

1 In re the Matter of:)
)
 2 State of New Hampshire Banking Department,)
)
 3 Petitioner,)
)
 4 and)
)
 5 Legal Home Loan Solutions (a/k/a Thomas C.)
)
 6 Matevia, P.A., a/k/a Matevia Law Group, P.A.,)
)
 7 a/k/a Matevia Legal, P.A., and a/k/a Matevia)
)
 8 Law The Law Offices of Thomas C. Matevia, P.A.)
)
 9 [d/b/a matevialaw.com]), Thomas C. Matevia,)
)
 10 Esquire, and Jeffrey A. Smith,)
)
 11 Respondents)

)Order to Show Cause and
)Cease and Desist

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

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

16 2. The Commissioner may impose administrative penalties of up to
17 \$2,500.00 for each violation. RSA 397-A:21,IV and V.

RESPONDENTS

18
 19 3. Legal Home Loan Solutions (a/k/a Thomas C. Matevia, P.A., a/k/a
 20 Matevia Law Group, P.A., a/k/a Matevia Legal, P.A., and a/k/a Matevia Law
 21 The Law Offices of Thomas C. Matevia, P.A. [d/b/a matevialaw.com])
 22 ("Respondent Legal Home Loan Solutions") has a number of possibly related
 23 entities registered with the Florida Secretary of State. Documentation
 24 received by the Department show a contract for services that in the header
 25 of the page indicates Thomas C. Matevia, P.A. with an office location in

1 Jupiter, Florida. For the same consumer, there is also a "Credit Card
2 Payment Authorization Agreement," which states in the header both Thomas C.
3 Matevia, P.A. and Legal Home Loan Solutions with the same office location in
4 Jupiter, Florida. Respondent Legal Home Loan Solutions is not registered
5 with the Florida Secretary of State as "Legal Home Loan Solutions." The
6 following is found on the Florida Secretary of State website:

7 a. Thomas C. Matevia, P.A. is a corporation incorporated on
8 December 9, 2008 with the same principal office location in
9 Jupiter, Florida. On September 23, 2011, the Florida Secretary
10 of State Department of Corporations administratively dissolved
11 Thomas C. Matevia, P.A. for an annual report;

12 b. Matevia Law Group, P.A. is a corporation incorporated on
13 November 16, 2010 with the same principal office location in
14 Jupiter, Florida. On September 23, 2011, the Florida Secretary
15 of State Department of Corporations administratively dissolved
16 Matevia Law Group, P.A. for an annual report; and

17 c. Matevia Legal, P.A. is a corporation incorporated on
18 November 16, 2010 with an address in Jupiter, Florida that is
19 different than Jupiter, Florida address described above. On
20 September 23, 2011, the Florida Secretary of State Department of
21 Corporations administratively dissolved Matevia Legal, P.A. for
22 an annual report.

23 Respondent Legal Home Loan Solutions (by any of the names above) is not
24 registered with the New Hampshire Secretary of State. Respondent Legal Home
25 Loan Solutions is a "Person." RSA 397-A:1,XVIII.

1 4. The Nationwide Mortgage Licensing System & Registry ("NMLS") does not
2 indicate that Respondent Legal Home Solutions (by any of the names listed
3 above) has ever held a license as a mortgage broker. The New Hampshire
4 Banking Department's ("Department") records do not indicate that Respondent
5 Legal Home Solutions (by any of the names listed above) has ever held a New
6 Hampshire Mortgage Broker license. The website of matevialaw.com, however,
7 offered loan modification services.

8 5. Thomas C. Matevia, Esquire ("Respondent Matevia") is the Owner of
9 Respondent Legal Home Solutions. Specifically, Respondent Matevia is listed
10 with the Florida Secretary of State as follows:

11 a. Thomas C. Matevia, P.A.: Respondent Matevia is listed as
12 the President and Director;

13 b. Matevia Law Group, P.A.: Respondent Matevia is listed as
14 the Director, President, Vice-President, Secretary and
15 Treasurer; and

16 c. Matevia Legal, P.A.: Respondent Matevia is listed as the
17 President, Vice-President, Secretary and Treasurer. Respondent
18 Matevia is a Control Person (RSA 397-A:1,V-a), a Direct Owner
19 (RSA 397-A:1,VI-a), a Principal (RSA 397-A:1,XIX), and a Person
20 (RSA 397-A:1,XVIII).

