effective date of this Consent Order, the Department shall not seek further reimbursement, refunds, penalties, fines, costs, or fees regarding the facts, allegations or findings set forth herein or in the March 30, 2010 Staff Petition and Order to Show Cause and Cease and Desist Order.

WHEREFORE, based on the foregoing, we have set our hands to this Consent Order, with it taking effect upon the signature of Robert A. Fleury, Deputy Bank Commissioner.

Recommended this 6th day of April, 2011 by

/s/

Raef J. Granger, Hearings Examiner, Banking Department

Executed this 27th day of April, 2011 by

/s/

Marc Baldinger, on behalf of himself and
Marc Baldinger Financial Counselor, LLC, d/b/a. Zeus Mortgage

SO ORDERED,

Entered this 3rd day of June, 2011.

/s/

Robert A. Fleury,
Deputy Bank Commissioner
New Hampshire Banking Department