

1 State of New Hampshire Banking Department

)Case No.: 11-061

2 In re the Matter of:)

3 State of New Hampshire Banking)

4 Department,)

5 Petitioner,)

6 and)

7 Mortgage Mitigation Law Group, PLC)

)Order to Show Cause

)and Cease and Desist

8 (a/k/a The Mortgage Mitigation Law)

9 Group, APC), Patrick Drury, Derrick)

10 Penney, Vicki Buck, The Drury Law Group)

11 (a/k/a Law Offices of Patrick G. Drury)

12 & Associates), and Phillip Sanders,)

13 Respondents)

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

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

18 2. The Commissioner may impose administrative penalties of up to
19 \$2,500.00 for each violation. RSA 397-A:21, IV and V.

20 RESPONDENTS

21 3. Mortgage Mitigation Law Group, PLC (a/k/a The Mortgage Mitigation Law
22 Group, APC) ("Respondent MM Law Group") is a limited liability company duly
23 incorporated in the State of Florida on July 31, 2009 with a principal
24 office location of 6740 Crosswinds Drive, St. Petersburg, FL 33710 and 5510
25 Gulfport Blvd, S. Gulfport, Florida 33707. Respondent MM Law Group is a

1 "Person." RSA 397-A:1, XVIII.

2 4. The National Mortgage Licensing System ("NMLS") indicates that
3 Respondent MM Law Group has never held a license as a mortgage broker. The
4 New Hampshire Banking Department's ("Department") records indicate that
5 Respondent MM Law Group has never held a New Hampshire Mortgage Broker
6 license.

7 5. Patrick Drury ("Respondent Drury") is a managing member of Respondent
8 MM Law Group. Respondent Drury also operates The Drury Law Group (a/k/a Law
9 Offices of Patrick G. Drury & Associates) as identified below. Respondent
10 Drury is an attorney admitted to the Illinois State Bar on May 12, 1989 but
11 is currently not authorized to practice law as an attorney and has not been
12 registered with the Attorney Registration & Disciplinary Commission of the
13 Supreme Court of Illinois since the last registered year of 2010. Respondent
14 Drury is a Direct Owner (RSA 397-A:1, VI-a), a Control person (RSA 397-A:21,
15 V-a), a Principal (RSA 397-A:1, XIX) and a Person (RSA 397-A:1, XVIII).

16 6. NMLS indicates that Respondent Drury has never held a license as a
17 mortgage loan originator. The Department's records indicate that Respondent
18 Drury has never held a New Hampshire Mortgage Loan Originator license.

19 7. Derrick Penney ("Respondent Penney") is a managing member of MM Law
20 Group. Respondent Penney is a Direct Owner (RSA 397-A:1, VI-a), a Control
21 person (RSA 397-A:21, V-a), a Principal (RSA 397-A:1, XIX) and a Person (RSA
22 397-A:1, XVIII).

23 8. NMLS indicates that Respondent Penney has never held a license as a
24 mortgage loan originator. The Department's records indicate that Respondent
25 Penney has never held a New Hampshire Mortgage Loan Originator license.

1 9. Respondent Vicki Buck ("Respondent Buck") is a Senior Loan
2 Modification Specialist with Respondent MM Law Group. Respondent Buck is a
3 Person (RSA 397-A:1, XVIII) and unlicensed New Hampshire Mortgage Loan
4 Originator (RSA 397-A:1,XVII).

5 10. NMLS indicates that Respondent Buck has never held a license as a
6 mortgage loan originator. The Department's records indicate that Respondent
7 Buck has never held a New Hampshire Mortgage Loan Originator license.

8 11. The Drury Law Group (a/k/a Law Offices of Patrick G. Drury &
9 Associates) ("Respondent Drury Law Group) is operated by Respondent Drury
10 and handles the mortgage loan modifications for Respondent MM Law Group.
11 Respondent Drury Law Group had its accreditation revoked by the Better
12 Business Bureau on November 30, 2010. Respondent Drury Law Group appears to
13 be the direct owner of Respondent MM Law Group. Respondent Drury Law Group
14 is a Direct Owner (RSA 397-A:1, VI-a), an Indirect Owner (RSA 397-A:1,VIII-
15 a), a Control person (RSA 397-A:21, V-a), a Principal (RSA 397-A:1, XIX) and
16 a Person (RSA 397-A:1, XVIII).

17 12. Phillip Sanders ("Respondent Sanders") is a mortgage loan originator
18 with Respondent Drury Law Group. Respondent Sanders is a Person (RSA 397-
19 A:1, XVIII) and unlicensed New Hampshire Mortgage Loan Originator (RSA 397-
20 A:1,XVII).

21 13. NMLS indicates that Respondent Sanders has never held a license as a
22 mortgage loan originator. The Department's records indicate that Respondent
23 Sanders has never held a New Hampshire Mortgage Loan Originator license.

24 14. The above-named Respondents are hereinafter called "Respondents".
25

1 modification, in violation of RSA 397-A:3,II and RSA 397-A:14,IV(d).

2 21. Respondents MM Law Group, Drury Law Group, Drury and Penney had hired
3 at least two mortgage loan originators who were unlicensed in New Hampshire
4 (Respondents Buck and Sanders) in violation of RSA 397-A:3,III and RSA 397-
5 A:14,IV(d).

