

1	In re the Matter of:	) Case No.: 10-429
		)
2	State of New Hampshire Banking	)
		)
3	Department,	)
		)
4	Petitioner,	) Order to Show Cause and
5	and	) Cease and Desist
		)
6	Home Safe America, Scott Schreiber,	)
		)
7	and Guy Samuel,	)
		)
8	Respondents	)
		)
9		)

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

11 1. This Order commences an adjudicative proceeding under the provisions  
12 of RSA Chapter 397-A (including RSA 397-A:17,I and II, RSA 397-A:18,I and  
13 II, and RSA 397-A:20,IV) and RSA Chapter 541-A.

14 2. The Commissioner may impose administrative penalties of up to  
15 \$2,500.00 for each violation. RSA 397-A:21,IV and V.

16   RESPONDENTS

17 3. Home Safe America ("Respondent Home Safe") is a limited liability  
18 company incorporated in the State of New York on December 2, 2008, where it  
19 is located with a principal office location in Levittown, NY. The  
20 Respondents are not registered with the New Hampshire Secretary of State's  
21 Office. Respondent Home Safe is a "Person." RSA 397-A:1,XVIII.

22 4. The National Mortgage Licensing System & Registry ("NMLS") does not  
23 indicate that Respondent Home Safe has ever held a license as a mortgage  
24 broker. The New Hampshire Banking Department's ("Department") records do not  
25

1 indicate that Respondent Home Safe has ever held a New Hampshire Mortgage  
2 Broker license.

3 5. Scott Schreiber ("Respondent Schreiber") is listed by the Better  
4 Business Bureau as the Co-Owner of Respondent Home Safe and is also listed  
5 with the New York Department of State. Respondent Schreiber is a Control  
6 person (RSA 397-A:21,V-a), a Principal (RSA 397-A:1,XIX), a Direct Owner  
7 (RSA 397-A:1 VI-a), and a Person (RSA 397-A:1,XVIII).

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

11 7. Guy Samuel ("Respondent Samuel") is listed by the Better Business  
12 Bureau as the Co-Owner of Respondent Home Safe and is also listed with the  
13 New York Department of State. Respondent Samuel is a Control person (RSA  
14 397-A:21,V-a), a Principal (RSA 397-A:1,XIX), a Direct Owner (RSA 397-A:1  
15 VI-a), and a Person (RSA 397-A:1,XVIII).

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

19 9. The above-named Respondents are hereinafter collectively known as  
20 "Respondents".

21 **RIGHT TO REQUEST A HEARING**

22 10. Respondents have a right to request a hearing on this Order. A hearing  
23 shall be held not later than ten (10) days after the Commissioner receives  
24 the Respondent's written request for a hearing. Respondents may request a  
25 hearing and waive the ten (10) day hearing requirement. The hearing shall

1 comply with RSA Chapter 541-A. RSA 397-A:17 and RSA 397-A:18.

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

8 12. A default may result in administrative fines as described in Paragraph  
9 2 above.

10 **STATEMENT OF ALLEGATIONS**

11 13. On October 7, 2010, the Department received a complaint from a New  
12 Hampshire consumer ("Consumer A") against Respondents concerning residential  
13 mortgage loan modification services.

14 14. On October 4, 2010, Respondents contracted with Consumer A to modify  
15 Consumer A's mortgage loan interest rate without a New Hampshire mortgage  
16 broker license, in violation of RSA 397-A:3,I.

17 15. On October 4, 2010, Respondents collected an advance fee of \$1,000.00  
18 from Consumer A, in violation of RSA 397-A:14,IV(m).

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

21 17. On December 1, 2010, the Department received a complaint from a New  
22 Hampshire consumer ("Consumer B") against Respondents concerning residential  
23 mortgage loan modification services.

24 18. On October 5, 2010, Respondents contracted with Consumer B to modify  
25 Consumer B's mortgage loan interest rate without a New Hampshire mortgage



1 A:18,II, reasonable cause to issue an order to cease and desist; and

2 d. Pursuant to RSA 397-A:17,I and RSA 397-A:18,II, if any  
3 Respondent fails to respond to this Order and/or defaults then all facts as  
4 alleged herein are deemed as true.

5 24. **Accordingly, it is hereby ORDERED that:**

6 a. Respondents shall cease and desist from violating RSA Chapter  
7 397-A and rules or orders thereunder;

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

15 c. Respondents shall show cause why the Commissioner should not  
16 enter an order of rescission, restitution, or disgorgement of profits in the  
17 amount of at least \$1,000.00 (for Consumer A) and \$1,995.00 (for Consumer  
18 B);

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

21 (1). Respondent Home Safe:

22 Violation #1: Unlicensed mortgage broker activity (RSA  
23 397-A:3,I) - 2 Counts;

24 Violation #2: Collecting an Advance Fee (RSA 397-  
25 A:3,IV(m)) - 2 Counts;

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

3 Violation #4: Failure to provide documents (RSA 397-  
4 A:12,I) - 2 Counts;

5 (2). Respondent Schreiber (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: Collecting an Advance Fee (RSA 397-  
10 A:3,IV(m)) - 2 Counts;

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

13 Violation #4: Failure to provide documents (RSA 397-  
14 A:12,I) - 2 Counts;

15 (3). Respondent Samuel (as Control Person, Direct Owner, and  
16 Principal):

17 Violation #1: Unlicensed mortgage broker activity (RSA  
18 397-A:3,I) - 2 Counts;

19 Violation #2: Collecting an Advance Fee (RSA 397-  
20 A:3,IV(m)) - 2 Counts;

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

23 Violation #4: Failure to provide documents (RSA 397-  
24 A:12,I) - 2 Counts;

25 e. Nothing in this Order:

