

State of New Hampshire

**State of New Hampshire
Banking Department**

Docket # 10-170

v.

**Nationwide Foreclosure Relief,
Respondent**

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

Notice of Order to Cease & Desist and Show Cause (“Order”)

1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 399-D (including RSA 399-D:13, I, RSA 399-D:23, I and II, RSA 399-D:24, IV and RSA 399-D:25, IV) and RSA Chapter 541-A.
2. The Commissioner may impose administrative fines up to a maximum of \$2,500.00 for each violation. RSA 399-D:24, IV and V.

Respondent

3. Nationwide Foreclosure Relief (“Respondent Nationwide”) is a corporation duly incorporated in the State of California with a principal office location at 1900 S. State College Blvd Suite 330, Anaheim, CA 92806. Respondent Nationwide is a “Person.” RSA 399-D:1, VII.
4. The New Hampshire Banking Department’s (“Department”) records indicate that Respondent Nationwide has never held a New Hampshire debt adjustment license.

Right to a Hearing

5. Respondent has 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 Respondent’s 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 Chapter 541-A, RSA 399-D:13, I and RSA 399-D:23, I and II.

6. 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, all allegations may be deemed true, and the Order shall, on the thirty-first (31st) day, become permanent and shall remain in full force and effect until modified or vacated by the Commissioner for good cause shown. RSA 399-D:13, I and RSA 399-D:23, I and II.
7. A default may result in administrative fines as described in Paragraph 2 above.

Statement of Allegations

8. On April 29, 2009, the Department received a complaint against Respondent Nationwide from a New Hampshire consumer (“Consumer A”) alleging that Respondent Nationwide was engaged in unlicensed debt adjustment and collecting fees in violation of RSA 399-D:3, I.
9. In December of 2008, Respondent Nationwide contracted with Consumer A to negotiate a mortgage loan modification on behalf of Consumer A.
10. Respondent Nationwide collected an advance fee of \$2,495.00 from Consumer A, in violation of RSA 399-D:14, I.
11. After receiving these funds, Respondent Nationwide failed to provide a loan modification for Consumer A, in violation of RSA 399-D:13-a, I(c).
12. Respondent Nationwide previously operated a website at “nationwideforeclosurerelief.com.” This site is no longer in operation.
13. On April 15, 2009, Consumer A contacted Respondent Nationwide and requested that Consumer A’s money be returned and that Consumer A’s account with Respondent Nationwide be closed. Respondent Nationwide failed to reply and failed to refund Consumer A’s money, in violation of RSA 399-D:3, III.

14. By April 29, 2009, Respondent Nationwide had collected \$2,495.00 in fees, without either the written consent of any of Consumer A's creditors or any payments made to Consumer A's creditors, in violation of RSA 399-D:14, I and II.
15. On September 8, 2009, the Department sent a letter via U.S. Certified Mail return receipt requested to Respondent Nationwide via its registered agent, requesting resolution of Consumer A's complaint and an application for licensure. Respondent Nationwide's registered agent received this letter on September 11, 2009.
16. On September 14, 2010, the Department sent a second letter via U.S. Certified Mail return receipt requested to Respondent Nationwide via its registered agent, again requesting resolution of Consumer A's complaint and an application for licensure. Respondent Nationwide's registered agent received this letter on September 20.
17. To date, Respondent Nationwide has failed to respond to the September 8, 2009 and the September 14, 2010 letters or provide any of the information requested therein, in violation of RSA 399-D:22, VIII.
18. To date, Respondent Nationwide has failed to return \$2,495.00 of Consumer A's funds.

Alleged Violations

Respondent Nationwide:	1 Count for unlicensed activity as a debt adjuster;	RSA 399-D:3, I
	1 Count for collecting an unequally amortized fee;	RSA 399-D:14, I
	1 Count for collecting a fee prior to payment to creditors;	RSA 399-D:14, I

1 Count for collecting a fee without consent of the creditors;

RSA 399-D:14, II

1 Count for failure to refund compensation to consumer;

RSA 399-D:3, III

2 Counts for failure to produce requested documents.

RSA 399-D:22, VIII

Respectfully Submitted:

_____/s/_____
Raef J. Granger
Hearings Examiner
N.H. Banking Department

04/07/11
Date:

Order

19. I hereby find as follows:

- a. Pursuant to RSA 399-D:13, I, the facts as alleged above, if true, show Respondent is operating or has operated in violation of RSA Chapter 399-D and form the legal basis for this Order;
- b. Pursuant to RSA 399-D:25, 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 399-D:23, II, reasonable cause exists to issue an order to cease and desist; and
- d. Pursuant to RSA 399-D:13, I and RSA 399-D:23, II, if Respondents fail to respond to this Order and/or default then all facts as alleged herein are deemed as true.

20. Accordingly, it is hereby ORDERED that:

- a. Respondent shall immediately cease and desist from violating RSA Chapter 399-D and rules or orders thereunder;
- b. Respondent shall within fourteen (14) days of the date of this Order provide to the Department a list of all New Hampshire consumers for whom Respondent has conducted or contracted conduct to debt adjustment activities. This list must include the names and contact information of the New Hampshire consumers, along with all monies charged, collected and waived (if applicable). The list shall also be accompanied by all contracts, checks to and from the consumer and any other documents in the New Hampshire consumers' files;
- c. Respondent shall show cause why the Commissioner should not enter an order of rescission, restitution, or disgorgement of profits in the amount of \$2,495.00;
- d. Respondent shall show cause to why the Commissioner should not recover costs for investigation of this matter in the minimum amount of \$2,250.00;
- e. Respondents shall show cause as to why administrative fines totaling \$17,500.00 should not be imposed; and
- f. Nothing in this Order shall prevent either 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 Respondent in any New Hampshire superior court, with or without prior administrative action by the Commissioner.

SO ORDERED,

Entered this April 8, 2011.

/s/

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