

1	In re the Matter of:	)	Case No.: 10-118
		)	
2	State of New Hampshire Banking	)	
		)	
3	Department,	)	
		)	
4	Petitioner,	)	Order to Show Cause and
		)	Cease and Desist
5	and	)	
		)	
6	Windsor National Consultants, LLC,	)	
		)	
7	Joseph Rivera, Inc., and KarriJo	)	
		)	
8	Faberman,	)	
		)	
9	Respondents	)	

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NOTICE OF ORDER TO SHOW CAUSE AND CEASE AND DESIST ("ORDER")

1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 397-A (including RSA 397-A:17,I and II, RSA 397-A:18,I and II, RSA 397-A:17,IX and RSA 397-A:20,IV) and RSA Chapter 541-A.

2. The Commissioner may impose administrative penalties of up to \$2,500.00 for each violation. RSA 397-A:21,IV and V.

RESPONDENTS

3. Windsor National Consultants, LLC ("Respondent Windsor") is a limited liability company duly incorporated in the State of Florida with a principal office location in Coral Springs, Florida. Respondent Windsor is a "Person." RSA 399-D:1,VII.

4. The National Mortgage Licensing System & Registry ("NMLS") indicates that Respondent Windsor has never held a license as a mortgage broker. The New Hampshire Banking Department's ("Department") records indicate that Respondent Windsor has never held a New Hampshire Mortgage Mortgage Broker license.

1 5. Joseph Rivera, Inc. ("Respondent Rivera") is a Managing Member of  
2 Respondent Windsor and a corporation duly incorporated in the State of  
3 Florida with a principal office location in Coral Springs, Florida.  
4 Respondent Rivera is a Direct Owner (RSA 397-A:1,VI-a), a Control person  
5 (RSA 397-A:21,V-a), a Principal (RSA 397-A:1,XIX) and a Person (RSA 397-  
6 A:1,XVIII).

7 6. NMLS indicates that Respondent Rivera has never held a license as a  
8 mortgage broker. The Department's records indicate that Respondent Rivera  
9 has never held a New Hampshire Mortgage Broker license.

10 7. KarriJo Faberman ("Respondent Faberman") is an employee of Respondent  
11 Windsor with a principal office location in Parkland, Florida. Respondent  
12 Faberman is a Person (RSA 397-A:1,XVIII) and unlicensed Mortgage Loan  
13 Originator (RSA 397-A:1,XVII).

14 8. NMLS indicates that Respondent Faberman has never held a license as a  
15 Mortgage Loan Originator. The Department's records indicate that Respondent  
16 Faberman has never held a New Hampshire Mortgage Loan Originator license.

17 9. The above-named Respondents are hereinafter collectively known as  
18 "Respondents".

19 **RIGHT TO REQUEST A HEARING**

20 10. Respondents have a right to request a hearing on this Order. A hearing  
21 shall be held not later than ten (10) days after the Commissioner receives  
22 the Respondent's written request for a hearing. Respondents may request a  
23 hearing and waive the ten (10) day hearing requirement. The hearing shall  
24 comply with RSA Chapter 541-A. RSA 397-A:17 and RSA 397-A:18.

25 11. If any person fails to request a hearing within thirty (30) days of

1 receiving this Order, then such person shall be deemed in default, and the  
2 Order shall, on the thirty-first (31<sup>st</sup>) day, become permanent, all  
3 allegations may be deemed true, and shall remain in full force and effect  
4 until modified or vacated by the Commissioner for good cause shown. RSA  
5 397-A:17,I and RSA 397-A:18.

6 12. A default may result in administrative fines as described in Paragraph  
7 2 above.

8 **STATEMENT OF ALLEGATIONS**

9 13. On June 2, 2010, the Department received a Complaint from a New  
10 Hampshire consumer ("Consumer A") against Respondents concerning residential  
11 mortgage loan modification services.

12 14. In March of 2010, Respondents contracted with Consumer A to modify  
13 Consumer A's mortgage loan interest rate, in violation of RSA 397-A:3,I.

14 15. On April 10, 2010, Respondents collected an advance fee of \$750.00  
15 from Consumer A, in violation of RSA 397-A:3,IV(m).

16 16. Respondents failed to provide a residential mortgage loan modification  
17 to Consumer A in violation of RSA 397-A:14,IV(b).

18 17. Respondent Faberman acted as a residential mortgage loan originator  
19 without a valid New Hampshire Mortgage Loan Originator license, in violation  
20 of RSA 397-A:3,II.

