

1	In re the Matter of:	) Case No.: 10-400
		)
2	State of New Hampshire Banking	)
		)
3	Department,	)
		)
4	Petitioner,	) Order to Show Cause and
5	and	) Cease and Desist
		)
6	Clear Image Financial Group, Inc.,	)
		)
7	1LGP Enterprises, Inc., MDS	)
		)
8	Enterprises, Inc., Jeffrey Stampfli,	)
		)
9	and Michael Schuh,	)
		)
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 397-A (including RSA 397-A:17,I and II, RSA 397-A:18,I and  
14 II, and RSA 397-A:20,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 397-A:21,IV and V.

17                    RESPONDENTS

18 3.     Clear Image Financial Group, Inc. ("Respondent Clear Image") is a  
19 corporation duly incorporated in the State of Florida on March 12, 2009,  
20 with a principal office location in Oldsmar, Florida. Respondent Clear  
21 Image was administratively dissolved on September 24, 2010. Respondent  
22 Clear Image is not registered with the New Hampshire Secretary of State's  
23 Office. Respondent Clear Image is a "Person." RSA 397-A:1,XVIII.

24 4.     The Nationwide Mortgage Licensing System & Registry ("NMLS") does not  
25 indicate that Respondent Clear Image has ever held a license as a mortgage

1 broker. The New Hampshire Banking Department's ("Department") records do not  
2 indicate that Respondent Clear Image has ever held a New Hampshire Mortgage  
3 Broker license.

4 5. 1LGP Enterprises Inc. ("Respondent 1LGP") is listed by filings with  
5 the Florida Secretary of State's Office as the Manager of Respondent Clear  
6 Image. Respondent 1LGP is a Control person (RSA 397-A:1,V-a), a Principal  
7 (RSA 397-A:1,XIX), a Direct Owner (RSA 397-A:1,VI-a), and a Person (RSA 397-  
8 A:1,XVIII).

9 6. NMLS does not indicate that Respondent 1LGP has ever held a license as  
10 a mortgage broker. The Department's records do not indicate that Respondent  
11 1LGP has ever held a New Hampshire Mortgage Broker license.

12 7. MDS Enterprises Inc. ("Respondent MDS") is listed by filings with the  
13 Florida Secretary of State's Office as the Manager of Respondent Clear  
14 Image. Respondent MDS is a Control person (RSA 397-A:1,V-a), a Principal  
15 (RSA 397-A:1,XIX), a Direct Owner (RSA 397-A:1,VI-a), and a Person (RSA 397-  
16 A:1,XVIII).

17 8. NMLS does not indicate that Respondent MDS has ever held a license as  
18 a mortgage broker. The Department's records do not indicate that Respondent  
19 MDS has ever held a New Hampshire Mortgage Broker license.

20 9. Jeffrey Stampfli ("Respondent Stampfli") is 50% Owner and Chief  
21 Executive Officer of Respondent Clear Image. Respondent Stampfli is listed  
22 by filings with the Florida Secretary of State's Office as the President of  
23 Respondent 1LGP. Respondent Stampfli is a Control person (RSA 397-A:1,V-a),  
24 a Principal (RSA 397-A:1,XIX), a Direct Owner (RSA 397-A:1,VI-a), and a  
25 Person (RSA 397-A:1,XVIII).

1 10. NMLS indicates that Respondent Stampfli currently holds a mortgage  
2 loan originator license for Florida issued on December 6, 1999 and a  
3 mortgage loan originator license for California issued on March 21, 2011.  
4 Respondent Stampfli is currently authorized to represent Integrity Home Loan  
5 of Central Florida, Inc. Respondent Stampfli has never been authorized to  
6 represent Respondent Clear Image. The Department's records do not indicate  
7 that Respondent Stampfli has ever held a New Hampshire Mortgage Broker  
8 license.

9 11. Michael Schuh ("Respondent Schuh") is 50% Owner of Respondent Clear  
10 Image. Respondent Schuh is a Control person (RSA 397-A:1,V-a), a Principal  
11 (RSA 397-A:1,XIX), a Direct Owner (RSA 397-A:1,VI-a), and a Person (RSA 397-  
12 A:1,XVIII).

13 12. NMLS does not indicate that Respondent Schuh has ever held a license  
14 as a mortgage broker. The Department's records do not indicate that  
15 Respondent Schuh has ever held a New Hampshire Mortgage Broker license.

16 13. The above-named Respondents are hereinafter collectively known as  
17 "Respondents".

18 **RIGHT TO REQUEST A HEARING**

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

24 15. If any person fails to request a hearing within thirty (30) days of  
25 receiving this Order, then such person shall be deemed in default, and the

1 Order shall, on the thirty-first (31<sup>st</sup>) day, become permanent, all  
2 allegations may be deemed true, and shall remain in full force and effect  
3 until modified or vacated by the Commissioner for good cause shown. RSA  
4 397-A:17,I and RSA 397-A:18.

5 16. A default may result in administrative fines as described in Paragraph  
6 2 above.

