

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 09-113
)
 3 State of New Hampshire Banking)
)
 4 Department,)
)
 5 Petitioner,)
) Consent Order as to all Respondents
 6 and)
)
 7 Coastal States Mortgage Corporation)
)
 8 (a/k/a coastalstates.com), and)
)
 9 Patrick J. Mansell,)
)
 10 Respondents)
)

11
12 CONSENT ORDER

13 I. For purposes of amicably settling the above-referenced matter, the New
14 Hampshire Banking Department (hereinafter referred to as "the
15 Department"), Respondent Coastal States Mortgage Corporation (a/k/a
16 coastalstates.com) ("Respondent Coastal States") and Respondent
17 Patrick J. Mansell ("Respondent Mansell") (hereinafter collectively
18 "Respondents" unless otherwise indicated) do hereby stipulate and
19 agree to the following:

20 1. The term "this matter" shall refer to the Respondents'
21 unregistered mortgage servicer activity in the State of New
22 Hampshire from at least February 2007.

23 2. The Department is authorized by New Hampshire RSA 397-B:2 to
24 regulate those mortgage servicing companies engaged in the
25 business of servicing first or second mortgage loans secured by

1 real property located in the state of New Hampshire, which is or
2 shall be occupied in whole or in part as a primary domicile or
3 place of residence by the mortgagor and which consists of not more
4 than 4 living units.

5 3. RSA 397-B:4 requires the registration of Respondent Coastal
6 States, which is located in Florida.

7 4. RSA 397-B:4, I(c) and RSA 397-B:9 authorize the Department to
8 investigate alleged violations of laws or rules to determine
9 whether any person has violated or is violating any provision of
10 RSA Chapter 397-B, rule or order given under RSA Chapter 397-B.

11 5. RSA 397-B:4-a authorizes the Department to perform examinations
12 of Respondents' mortgage servicing activity.

13 6. Respondents' have agreed to register with the Department to
14 obtain a mortgage servicer registration in the State of New
15 Hampshire. However, Respondents have previously and are
16 currently conducting mortgage servicing activity in the State of
17 New Hampshire without a registration.

18 7. The Department and Respondents would like to avoid formal
19 proceedings, and further expense, and to finally resolve this
20 matter under the terms and conditions set forth below.

21 8. The terms of this Consent Order are a fair and reasonable
22 disposition of this matter and are in the public interest.

23 9. In consideration of the mutual promises and representations set
24 forth herein, and in further consideration of the Department's
25 reliance upon the substantial accuracy and good faith of the

1 representations and submissions made to it by Respondents, the
2 Department and Respondents intending to be legally bound herein,
3 agree to the terms and conditions below.

4 II. For purposes of amicably resolving and closing this matter, each of
5 the above named Respondents and the Department hereby agree to the
6 following terms and conditions:

7 1. Respondents agree that they have voluntarily entered into this
8 Consent Order without reliance upon any discussions between the
9 Department and Respondents, without promise of a benefit of any
10 kind (other than concessions contained in this Consent Order),
11 and without threats, force, intimidation, or coercion of any
12 kind. Respondents further acknowledge their understanding of
13 the nature of the allegations set forth in this action,
14 including the potential penalties provided by law.

15 2. Respondents agree to waive any and all rights to a hearing and
16 appeal regarding the allegations set forth in this action.

17 3. Respondents agree they will not deny the factual basis for this
18 Consent Order to which they have stipulated above and will not
19 give conflicting statements about such facts or their
20 involvement in the stipulated facts.

21 4. Respondents agree that all terms of this Consent Order are
22 contractual and none is a mere recital.

23 5. Respondent Coastal States represents and warrants that it has
24 all the necessary rights, powers and ability to carry out all of
25 the terms of this Consent Order which are applicable to

1 Respondent Coastal States.

2 6. Respondent Mansell represents and warrants that he has all the
3 necessary rights, powers and ability to carry out all of the
4 terms of this Consent Order which are applicable to Respondent
5 Mansell.

6 7. Respondents each represent and warrant that they can accomplish
7 the full relief contemplated and required herein and that all
8 parents, subsidiaries, affiliates, and successors necessary to
9 effectuate the full relief contemplated by this Consent Order
10 are parties to this Consent Order.

