

In re the Matter of:)	Case No.: 10-185
)	
State of New Hampshire Banking)	
)	
Department,)	
)	
Petitioner,)	Order to Cease and Desist
)	
and)	
)	
Re-Financial Servicing, Inc.)	
)	
(a/k/a re-financial.com and re-)	
)	
financial.org), Sean G. Devries,)	
)	
John Devries and Christopher)	
)	
Maguire,)	

Respondents

NOTICE OF ORDER TO 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, 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. Re-Financial Servicing, Inc. (a/k/a re-financial.com and re-financial.org) ("Respondent Re-Financial") was a limited liability company registered with the Florida Secretary of State on September 3, 2009 and

administratively dissolved on September 23, 2011 due to the failure to file an annual report. Respondent Re-Financial's principal office location was Orlando, Florida and possibly Winter Park, Florida. Respondent Re-Financial is not registered with the New Hampshire Secretary of State. Respondent Re-Financial is a "Person." RSA 397-A:1,XVIII.

4. The Nationwide Mortgage Licensing System & Registry ("NMLS") does not indicate that Respondent Re-Financial has ever held a license as a mortgage broker. The New Hampshire Banking Department's ("Department") records do not indicate that Respondent Re-Financial has ever held a New Hampshire Mortgage Broker license.
5. Sean Devries ("Respondent S. Devries") was the President of Respondent Re-Financial. Respondent S. Devries is a Control person (RSA 397-A:1,V-a), a Principal (RSA 397-A:1,XIX) and a Person (RSA 397-A:1,XVIII).
6. NMLS does not indicate that Respondent S. Devries has ever held a license as a mortgage broker or mortgage loan originator. The Department's records do not indicate that Respondent S. Devries has ever held a

- New Hampshire Mortgage Broker or Mortgage Loan Originator license.
7. John Devries ("Respondent J. Devries") was the Vice-President of Respondent Re-Financial and the registrant of re-financial.com. Respondent J. Devries is a Control person (RSA 397-A:1,V-a), a Principal (RSA 397-A:1,XIX) and a Person (RSA 397-A:1,XVIII).
 8. NMLS does not indicate that Respondent J. Devries has ever held a license as a mortgage broker or mortgage loan originator. The Department's records do not indicate that Respondent J. Devries has ever held a New Hampshire Mortgage Broker or Mortgage Loan Originator license.
 9. Christopher Maguire ("Respondent Maguire") is listed as the President and CEO of Vivid Funding. Respondent Maguire had indicated to the Department's Investigator in 2009 that he offered loan modification services to New Hampshire consumers as an employee of Respondent Re-Financial, which he indicated was owned by Respondent S. Devries. Respondent Maguire is a Control person (RSA 397-A:1,V-a), a Principal (RSA 397-A:1,XIX), a Person (RSA 397-A:1,XVIII), and an unlicensed New Hampshire Mortgage Loan Originator (RSA 397-A:1,XVII).

10. NMLS indicates that Respondent Maguire held licenses as a mortgage loan originator in other states. Respondent Maguire's mortgage loan originator license expired in Alabama, California, Connecticut, District of Columbia, Georgia, North Dakota, Oklahoma, Pennsylvania, Rhode Island, Tennessee and Virginia. His mortgage loan originator application was abandoned or withdrawn in Indiana and New York. Respondent Maguire was issued a Cease and Desist in Massachusetts and he was never licensed in New Hampshire as Mortgage Loan Originator. The Department's records do not indicate that Respondent Maguire has ever held a New Hampshire Mortgage Broker or Mortgage Loan Originator license.

11. The above-named Respondents are hereinafter collectively known as "Respondents."

RIGHT TO REQUEST A HEARING

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

13. If a Respondent fails to request a hearing within thirty (30) days of receiving this Order, then such Respondent shall be deemed in default, and the Order shall, on the thirty-first (31st) day, become permanent, all allegations may be deemed true, and shall remain in full force and effect until modified or vacated by the Commissioner for good cause shown.
RSA 397-A:17,I and RSA 397-A:18.
14. A default may result in administrative fines as described in Paragraph 2 above.

STATEMENT OF ALLEGATIONS

15. On March 3, 2010, the Department received an email tip of a loan solicitation.
16. On March 5, 2010, the Department's investigator was able to speak with Respondent Maguire (author of the email) and was informed that Respondent Re-Financial had offered loan modification services to New Hampshire consumers. Respondent Maguire indicated he was an employee of Re-Financial and it was owned by Respondent S. Devries.
17. On September 16, 2010, the Department sent a letter via U.S. Certified Mail return receipt requested to Respondent S. Devries at the Orlando, Florida address, suggesting Respondents apply for licensure with the

Department and requesting certain documents and information from Respondents. Respondent Devries received the correspondence on September 20, 2010. The Department also submitted the September 16, 2010 by facsimile and the facsimile transmission report indicated it was a successful transmission.

18. On September 16, 2010, the Department sent a letter via U.S. Certified Mail return receipt requested to Respondent Re-Financial at the Orlando, Florida address, suggesting Respondents apply for licensure with the Department and requesting certain documents and information from Respondents. The correspondence was returned to the Department on September 27, 2010 as "Return to Sender, Not Deliverable as Addressed, Unable to Forward." The Department also emailed the correspondence on September 16, 2010 and the delivery notification indicated the delivery was successful.

19. On July 8, 2011, the Department sent a letter via U.S. Certified Mail return receipt requested to Respondent Re-Financial at the Winter Park, Florida address suggesting Respondents apply for licensure with the Department and requesting certain documents and information from Respondents. Respondent Re-Financial received the correspondence on July 15, 2011.

are deemed as true.

22. **Accordingly, it is hereby ORDERED that:**

- a. Respondents shall cease and desist from violating RSA Chapter 397-A and rules or orders thereunder;
- b. Respondents shall immediately provide the Department a list of all New Hampshire consumers for whom Respondents have conducted residential mortgage loan modification activity and a status of those accounts. This list must include the names and contact information of the New Hampshire consumers, along with monies charged, collected and waived (if applicable). The list shall also be accompanied by all contracts, checks to and from the consumer and any other documents in the New Hampshire consumers' files;
- c. Respondents shall show cause why the Commissioner should not enter an order of rescission, restitution, or disgorgement of profits;
- d. Respondents shall show cause why an administrative fine of up to a maximum of \$2,500.00 per violation (as stated in Counts below) should not be imposed as follows:
 - (1). Respondent Re-Financial:
Violation #1: Failure to provide

documents (RSA 397-A:12,I) - 1 Count;

(2). Respondent S. Devries (as Control Person and Principal):

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

(3). Respondent J. Devries (as Control Person and Principal):

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

(4). Respondent Maguire (as Control Person and Principal):

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

e. Nothing in this Order:

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

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

SO ORDERED.

_____/s/_____
RONALD A. WILBUR
BANK COMMISSIONER

Dated: 10/2/12