7 **STATEMENT OF ALLEGATIONS**

8 17. On September 28, 2010, the Department received a complaint from a New  
9 Hampshire consumer ("Consumer A") against Respondents concerning residential  
10 mortgage loan modification services.

11 18. On September 1, 2009, Respondents contracted with Consumer A to  
12 modify Consumer A's two (2) mortgage loans without a New Hampshire mortgage  
13 broker license, in violation of RSA 397-A:3,I.

14 19. Respondents collected an advance fee of \$2,790.00 from Consumer A, in  
15 violation of RSA 397-A:14,IV(m).

16 20. Respondents failed to provide a residential mortgage loan modification  
17 to Consumer A for either of Consumer A's mortgages in violation of RSA 397-  
18 A:14,IV(b).

19 21. On October 5, 2010, the Department sent a letter via U.S. Certified  
20 Mail return receipt requested to Respondents, suggesting Respondents apply  
21 for licensure with the Department, requesting documents relative to New  
22 Hampshire consumers, and requesting a resolution to the consumer complaint.  
23 The correspondence was signed for by Respondent Stampfli on October 8, 2010.

24 22. On October 21, 2010, the Department received a correspondence from  
25 Respondent Stampfli indicating that Respondent Clear Image was now bankrupt

1 and had been dissolved.

2 23. On February 7, 2011, the Department sent a letter via U.S. Mail to  
3 Respondents, suggesting Respondents apply for licensure with the Department,  
4 requesting documents relative to New Hampshire consumers, and requesting a  
5 resolution to the consumer complaint. The Department has not received a  
6 response from Respondents to this correspondence.

7 24. To date, Respondents have failed to resolve the consumer complaint or  
8 refund \$2,790.00 to Consumer A. Consumer A requested a refund from  
9 Respondents on January 3, 2010.

10 25. 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 Ryan McFarland  
Hearings Examiner

Date: November 4, 2011

15 **ORDER**

16 26. **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 27. **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 \$2,790.00 (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 Clear Image:

19 Violation #1: Unlicensed mortgage broker activity (RSA  
20 397-A:3,I) - 2 counts;

21 Violation #2: Retaining, employing, or otherwise engaging  
22 an unlicensed mortgage loan originator (RSA 397-A:3,III) -  
23 1 count;

24 Violation #3: Collecting an Advance Fee (RSA 397-  
25 A:3,IV(m)) - 1 count;

1 Violation #4: Failure to provide a residential mortgage  
2 loan modification (RSA 397-A:14,IV(b)) - 2 counts;

3 Violation #5: Failure to provide documents (RSA 397-  
4 A:12,I) - 1 count;

5 (2). Respondent 1LGP (as Control Person, Direct Owner, and  
6 Principal):

7 Violation #1: Unlicensed mortgage broker activity (RSA  
8 397-A:3,I) - 2 counts;

9 Violation #2: Retaining, employing, or otherwise engaging  
10 an unlicensed mortgage loan originator (RSA 397-A:3,III) -  
11 1 count;

12 Violation #3: Collecting an Advance Fee (RSA 397-  
13 A:3,IV(m)) - 1 count;

14 Violation #4: Failure to provide a residential mortgage  
15 loan modification (RSA 397-A:14,IV(b)) - 2 counts;

16 Violation #5: Failure to provide documents (RSA 397-  
17 A:12,I) - 1 count;

18 (3). Respondent MDS (as Control Person, Direct Owner, and  
19 Principal):

20 Violation #1: Unlicensed mortgage broker activity (RSA  
21 397-A:3,I) - 2 counts;

22 Violation #2: Retaining, employing, or otherwise engaging  
23 an unlicensed mortgage loan originator (RSA 397-A:3,III) -  
24 1 count;

25 Violation #3: Collecting an Advance Fee (RSA 397-

1 A:3,IV(m)) - 1 count;

2 Violation #4: Failure to provide a residential mortgage  
3 loan modification (RSA 397-A:14,IV(b)) - 2 counts;

4 Violation #5: Failure to provide documents (RSA 397-  
5 A:12,I) - 1 count;

6 (4). Respondent Stampfli (as Control Person, Direct Owner, and  
7 Principal):

8 Violation #1: Unlicensed mortgage broker activity (RSA  
9 397-A:3,I) - 2 counts;

10 Violation #2: Retaining, employing, or otherwise engaging  
11 an unlicensed mortgage loan originator (RSA 397-A:3,III) -  
12 1 count;

13 Violation #3: Collecting an Advance Fee (RSA 397-  
14 A:3,IV(m)) - 1 count;

15 Violation #4: Failure to provide a residential mortgage  
16 loan modification (RSA 397-A:14,IV(b)) - 2 counts;

17 Violation #5: Failure to provide documents (RSA 397-  
18 A:12,I) - 1 count;

19 Violation #6: No originator shall at any time represent  
20 more than one mortgage banker or mortgage broker (RSA 397-  
21 A:3,III) - 1 count;

22 (5). Respondent Schuh (as Control Person, Direct Owner, and  
23 Principal):

24 Violation #1: Unlicensed mortgage broker activity (RSA  
25 397-A:3,I) - 2 counts;

