

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 09-207  
) )  
3 State of New Hampshire Banking Department, )  
) )  
4 Petitioner, )  
) )  
5 and ) Consent Order  
) )  
6 Consumer Debt Advocate Law Center, Inc., a )  
) )  
7 Professional Corporation (a/k/a )  
) )  
8 consumerdebtadvocate.net, a/k/a and d/b/a )  
) )  
9 Consumer Debt Advocate, a/k/a and d/b/a CDA )  
) )  
10 Law Center and a/k/a cdlawcenter.com, and )  
) )  
11 d/b/a negotiateyourdebt.com), Robert G. )  
) )  
12 Scurrah, Jr., Esq., and Law Offices of )  
) )  
13 Robert G. Scurrah, )  
) )  
14 Respondents )  
) )

15 CONSENT ORDER

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

18 **Respondent**

- 19 1. Consumer Debt Advocate Law Center, Inc., a Professional Corporation  
20 (a/k/a consumerdebtadvocate.net, a/k/a and d/b/a Consumer Debt  
21 Advocate, a/k/a and d/b/a/ CDA Law Center and a/k/a cdalawcenter.com,  
22 and d/b/a negotiateyourdebt.com) ("CDA") is a corporation duly formed  
23 in the State of California on February 19, 2009 with its principal  
24 office location in Aliso Viejo, California. Consumer Debt Advocate is  
25 also a corporation duly incorporated in the State of California on

1 July 1, 2008 with a principal office location of San Clemente,  
2 California. CDA has not registered with the New Hampshire Secretary  
3 of State. In New Hampshire, CDA had not been previously licensed as a  
4 Debt Adjuster or Mortgage Broker by the Department.

5 2. Robert G. Scurrah, Jr. Esq. ("Scurrah") is an attorney who is an  
6 active member of the California State Bar and serves as both counsel  
7 and a mortgage loan modification negotiator/originator for CDA.  
8 Respondent Scurrah's law firm is the Law Offices of Robert G. Scurrah.  
9 Respondent Scurrah is not a New Hampshire licensed attorney. Scurrah  
10 has never been licensed by the Department as a New Hampshire Debt  
11 Adjuster, New Hampshire Mortgage Broker or New Hampshire Mortgage Loan  
12 Originator.

13 3. The Law Offices of Robert G. Scurrah ("Law Office") is a California  
14 law firm, of which Respondent Scurrah is the owner. Law Office has  
15 never been licensed by the Department as a New Hampshire Debt Adjuster  
16 or New Hampshire Mortgage Broker.

17 4. The above named Respondents are hereby collectively known as  
18 "Respondents".

19 5. Neither Respondent wishes to become licensed in the State of New  
20 Hampshire as a Mortgage Broker, Mortgage Loan Originator or Debt  
21 Adjuster.

#### 22 **Jurisdiction**

23 6. The Department is authorized to regulate mortgage brokers pursuant to  
24 RSA Chapter 397-A. RSA 397-A:2.

25 7. The Department is authorized to regulate debt adjusters pursuant to

1 RSA Chapter 399-D. RSA 399-D:1 and RSA 399-D:3.

2 8. The Commissioner has jurisdiction to issue orders to show cause and to  
3 cease and desist from violations under RSA Chapter 397-A and RSA  
4 Chapter 399-D and to revoke, deny, or suspend a license of a licensee  
5 and/or assess penalties pursuant to RSA Chapter 397-A and RSA Chapter  
6 399-D. RSA 397-A:17, RSA 397-A:18, RSA 397-A:21, RSA 399-D:13 and RSA  
7 399-D:23.

8 **Facts**

9 9. On January 23, 2009, Respondents conducted debt adjuster activity for  
10 a New Hampshire consumer without a valid Debt Adjuster license issued  
11 by the Department. The Fee charged and collected by Respondents  
12 totaled \$1,995.00 for Consumer A.

13 10. From September 11, 2009 to September 30, 2010, Respondents have been  
14 conducting mortgage broker and mortgage loan originator activity for  
15 New Hampshire consumers without a valid Mortgage Broker license or  
16 valid Mortgage Loan Originator license issued by the Department.

