

1	In re the Matter of:)	Case No.: 10-146
)	
2	State of New Hampshire Banking)	
)	
3	Department,)	
)	
4	Petitioner,)	Order to Show Cause and
5	and)	Cease and Desist
)	
6	Interest Rate Mediators (a/k/a Ameriworth)	
)	
7	Mortgage Company which is also)	
)	
8	www.americanfamilyshortsale.org), and)	
)	
9	Morris Shemtoub,)	
)	
10	Respondents)	

NOTICE OF 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 and II, RSA 397-A:18,I and II, and RSA 397-A:20,IV) and RSA Chapter 541-A.

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

RESPONDENTS

3. Interest Rate Mediators (a/k/a Ameriworth Mortgage Company which is also www.americanfamilyshortsale.org) ("Respondent Interest Rate") is owned by Morris Shemtoub and incorporated in the State of California on September 8, 2008, where it was located with a principal office location in Encino, California. Respondent Interest Rate's incorporation is dissolved. However, Ameriworth Mortgage Company, which is also owned by Morris Shemtoub, is an active company in California. Ameriworth Mortgage Company was incorporated in California on July 20, 2005 with the same principal office location on

1 Ventura Boulevard at the same address in Encino, California. The only
2 difference is the suite number. The Better Business Bureau lists the website
3 for Ameriworth Mortgage Company as www.americanfamilyshortsale.org. The WHO
4 IS Network Solutions result for the website shows the registered agent as
5 Morris Shemtoub. Neither Respondent Interest Rate nor its other name of
6 Ameriworth Mortgage Company is registered with the New Hampshire Secretary
7 of State's Office. Respondent Interest Rate is a "Person." RSA 397-
8 A:1,XVIII.

9 4. The National Mortgage Licensing System & Registry ("NMLS") does not
10 indicate that Respondent Interest Rate (under either name) has ever held a
11 license as a mortgage broker. The New Hampshire Banking Department's
12 ("Department") records do not indicate that Respondent Interest Rate (under
13 either name) has ever held a New Hampshire Mortgage Broker license.

14 5. Morris Shemtoub ("Respondent Shemtoub") is the owner of both
15 Respondent Interest Rate (both companies) and the registered agent for the
16 website of www.americanfamilyshortsale.org. Respondent Shemtoub is also a
17 licensed California Real Estate Broker with a broker license issued on July
18 8, 2005. Respondent Shemtoub is a Control person (RSA 397-A:21,V-a), a
19 Principal (RSA 397-A:1,XIX), a Direct Owner (RSA 397-A:1 VI-a), and a Person
20 (RSA 397-A:1,XVIII).

21 6. NMLS does not indicate that Respondent Shemtoub has ever held a
22 license as a mortgage broker. The Department's records do not indicate that
23 Respondent Shemtoub has ever held a New Hampshire Mortgage Broker license.

24 7. The above-named Respondents are hereinafter collectively known as
25 "Respondents".

1 RIGHT TO REQUEST A HEARING

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

7 9. If any person fails to request a hearing within thirty (30) days of
8 receiving this Order, then such person shall be deemed in default, and the
9 Order shall, on the thirty-first (31st) day, become permanent, all
10 allegations may be deemed true, and shall remain in full force and effect
11 until modified or vacated by the Commissioner for good cause shown. RSA
12 397-A:17,I and RSA 397-A:18.

13 10. A default may result in administrative fines as described in Paragraph
14 2 above.

15 STATEMENT OF ALLEGATIONS

16 11. On January 11, 2010, the Department received a complaint from a New
17 Hampshire consumer ("Consumer A") against Respondents concerning residential
18 mortgage loan modification services.

19 12. On July 10, 2009, Respondents contracted with Consumer A to modify
20 Consumer A's mortgage loan interest rate without a New Hampshire mortgage
21 broker license, in violation of RSA 397-A:3,I.

22 13. On October 4, 2010, Respondents collected an advance fee of \$1,800.00
23 from Consumer A, in violation of RSA 397-A:14,IV(m).

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

1 15. On September 15, 2010, the Department sent a letter via U.S. Certified
2 Mail return receipt requested to Respondents, suggesting Respondents apply
3 for licensure with the Department and resolution of Consumer A's complaint.
4 The U.S. Post Office returned the correspondence as not deliverable as
5 addressed.

6 16. On June 20, 2011, the Department sent a letter via facsimile to
7 Respondents, suggesting Respondents apply for licensure with the Department
8 and resolution of Consumer A's complaint. The facsimile was successfully
9 delivered on June 20, 2011.

10 22. To date, Respondents have failed to provide the information requested
11 by the Department, in violation of RSA 397-A:12,I.

12
13 _____ /s/
14 Maryam Torben Desfosses
Hearings Examiner

_____ August 5, 2011
Date

15 **ORDER**

16 17. **I hereby find as follows:**

17 a. Pursuant to RSA 397-A:17,I, the facts as alleged above, if true,
18 show Respondents are operating or have operated in violation of RSA Chapter
19 397-A and form the legal basis for this Order;

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

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

25 d. Pursuant to RSA 397-A:17,I and RSA 397-A:18,II, if any

1 Respondent fails to respond to this Order and/or defaults then all facts as
2 alleged herein are deemed as true.

3 18. **Accordingly, it is hereby ORDERED that:**

4 a. Respondents shall cease and desist from violating RSA Chapter
5 397-A and rules or orders thereunder;

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

13 c. Respondents shall show cause why the Commissioner should not
14 enter an order of rescission, restitution, or disgorgement of profits in the
15 amount of at least \$1,800.00 (for Consumer A);

16 d. Respondents shall show cause why an administrative fine of up to
17 a maximum of \$2,500.00 per violation should not be imposed as follows:

18 (1). Respondent Interest Rate:

19 Violation #1: Unlicensed mortgage broker activity (RSA
20 397-A:3,I) - 1 Count;

21 Violation #2: Collecting an Advance Fee (RSA 397-
22 A:3,IV(m)) - 1 Count;

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

25 Violation #4: Failure to provide documents (RSA 397-

1 A:12,I) - 1 Count;

2 (2). Respondent Shemtoub (as Control Person, Direct Owner, and
3 Principal):

4 Violation #1: Unlicensed mortgage broker activity (RSA
5 397-A:3,I) - 1 Count;

6 Violation #2: Collecting an Advance Fee (RSA 397-
7 A:3,IV(m)) - 1 Count;

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

10 Violation #4: Failure to provide documents (RSA 397-
11 A:12,I) - 1 Count;

12 e. Nothing in this Order:

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

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

19
20 **SO ORDERED.**

21
22 _____ /s/
23 RONALD A. WILBUR
24 BANK COMMISSIONER

Dated: August 5, 2011