21 18. Respondents operated "windsornationalconsultants.com" that offered  
22 mortgage loan modification plans to New Hampshire consumers. Respondents'  
23 website is no longer in operation.

24 19. On September 14, 2010, the Department sent a letter via U.S. Certified  
25 Mail return receipt requested to Respondents suggesting it apply for



1 Respondent fails to respond to this Order and/or defaults then all facts as  
2 alleged herein are deemed as true.

3 24. **Accordingly, it is hereby ORDERED that:**

4 a. Respondents shall cease and desist from violating RSA Chapter  
5 397-A and rules or orders thereunder;

6 b. Respondents shall immediately provide the Department a list of  
7 all New Hampshire consumers for whom Respondents have residential mortgage  
8 loan modification activity and a status of those accounts. This list must  
9 include the names and contact information of the New Hampshire consumers,  
10 along with monies charged, collected and waived (if applicable). The list  
11 shall also be accompanied by all contracts, checks to and from the consumer  
12 and any other documents in the New Hampshire consumers' files;

13 c. Respondents shall show cause why the Commissioner should not  
14 enter an order of rescission, restitution, or disgorgement of profits in the  
15 amount of at least \$750.00 (for Consumer A);

16 d. Respondents shall show cause why an administrative fine of up to  
17 a maximum of \$2,500.00 per violation should not be imposed as follows:

18 (1). Respondent Windsor:

19 Violation #1: Unlicensed mortgage broker activity (RSA  
20 397-A:3,I) - 1 Count;

21 Violation #2: Collecting an Advance Fee (RSA 397-  
22 A:3,IV(m)) - 1 Count;

23 Violation #3: Failure to provide a residential mortgage  
24 loan modification (RSA 397-A:14,IV(b)) - 1 Count;

25 Violation #4: Failure to provide documents (RSA 397-

1 A:12,I) - 1 Count;

2 (2). Respondent Rivera (as Control Person, Direct Owner and  
3 Principal):

4 Violation #1: Unlicensed mortgage broker activity (RSA  
5 397-A:3,I) - 1 Count;

6 Violation #2: Collecting an Advance Fee (RSA 397-  
7 A:3,IV(m)) - 1 Count;

8 Violation #3: Failure to provide a residential mortgage  
9 loan modification (RSA 397-A:14,IV(b)) - 1 Count;

10 Violation #4: Failure to provide documents (RSA 397-  
11 A:12,I) - 1 Count;

12 (3). Respondent Faberman (as a Mortgage Loan Originator):

13 Violation #1: Unlicensed mortgage broker activity (RSA  
14 397-A:3,I) - 1 Count;

15 Violation #2: Collecting an Advance Fee (RSA 397-  
16 A:3,IV(m)) - 1 Count;

17 Violation #3: Failure to provide a residential mortgage  
18 loan modification (RSA 397-A:14,IV(b)) - 1 Count;

19 Violation #4: Unlicensed Mortgage Loan Originator Activity  
20 (RSA 397-A:3,II) - 1 Count;

21 e. In addition Paragraph 24d above, Respondent Faberman shall show  
22 cause why a fine in an amount not to exceed \$25,000.00 for each violation or  
23 failure to comply with the requirements of the S.A.F.E. Mortgage Licensing  
24 Act of 2008 should not be imposed as follows:  
25

1 (1). Respondent Faberman:

2 Violation #1: Failure to be licensed as a Mortgage Loan  
3 Originator in accordance with the S.A.F.E. Mortgage  
4 Licensing Act of 2008 (RSA 397-A:17,IX) - 1 Count;

5 f. Respondents shall show cause why back-license fees of \$1,000.00  
6 for mortgage broker (mortgage loan modification) activity should not be paid  
7 to the Department;

8 h. Respondents shall show cause why back-license fees of \$200.00  
9 for mortgage loan originator (mortgage loan modification) activity should  
10 not be paid to the Department; and

11 i. Nothing in this Order:

12 (1). shall prevent the Department from taking any further  
13 administrative and legal action as necessary under New Hampshire law; and

14 (2). shall prevent the New Hampshire Office of the Attorney  
15 General from bringing an action against the above named Respondents in any  
16 New Hampshire superior court, with or without prior administrative action by  
17 the Commissioner.

18  
19 **SO ORDERED.**

20  
21 \_\_\_\_\_ /s/  
22 RONALD A. WILBUR  
23 BANK COMMISSIONER

Dated: 06/14/11