21 Respondent Matevia was an attorney admitted to the Florida State Bar on May
22 18, 1970 but is currently ineligible to practice in Florida.

23 6. NMLS records do not indicate that Respondent Matevia has ever held a
24 license as a mortgage broker or mortgage loan originator. The New Hampshire
25 Banking Department's ("Department") records do not indicate that Respondent

1 Matevia has ever held a New Hampshire Mortgage Broker license or New
2 Hampshire Mortgage Loan Originator license.

3 7. Jeffrey A. Smith ("Respondent Smith") was the Director and Vice-
4 President of Respondent Legal Home Solutions under the name of Thomas C.
5 Matevia, P.A. during the time period that Consumer A (discussed below under
6 Statement of Allegations) was a client of Respondent Legal Home Solutions.
7 Respondent Smith's resignation was not filed with the Florida Secretary of
8 State until July 6, 2010. Respondent Smith is a Control Person (RSA 397-
9 A:1,V-a), a Principal (RSA 397-A:1,XIX), and a Person (RSA 397-A:1,XVIII).

10 8. NMLS records do not indicate that Respondent Smith has ever held a
11 license as a mortgage broker. The New Hampshire Banking Department's
12 ("Department") records do not indicate that Respondent Smith has ever held a
13 New Hampshire Mortgage Broker license.

14 9. The above-named Respondents are hereinafter collectively known as
15 "Respondents".

16 **RIGHT TO REQUEST A HEARING**

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

22 11. If any person fails to request a hearing within thirty (30) days of
23 receiving this Order, then such person shall be deemed in default, and the
24 Order shall, on the thirty-first (31st) day, become permanent, all
25 allegations may be deemed true, and shall remain in full force and effect

1 until modified or vacated by the Commissioner for good cause shown. RSA
2 397-A:17,I and RSA 397-A:18.

3 12. A default may result in administrative fines as described in Paragraph
4 2 above.

5 **STATEMENT OF ALLEGATIONS**

6 13. On or about July 8, 2010, the Department received a complaint from a
7 New Hampshire consumer ("Consumer A") against Respondents concerning
8 residential mortgage loan modification services.

9 14. On or about January 25, 2010, Respondents contracted with Consumer A
10 to modify Consumer A's mortgage loan without a New Hampshire mortgage broker
11 license, in violation of RSA 397-A:3,I.

12 15. Respondents collected an advance fee of \$2,750.00 from Consumer A, in
13 violation of RSA 397-A:14,IV(m).

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

16 17. On August 27, 2010, the Department sent a letter via U.S. Certified
17 Mail return receipt requested to Respondent Legal Home Loan Solutions (to
18 Thomas C. Matevia, P.A.), suggesting Respondent Legal Home Loan Solutions
19 apply for licensure with the Department, requesting documentation from the
20 Respondent and resolution of the consumer complaint. Respondent Legal Home
21 Solutions received the documentation on August 30, 2010.

22 18. On September 7, 2010, the Department received an email from an
23 attorney representing Respondent Matevia and Respondent Legal Home Loan
24 Solutions. The letter indicated that Respondent Legal Home Loan Solutions
25 did not presently accept New Hampshire residents for enrollment into its

1 mortgage loan related programs nor does it presently offer mortgage loan
2 related services to New Hampshire consumers. Respondents' counsel indicated
3 they would agree to continue to refrain from doing business in New Hampshire
4 and would like a copy of the consumer complaint to resolve the matter.

5 19. On September 7, 2010 the Department emailed and September 9, 2010 the
6 Department mailed via regular U.S. mail Respondents' legal counsel to give
7 Respondents time to review the consumer complaint and also provide a full
8 loan list to prepare a Consent Order.

