

1	In re the Matter of:) Case No.: 10-202
)
2	State of New Hampshire Banking)
)
3	Department,)
)
4	Petitioner,) Order to Show Cause and
5	and) Cease and Desist
)
6	Loan Modification Network Inc. (a/k/a)
)
7	modifymortgagehelp.com), Frank Anthony)
)
8	Luceri III, Esq. (a/k/a Frank A.)
)
9	Luceri P.A.), and Anthony Fareri,)
)
10	Respondents)

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

12 1. This Order commences an adjudicative proceeding under the provisions
13 of RSA Chapter 399-D (including RSA 399-D:13,I, RSA 399-D:23,I, RSA 399-
14 D:23,II and RSA 399-D:25,IV) and RSA Chapter 541-A.

15 2. The Commissioner may impose administrative penalties of up to
16 \$2,500.00 for each violation. RSA 399-D:24.

17 RESPONDENTS

18 3. Loan Modification Network Inc. (a/k/a modifymortgagehelp.com)
19 ("Respondent Loan Modification Network") is a corporation duly incorporated
20 in the State of Florida on July 28, 2008 with its principal office location
21 in Boca Raton, Florida. Respondent Loan Modification Network is a "Person"
22 (RSA 399-D:2,VII).

23 4. Respondent Loan Modification Network Inc. has never been licensed by
24 the Department as a New Hampshire Debt Adjuster.

25 5. Frank Anthony Luceri III, Esq. (a/k/a Frank A. Luceri P.A.)

1 ("Respondent Luceri") is an attorney who is an active member of the Florida
2 Bar and served as both counsel and a mortgage loan modification negotiator
3 for Loan Modification Network. Luceri also served as Loan Modification
4 Network's registered agent. Respondent Luceri is a Person (RSA 399-D:2,VII)
5 and a Principal (RSA 399-D:2,VII-a).

6 6. Anthony Fareri ("Respondent Fareri") is the President of Respondent
7 Loan Modification Network. Respondent Fareri also has an action filed
8 against him by the Securities and Exchange Commission dated March 3, 2009.
9 Respondent Fareri is a Direct Owner (RSA 399-D:2,V-b), Person (RSA 399-
10 D:2,VII) and a Principal (RSA 399-D:2,VII-a).

11 7. The above named Respondents are hereby collectively known as
12 "Respondents".

13 **RIGHT TO REQUEST A HEARING**

14 8. Respondents have a right to request a hearing on this Order. A hearing
15 shall be held not later than ten (10) days after the Commissioner receives
16 the Respondent's written request for a hearing. Respondents may request a
17 hearing and waive the ten (10) day hearing requirement. The hearing shall
18 comply with RSA Chapter 541-A, RSA 399-D:13 and RSA 399-D:23.

19 9. If any person fails to request a hearing within thirty (30) days of
20 receiving this Order, then such person shall be deemed in default, and the
21 Order shall, on the thirty-first (31st) day, become permanent, all
22 allegations may be deemed true, and shall remain in full force and effect
23 until modified or vacated by the Commissioner for good cause shown. RSA 399-
24 D:13 and RSA 399-D:23.

25 10. A default may result in administrative fines as described in Paragraph

1 2 above.

2 STATEMENT OF ALLEGATIONS

3 11. The Department's examination of a licensee revealed Respondents sent
4 loan modification documentation to the licensee on Consumer A's behalf.

5 12. An October 16, 2008 fax from Respondents to the licensee labeled "Loan
6 Modification/Hardship" included an October 14, 2008 Authorization to
7 Represent ("Authorization") Consumer A. The Authorization states Respondent
8 Luceri and Respondent Loan Modification Network are authorized on behalf of
9 Consumer A to "assist in resolving [Consumer A's] mortgage issues".

10 13. An October 30, 2008 fax from Respondents to the licensee is labeled
11 "Attention: Modification Department" and includes a modification request to
12 the licensee dated October 29, 2008 ("Modification Request"). The
13 Modification Request states that Respondent Loan Modification Network has
14 been hired to assist Consumer A in working out a repayment plan or loan
15 modification. The Modification Request specifically sought modification of
16 the principal loan balance, capitalization of the outstanding balance and
17 any late fees and legal fees. The Modification Request includes a request
18 for rate reduction in combination with a principal reduction and fixed
19 payments of \$2,000.00 monthly for the life of the loan, including taxes and
20 insurance.

21 15. Respondents conducted unlicensed debt adjustment activity in New
22 Hampshire by attempting to modify Consumer A's loan, in violation of RSA
23 399-D:3, I.

24 _____ /s/
Maryam Torben Desfosses
25 Hearings Examiner

February 18, 2011
Date

ORDER

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

a. Pursuant to RSA 399-D:13,I, the facts as alleged above, if true, show Respondents are operating or have 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; and

c. The Department finds pursuant to RSA 399-D:23,II, reasonable cause to issue an order to cease and desist; and

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

17. **Accordingly, it is hereby ORDERED that:**

a. Respondents shall cease and desist from violating RSA Chapter 399-D and rules or orders thereunder;

b. Respondents shall immediately provide the Department a list of all New Hampshire consumers for whom Respondents have conducted debt adjustment activity and a status of those accounts. This list must include the names and contact information of the New Hampshire consumers, along with 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. Respondents shall show cause why an administrative fine of up to a maximum of \$2,500.00 per violation should not be imposed as follows:

(1). Respondent Loan Modification Network:

1 Violation #1: Unlicensed debt adjustment activity (RSA
2 399-D:3,I) - 1 Count;

3 (2). Respondent Luceri (as principal):

4 Violation #1: Unlicensed debt adjustment activity (RSA
5 399-D:3,I) - 1 Count;

6 (3). Respondent Fareri (as direct owner and principal):

7 Violation #1: Unlicensed debt adjustment activity (RSA
8 399-D:3,I) - 1 Count;

9 d. Respondents shall show cause why Respondents should not refund
10 each of its New Hampshire consumers fees paid to Respondents;

11 e. Respondents shall show cause why back-license fees of a minimum
12 of \$100.00 should not be paid to the Department; and

13 f. Nothing in this Order:

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

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

20
21 **SO ORDERED.**

22
23 _____ /s/
24 ROBERT A. FLEURY
DEPUTY BANK COMMISSIONER

Dated: February 22, 2011