

State of New Hampshire

**State of New Hampshire
Banking Department**

Docket # 10-122

v.

**OnPoint Consumer Law Center (aka
The Financial Solution Center), and
Robin W. Enos,**

**Order to Show Cause And
Cease and Desist**

Respondents

Order to Show Cause and 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 & II; RSA 397-A:18, I & II, RSA 397-A:20, IV) and RSA 541-A.
2. The Commissioner has jurisdiction to assess penalties up to a maximum fine of \$2,500.00 for each violation. RSA 397-A:21, IV and V.

Respondent(s)

3. OnPoint Consumer Law Center (aka The Financial Solution Center) (“Respondent OnPoint”) is a business with a principal office location of 4733 Torrance Boulevard, #722, Torrance, CA 90503 and 170 North Maple Street, Suite #108, Corona, CA 92880. Neither OnPoint Consumer Law Center nor The Financial Solution Center is registered with the California Secretary of State or the New Hampshire Secretary of State. Respondent OnPoint is a Person. RSA 397-A:1, XVIII.
4. Respondent OnPoint has never been licensed as a mortgage broker with the New Hampshire Banking Department (“Department”).
5. Robin W. Enos (“Respondent Enos”) is the owner of OnPoint Consumer Law Center with a principal office location of 6829 Del Monte Ave, Richmond, CA 94805.

Respondent Enos is also an attorney admitted to the California State Bar on June 6, 1991 and became ineligible to practice on December 30, 2009. The California Bar record shows the disciplinary action as inactive (tender of resignation with charges). Respondent Enos is a control person (RSA 397-A:1, V-a), a direct owner (RSA 397-A:1, VI-a), a person (RSA 397-A:1, XVIII) and a principal (RSA 397-A:1, XIX).

6. The above named parties are hereby collectively known as “Respondents.”

Right to a Hearing

7. Respondents have the right to request a hearing of this Order. A hearing shall be held not later than ten (10) days after the Commissioner receives the Respondents’ written request for a hearing. The Respondent may request a hearing and waive the ten (10) day hearing requirement. The hearing shall comply with RSA 541-A, RSA 397-A:17, I and II and RSA 397-A:18, II.
8. If any person fails to request a hearing within thirty (30) days of receiving this Order, then such person shall likewise 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 II and RSA 397-A:18, II.
9. A default may result in administrative fines up to the maximum amount of \$2,500.00 per violation as described in Paragraph 2 above.

Statement of Alleged Facts

10. On January 13, 2010, the New Hampshire Attorney General’s Office forwarded the Department a complaint from Consumer A, a New Hampshire resident, regarding Respondents’ business activities within the state.
11. The Department’s investigator discovered that Consumer A and the Respondents entered into an agreement in July of 2009, electronically signed by Respondent Enos,

whereby the Respondents were to assist Consumer A with a loan modification in violation of RSA 397-A:3, I.

12. Consumer A paid the Respondents a total of \$2,600.00 in advance in violation of RSA 397-A:14, IV (m).
13. Respondents failed to obtain a mortgage loan modification nor did they refund the \$2,600.00 payment to Consumer A in violation of RSA 397-A:14, IV (b).
14. On September 22, 2010, the Department mailed a certified letter to Respondent OnPoint requesting that they provide, within (10) days of receipt, a response regarding the alleged unlicensed activity, a New Hampshire transaction list, contact information and a consumer contract, if applicable. Respondents received the September 22, 2010 correspondence on September 27, 2010.
15. As of February 25, 2011, the Respondents have failed to respond to the request for required information in violation of RSA 397-A:12, VII.

Alleged Violations:

OnPoint Consumer Law Center:

1 Count for Unlicensed Activity
as a Mortgage Broker

RSA 397-A:3, I

1 Count for Failure to Produce
requested documents relevant to an
investigation

RSA 397-A:12, I

1 Count of Collection of an
Advanced Fee for a loan
modification

RSA 397-A:14, IV (m)

1 Count of Solicitation of a best
efforts Commission or Fee for a
loan modification

Order

16. I hereby find as follows:

- a. Pursuant to RSA 397-A:17, I, the facts as alleged above, if true, show Respondents are operating or have operated in violation of RSA Chapter 397-A and form the legal basis for this Order;
- b. Pursuant to RSA 397-A:20, VI, this Order is necessary and appropriate to the public interest and for the protection of consumers and consistent with the purpose of New Hampshire banking laws;
- c. Pursuant to RSA 397-A:17, II and RSA 397-A:18, II, reasonable cause exists to issue an order to cease and desist; and
- d. Pursuant to RSA 397-A:17, I and RSA 397-A:18, II, if Respondents fail to respond to this Order and/or default then all facts as alleged herein are deemed as true.

17. Accordingly, it is hereby ordered that:

- a. Respondents shall immediately Cease and Desist from violating RSA Chapter 397-A in the State of New Hampshire;
- b. Respondents shall provide to the Department, for the past one calendar year, a transaction list detailing name, date, address, and amount of each service and provide all consumer contracts involving New Hampshire consumers within thirty (30) days of the date of this Order;
- c. Respondents shall show cause why the commissioner should not enter an order of rescission, restitution, or disgorgement of profits and/or return of commission in the amount of a minimum of \$2,600.00;
- d. Respondents shall show cause why costs should not be recovered for investigation in the minimum amount of \$2,250.00;

- e. Respondents shall show cause why administrative penalties of a minimum of \$10,000.00 per Respondent should not be imposed; and
- f. Nothing in this Order shall prevent 1) the Department from taking any further administrative and legal action as necessary under New Hampshire law or 2) the New Hampshire Office of the Attorney General from bringing an action against the above-named Respondents in New Hampshire Superior Court, with or without prior administrative action by the Commissioner.

SO ORDERED,

Entered this April 14, 2011.

/s/

Robert A. Fleury, Deputy Bank Commissioner
New Hampshire Banking Department