11 8. Respondents represent and warrant that they have obtained all
12 third-party approvals necessary to comply with this Consent
13 Order.

14 9. Respondents acknowledge that the Department is relying upon the
15 representations and warranties of Respondents stated herein, in
16 making its determination in this matter.

17 10. Subject to the terms of this Consent Order, Respondents agree to
18 a total administrative penalty of \$10,000.00, which shall be
19 paid to the Department contemporaneously with the execution of
20 this Consent Order.

21 11. Subject to the terms of this Consent Order, Respondents agree to
22 immediately pay \$1,500.00 to the Department, which represents
23 the back registration fees of \$500.00 for each year Respondents
24 conducted mortgage servicer activity in the State of New
25 Hampshire without a registration.

1 12. Respondents agree to immediately refund the following consumers
2 the fees charged (totaling \$3,282.14), such amounts of which
3 shall be paid contemporaneously with the execution of this
4 Consent Order:

- 5 a. Consumer A = \$51.32;
- 6 b. Consumer B = \$9.23;
- 7 c. Consumer C = \$296.20;
- 8 d. Consumer D = \$217.50;
- 9 e. Consumer E = \$26.84;
- 10 f. Consumer F = \$183.40;
- 11 g. Consumer G = \$104.90;
- 12 h. Consumer H = \$184.30;
- 13 i. Consumer I = \$458.60;
- 14 j. Consumer J = \$55.84;
- 15 k. Consumer K = \$674.40;
- 16 l. Consumer L = \$531.00;
- 17 m. Consumer M = \$183.80;
- 18 n. Consumer N = \$89.02;
- 19 o. Consumer O = \$78.49; and
- 20 p. Consumer P = \$137.30.

21 13. Respondents acknowledge the amounts to be paid above exclude any
22 fees incurred as a result of a pre-registration examination the
23 above named Respondents hereby agree will be conducted by the
24 Department.
25

1 14. Respondents hereby acknowledge that failure to make payment as
2 agreed above may result in civil and/or criminal penalties.

3 15. This Consent Order shall become effective immediately upon the
4 date of its issuance, which is upon the Commissioner's
5 signature.

6 16. The provisions of this Consent Order shall remain effective and
7 enforceable except to the extent that, and until such time as,
8 any provisions of this Consent Order shall have been modified,
9 terminated, suspended, or set aside by the Bank Commissioner or
10 upon an order of a court of competent jurisdiction.

11 III. This Consent Order represents the resolution of and discharge of any
12 basis for any civil or administrative proceeding by the Department
13 against the above named Respondents for violations arising as a result
14 of or in connection with any actions or omissions by the above named
15 Respondents through the date of this Consent Order as it applies to
16 the allegations in this matter; provided, however, this release does
17 not apply to facts not known by the Department or not otherwise
18 provided by the above named Respondents to the Department as of the
19 date of this Consent Order nor to actions for restitution under RSA
20 383:10-d (excluding restitution provided herein), or any possible
21 actions related to the examination to be completed prior to
22 registration with the Department. Such facts would include, but not
23 be limited to, any consumer harm from Respondents' actions. The
24 Department expressly reserves its right to pursue any administrative,
25 civil or criminal action or remedy available to it should Respondents

1 breach this Consent Order or in the future violate the Act or rules
2 and orders promulgated thereunder.

3
4 **WHEREFORE**, based on the foregoing, we have set our hands to this Agreement,
5 with it taking effect upon the signature of Peter C. Hildreth, Bank
6 Commissioner.

7
8 Recommended this 30th day of October, 2009 by

9
10 _____
/s/

11 Maryam Torben Desfosses, Hearings Examiner, Banking Department

12
13 Executed this 5th day of November, 2009 by

14
15
16 Patrick J. Mansell, as representative for Respondent Coastal States Mortgage
17 Corporation (a/k/a coastalstates.com) and Respondent Patrick J. Mansell

18 _____
/s/

19
20 **SO ORDERED,**

21 Entered this 9th day of November, 2009.

22
23 _____
/s/

24 Peter C. Hildreth,
Bank Commissioner