

State of New Hampshire

State of New Hampshire
Banking Department

Docket # 10-063

v.

Residential Mortgage Services, Inc.
And James R. Seely

Consent Order

CONSENT ORDER

1. The State of New Hampshire Banking Department (the Department) enters into this order as follows, pursuant to authority granted under RSA 397-A and RSA 541-A.

Parties

2. Residential Mortgage Services, Inc. (Residential Mortgage) is a corporation registered in the State of Maine with a principal business location at 24 Christopher Toppi Drive, South Portland, ME 04106.
3. James R. Seely (Seely) is the President and individual with the same business address as above. *See* RSA 397-A:21, V.
4. All Parties are “Persons.” RSA 397-A:1, XVIII.
5. The Parties agree to the entry of this Consent Order.
6. The Parties knowingly waive their right of hearing and appeal.

Statement of Facts

7. Residential Mortgage has held a New Hampshire mortgage banker license effective as early as April 19, 2002. RSA 397-A:3.
8. Residential Mortgage has held a number of New Hampshire branch office licenses as early as January 1, 2004. RSA 397-A:3.

9. Commencing on July 6, 2009, the Department conducted a scheduled examination of Residential Mortgage. RSA 397-A:12.
10. The Department's 2009 examination found similar areas of concern as the 2008 examination. Accordingly, the Department required the licensee to implement proper corrective action.
11. Residential Mortgage has accepted responsibility and taken the necessary and proper corrective action. In addition restitution and fines are ordered as indicated herein.

Violations of Law

Residential Mortgage Services, Inc.	1 Count Advertising at an unlicensed branch office. (Franklin Location) RSA 397-A:14-a, III
	2 Counts for unlicensed branch offices. (Londonderry and Club Acre Lane.) RSA 397-A:3, IV.
	9 Counts for originating loans from an unlicensed branch. (Club Acre Lane Location) RSA 397-A:3, I.
	9 Counts for retaining commissions while unlicensed. (Club Acre Lane Location) RSA 397-A:16, IV

Respectfully submitted:

/s/
Raef J. Granger, Esq.
Hearing Officer
N.H. Banking Department

May 4, 2011
Date

Respondents' Consent

12. Respondents do not deny the facts, statements or violations contained herein and hereby agree to the entry of this Consent Order.
13. Respondents agree that they voluntarily, and without threats, intimidation, or coercion of any kind, enter into this Consent Order.
14. Respondents agree that this Consent Order represents the entire consent, and there are no other discussions, promises, or benefits being made or offered.
15. 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

1. **Whereas the Commissioner Finds** the facts as alleged above, if true, show Parties are operating or have operated in violation of New Hampshire banking laws RSA 397-A. RSA 397-A:3.
2. **Whereas the Commissioner Finds** this Order necessary and appropriate to the public's best interest or for the protection of consumers and consistent with the purposes of New Hampshire banking laws. RSA 397-A:20, VI.

Now Therefore the Department Orders:

3. Respondent to pay administrative penalties in the amount of \$30,000.00 for twelve (12) violations of 397-A. *See* RSA 397-A:21, IV.
4. Respondent to refund retained commissions to Consumers (Consumers A – I) for the nine (9) loans originated from the Club Acre Lane branch while unlicensed. Payment to be made in the form of certified funds. Respondent shall provide to the Department cover letters and copies of the certified funds as proof of payment to the consumer on or before June 8, 2011. *See* Attached consumer list [Redacted in Public Order].

5. All payments shall be made by certified check or other guaranteed funds, payable to “State of New Hampshire”. Respondent shall pay the administrative fine in the amount of \$30,000.00 on or before June 8, 2011.
6. 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 Parties knowingly or willfully withheld information that was used and relied upon in this Consent Order.
7. This Consent Order is binding on all heirs, assigns, and/or successors in interest.
8. This Consent Order shall become effective on the date the Commissioner signs it.

Entered this 12th day of May, 2011.

Residential Mortgage Services, Inc.
Residential Mortgage Services, Inc. by and through its

Authorized agent: James R. Seely

_____/s/
Signature

SO ORDERED,

Entered this 1st day of August, 2011.

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

**Attachment
Consumer List**

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]