17 11. From September 11, 2009 to September 30, 2010, Respondents conducted  
18 unlicensed mortgage broker and mortgage loan originator activity for  
19 six (6) New Hampshire consumers but did not obtain mortgage loan  
20 modifications for three (3) of those consumers. Fees charged and  
21 collected by Respondents for Consumers B through D total \$5,995.00 as  
22 follows:

23 Consumer B: \$1,995.00;

24 Consumer C: \$2,900.00; and

25 Consumer D: \$1,100.00.

1 12. During the request for information, Respondents cooperated and  
2 provided the information to show they did conduct business in New  
3 Hampshire without proper licensure.

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

5 13. Respondents are "Persons" as defined by RSA 397-A:1,XVIII and RSA 399-  
6 D:2,VII.

7 14. Respondents may be assessed an administrative fine not to exceed  
8 \$2,500.00 for each violation of RSA Chapter 397-A and RSA Chapter 399-  
9 D. RSA 397-A:21,IV and V and RSA 399-D:24,IV and V.

10 **Respondents' Consent**

11 15. Respondents do not deny the facts, statements, or violations contained  
12 herein and Respondents hereby agree to the entry of this Consent  
13 Order.

14 16. Respondents have voluntarily entered into this Consent Order without  
15 reliance upon any discussions between the Department and Respondents,  
16 without promise of a benefit of any kind (other than concessions  
17 contained in this Consent Order), and without threats, force,  
18 intimidation, or coercion of any kind. Respondents further acknowledge  
19 their understanding of the nature of the allegations set forth in this  
20 action, including the potential penalties provided by law.

21 17. Respondents hereby acknowledge, understand, and agree that there is  
22 the right to notice, hearing, and/or a civil action and hereby waive  
23 said rights.

24 **Order**

25 18. **Whereas** pursuant to RSA 397-A:20,VI and RSA 399-D:13,VI, this Consent

1 Order is necessary, appropriate and in the public interest and  
2 consistent with the intent and purposes of New Hampshire banking laws,  
3 the Department Orders as follows:

4 a. Respondents shall reimburse Consumers A through D the fees  
5 charged as described in Paragraphs 9 and 11 above, payable  
6 contemporaneously with Respondents' signing of this Consent  
7 Order. Each check should be made out to the specific consumer  
8 and submitted to the Department along with current contact  
9 information to forward to the consumer;

10 b. Respondents shall pay to the Department \$1,000.00 in  
11 administrative penalties for unlicensed mortgage broker,  
12 mortgage loan originator and debt adjuster activity from 2009  
13 and 2010, payable contemporaneously with Respondents' signing of  
14 this Consent Order; and

15 c. All checks shall be bank check or guaranteed funds and made  
16 payable to "State of New Hampshire", except for those  
17 specifically made payable to Consumers A through G.

18 19. This Consent Order may be revoked and the Department may pursue any  
19 and all remedies available under law, if the Department later finds  
20 that Respondents knowingly or willfully withheld information used and  
21 relied upon in this Consent Order.

22 20. This Consent Order is binding on all heirs, assigns, and/or successors  
23 in interest.

24 21. This Consent Order shall become effective upon the date the  
25 Commissioner signs this Consent Order.

1 22. Once this Consent Order is effective, the Department agrees not to  
2 seek further reimbursement, refunds, penalties, fines, costs, or fees  
3 regarding the facts, allegations, or findings of violations contained  
4 herein.

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

7  
8 Recommended this 21st day of September, 2011 by

9 \_\_\_\_\_  
/s/

10 Maryam Torben Desfosses, Hearings Examiner, Banking Department

11  
12 Executed this 29 day of September, 2011 by

13 \_\_\_\_\_  
/s/

14 Robert G. Scurrah, Esq. for and on behalf of Consumer Debt Advocate Law  
15 Center, Inc., a Professional Corporation (a/k/a consumerdebtadvocate.net,  
16 a/k/a and d/b/a Consumer Debt Advocate, a/k/a and d/b/a CDA Law Center and  
17 a/k/a cdlawcenter.com, and d/b/a negotiateyourdebt.com), Robert G. Scurrah,  
18 Jr., Esq. and Law Offices of Robert G. Scurrah.

19  
20 **SO ORDERED.**

21  
22 \_\_\_\_\_  
/s/

23 Ronald A. Wilbur,  
Deputy Bank Commissioner

Dated: October 3, 2011