

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 09-155
)
 3 State of New Hampshire Banking Department,)
)
 4 Petitioner,)
)
 5 and) Consent Order
)
 6 Airan, Airan-Pace & Crosa, P.A.,)
)
 7 Respondent)
)

8 CONSENT ORDER

9 The State of New Hampshire Banking Department (the "Department") finds and
10 Orders as follows:

11 **Respondent**

12 1. Airan, Airan-Pace & Crosa, PA ("AAPC") is a professional association
 13 law firm duly formed in the State of Florida on April 5, 1993 with its
 14 principal office location in Coral Gables, Florida. AAPC has not
 15 registered with the New Hampshire Secretary of State. In New
 16 Hampshire, AAPC had not been previously licensed as a Debt Adjuster or
 17 Mortgage Broker or Mortgage Loan Originator by the Department. AAPC
 18 does not wish to become licensed in the State of New Hampshire as a
 19 Mortgage Broker, Mortgage Loan Originator or Debt Adjuster.

20 **Jurisdiction**

21 2. The Department is authorized to regulate mortgage brokers and mortgage
 22 loan originators pursuant to RSA Chapter 397-A. RSA 397-A:2.
 23 3. The Department is authorized to regulate debt adjusters pursuant to
 24 RSA Chapter 399-D. RSA 399-D:1 and RSA 399-D:3.

1 4. The Commissioner has jurisdiction to issue orders to show cause and to
2 cease and desist from violations under RSA Chapter 397-A and RSA
3 Chapter 399-D and to revoke, deny, or suspend a license of a licensee
4 and/or assess penalties pursuant to RSA Chapter 397-A and RSA Chapter
5 399-D. RSA 397-A:17, RSA 397-A:18, RSA 397-A:21, RSA 399-D:13 and RSA
6 399-D:23.

7 **Facts**

8 5. Between October 2008 and March 2009, AAPC conducted debt adjuster
9 activity for eight (8) New Hampshire consumers without a valid Debt
10 Adjuster license issued by the Department, directly or indirectly
11 through AAPC's agent, Truman Foreclosure Assistance, LLC. The Fees
12 charged and collected by Respondents totaled \$9,945.00 for Consumers A
13 through H as follows:

14 Consumer A: \$1,000.00	Consumer E: \$1,500.00
15 Consumer B: \$1,495.00	Consumer F: \$1,800.00
16 Consumer C: \$1,200.00	Consumer G: \$1,150.00
17 Consumer D: \$1,200.00	Consumer H: \$600.00

18 6. On October 2009, AAPC conducted mortgage broker activity for one (1)
19 New Hampshire consumer (Consumer I) without a valid Mortgage Broker,
20 directly or indirectly through AAPC's agent, Truman Foreclosure
21 Assistance, LLC. The Fee charged and collected by AAPC for Consumer I
22 totals \$750.00.

23 7. During the request for information, Respondents cooperated and
24 provided the information to show they did conduct business in New
25 Hampshire without proper licensure.

1 **Violation(s) of Law and Penalties**

2 8. AAPC is a "Person" as defined by RSA 399-D:2,VII and RSA 397-
3 A:1,XVIII.

4 9. AAPC may be assessed an administrative fine not to exceed \$2,500.00
5 for each violation of RSA Chapter 399-D and RSA Chapter 397-A. RSA
6 399-D:24,IV and V and RSA 397-A:21,IV and V.

7 **Respondents' Consent**

8 10. AAPC does not deny the facts, statements, or violations contained
9 herein and AAPC hereby agrees to the entry of this Consent Order.

10 11. AAPC has voluntarily entered into this Consent Order without reliance
11 upon any discussions between the Department and AAPC, without promise
12 of a benefit of any kind (other than concessions contained in this
13 Consent Order), and without threats, force, intimidation, or coercion
14 of any kind. AAPC further acknowledges its understanding of the nature
15 of the allegations set forth in this action, including the potential
16 penalties provided by law.

17 12. AAPC hereby acknowledges, understands, and agrees that there is the
18 right to notice, hearing, and/or a civil action and hereby waives said
19 rights.

20 **Order**

21 13. **Whereas pursuant to RSA 397-A:20,VI and RSA 399-D:13,VI**, this Consent
22 Order is necessary, appropriate and in the public interest and
23 consistent with the intent and purposes of New Hampshire banking laws,
24 the Department Orders as follows:

25 a. AAPC shall reimburse Consumers A through I the fees charged as

1 described in Paragraphs 5 and 6 above, payable contemporaneously
2 with AAPC's signing of this Consent Order. Each check should be
3 made out to the specific consumer and submitted to the
4 Department along with current contact information to forward to
5 the consumer;

6 b. AAPC shall pay to the Department \$1,000.00 in administrative
7 penalties, payable contemporaneously with AAPC's signing of this
8 Consent Order; and

9 c. All checks shall be bank check or guaranteed funds and made
10 payable to "State of New Hampshire", except for those
11 specifically made payable to Consumers A through I.

12 14. This Consent Order may be revoked and the Department may pursue any
13 and all remedies available under law, if the Department later finds
14 that AAPC knowingly or willfully withheld information used and relied
15 upon in this Consent Order.

16 15. This Consent Order is binding on all heirs, assigns, and/or successors
17 in interest.

18 16. This Consent Order shall become effective upon the date the
19 Commissioner signs this Consent Order.

20 17. Once this Consent Order is effective, the Department agrees not to
21 seek further reimbursement, refunds, penalties, fines, costs, or fees
22 regarding the facts, allegations, or findings of violations contained
23 herein.

1 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
2 Order, upon its execution by Ronald A. Wilbur, Bank Commissioner.

3
4 Recommended this 28th day of October, 2011 by

5 _____
6 /s/

7
8 Maryam Torben Desfosses, Hearings Examiner, Banking Department

9
10 Executed this 8th day of November, 2011 by

11 _____
12 /s/

13
14 Rashmi Airan-Pace, Esq., on behalf of Airan, Airan-Pace & Crosa, P.A.

15
16 **SO ORDERED.**

17 _____
18 /s/
19 Ronald A. Wilbur,
20 Bank Commissioner

21
22
23
24
25 Dated: 12/30/2011