9 20. On September 20, 2010, the Department received a September 17, 2010
10 dated letter from Respondents' legal counsel requesting the Department
11 provide a draft of the Consent Order and that Respondents have agreed to
12 finish processing the active loan files on a complimentary basis.
13 Respondents' counsel did provide a list of seven (7) New Hampshire consumers
14 in addition to Consumer A.

15 21. On September 24, 2010, the Department received correspondence from
16 Respondents' counsel indicating that Consumer A has been refunded \$2,155.00.
17 Respondents did provide a copy of the cashed check but it is \$595.00 less
18 than the amount Consumer A indicated was the amount Consumer A paid.

19 22. Without additional word from Respondents or their legal counsel, the
20 Department sent an email on July 18, 2011 and on July 28, 2011 to
21 Respondents' legal counsel requesting an updated consumer list, which should
22 include the fees charged and collected by Respondents. On August 10, 2011,
23 the Department again emailed Respondents' legal counsel for follow-up. A
24 read receipt indicates that Respondents' legal counsel received and read the
25 email on August 11, 2011.

1 23. On October 3, 2011, the Department left a voice message for
2 Respondents' legal counsel. On October 6, 2011, the Department received
3 communication from Respondents' legal counsel, who indicated he would
4 contact Respondent Matevia. The legal counsel indicated that Respondent
5 Legal Home Loan Solutions is out of business.

6 24. To date, Respondents have not provided the Department with the
7 requested documents in violation of RSA 397-A:12,I.
8

9 _____
10 /s/ Maryam Torben Desfosses
11 Hearings Examiner

November 14, 2011
Date

11 **ORDER**

12 25. **I hereby find as follows:**

13 a. Pursuant to RSA 397-A:17,I, the facts as alleged above, if true,
14 show Respondents are operating or have operated in violation of RSA Chapter
15 397-A and form the legal basis for this Order;

16 b. Pursuant to 397-A:20,VI, this Order is necessary and appropriate
17 to the public interest and for the protection of consumers and consistent
18 with the purpose and intent of New Hampshire banking laws;

19 c. The Department finds pursuant to RSA 397-A:17,II and RSA 397-
20 A:18,II, reasonable cause to issue an order to cease and desist; and

21 d. Pursuant to RSA 397-A:17,I and RSA 397-A:18,II, if any
22 Respondent fails to respond to this Order and/or defaults then all facts as
23 alleged herein are deemed as true.

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

25 a. Respondents shall cease and desist from violating RSA Chapter

1 397-A and rules or orders thereunder;

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

9 c. Respondents shall show cause why an administrative fine of up to
10 a maximum of \$2,500.00 per violation(as stated in Counts below) should not
11 be imposed as follows:

12 (1). Respondent Legal Home Loan Solutions:

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

15 #2: Failure to provide documents (RSA 397-A:12,I) - 1
16 Count;

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

19 #4: Collecting an Advance Fee (RSA 397-A:14,IV(m)) - 1
20 Count;

21 (2). Respondent Matevia (as Control Person, Direct Owner and
22 Principal):

23 #1: Unlicensed mortgage broker activity (RSA 397-A:3,I) -
24 1 Count;

25 #2: Failure to provide documents (RSA 397-A:12,I) - 1

1 Count;
2 #3: Failure to provide a residential mortgage loan
3 modification (RSA 397-A:14,IV(b)) - 1 Count;
4 #4: Collecting an Advance Fee (RSA 397-A:14,IV(m)) - 1
5 Count;

6 (3). Respondent Smith (as Control person and Principal):

7 #1: Unlicensed mortgage broker activity (RSA 397-A:3,I) -
8 1 Count;
9 #2: Failure to provide documents (RSA 397-A:12,I) - 1
10 Count;
11 #3: Failure to provide a residential mortgage loan
12 modification (RSA 397-A:14,IV(b)) - 1 Count;
13 #4: Collecting an Advance Fee (RSA 397-A:14,IV(m)) - 1
14 Count; and

15 d. Nothing in this Order:

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

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

22 **SO ORDERED.**

23
24 _____ /s/

Dated: November 14, 2011

25 RONALD A. WILBUR
BANK COMMISSIONER