6 22. Respondents collected a total of \$1,060.00 in advance fees from
7 Consumer A, in violation of RSA 397-A:14,IV(m).

8 23. On May 25, 2010, Consumer A sent a letter to Respondents cancelling
9 the account and requesting a refund. Respondents failed to refund Consumer
10 A even though Respondents failed to obtain a mortgage loan modification for
11 Consumer A, in violation of RSA 397-A:14,IV(b).

12 24. Respondents previously operated a website at "tmmlg.com" that offered
13 mortgage modification services to New Hampshire consumers. Respondent's
14 website is no longer in operation.

15 25. On March 7, 2011, the Department sent three (3) copies of a letter via
16 U.S. Certified Mail return receipt requested to Respondents at their known
17 addresses, requesting an application for licensure, a New Hampshire
18 transaction list, and resolution of Consumer A's complaint.

19 26. On March 15, 2011, the letter addressed to Respondent Penney was
20 returned to the Department marked "Vacant - Unable to Forward."

21 27. On March 17, 2011, the letter addressed to Respondent MM Law Group's
22 registered agent was returned to the Department marked "Attempted - Not
23 Known."

24 28. On April 4, 2011, the letter addressed to Respondent Drury was
25 returned to the Department marked "Insufficient Address - Unable to

1 Forward."

2 29. To date, Respondents have failed to refund Consumer A.

3 30. To date, Respondents have failed to apply for a mortgage broker and
4 mortgage loan originator license with the Department

5
6 _____ /s/ _____
7 Maryam Torben Desfosses
8 Hearings Examiner

_____ April 18, 2011

Date

8 **ORDER**

9 31. **I hereby find as follows:**

10 a. Pursuant to RSA 397-A:17,I, the facts as alleged above, if true,
11 show Respondents are operating or have operated in violation of RSA Chapter
12 397-A and form the legal basis for this Order;

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

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

18 d. Pursuant to RSA 397-A:17,I and RSA 397-A:18,II, if Respondents
19 fail to respond to this Order and/or defaults then all facts as alleged
20 herein are deemed as true.

21 32. **Accordingly, it is hereby ORDERED that:**

22 a. Respondents shall cease and desist from violating RSA Chapter
23 397-A and rules or orders thereunder;

24 b. Respondents shall within 14 days of the date of this Order
25 provide the Department a list of all New Hampshire consumers for whom

1 Respondents have conducted debt mortgage loan modification and mortgage
2 broker activity and a status of those accounts. This list must include the
3 names and contact information of the New Hampshire consumers, along with
4 monies charged, collected and waived (if applicable). The list shall also be
5 accompanied by all contracts, checks to and from the consumer and any other
6 documents in the New Hampshire consumers' files;

7 c. Respondents shall show cause why the Commissioner should not
8 enter an order of rescission, restitution, or disgorgement of profits and/or
9 commissions for services rendered;

10 d. Respondents shall show cause why Respondents should not refund
11 each of its New Hampshire consumers fees paid to Respondents which at a
12 minimum would be \$1,060.00 for Consumer A;

13 e. Respondents shall show cause why back-license fees of \$500.00
14 for mortgage broker (mortgage loan modification) activity in 2010 should not
15 be paid to the Department;

16 f. Respondents shall show cause why back-license fees of \$100.00
17 for each mortgage loan originator (for mortgage loan modification activity
18 in 2010) should not be paid to the Department;

19 g. 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 MM Law Group:

22 Violation #1: Engaging in mortgage loan modification
23 without a New Hampshire mortgage broker license (RSA 397-
24 A:3,I): 1 Count;

25 Violation #2: Conduct business, assist or aid and abet any

1 business under RSA Chapter 397-A without a valid license
2 (RSA 397-A:14,IV(d)): 1 Count;

3 Violation #3: Employed or retained an unlicensed New
4 Hampshire mortgage loan originator (RSA 397-A:3,III): 2
5 Counts;

6 Violation #4: Conduct business, assist or aid and abet two
7 unlicensed mortgage loan originators (RSA 397-A:14,IV(d)):
8 2 Counts;

9 Violation #5: Collected an advance fee from Consumer A
10 (RSA 397-A:14,IV(m)): 1 Count;

11 Violation #6: Respondents collected a fee without
12 obtaining a mortgage loan modification for Consumer A (RSA
13 397-A:14,IV(b)): 1 Count;

14 (2). Respondent Drury (as Direct Owner, Principal and Control
15 person):

16 Violation #1: Engaging in mortgage loan modification
17 without a New Hampshire mortgage broker license (RSA 397-
18 A:3,I): 1 Count;

19 Violation #2: Conduct business, assist or aid and abet any
20 business under RSA Chapter 397-A without a valid license
21 (RSA 397-A:14,IV(d)): 1 Count;

22 Violation #3: Employed or retained an unlicensed New
23 Hampshire mortgage loan originator (RSA 397-A:3,III): 2
24 Counts;

25 Violation #4: Conduct business, assist or aid and abet two

1 unlicensed mortgage loan originators (RSA 397-A:14,IV(d)):
2 2 Counts;

3 Violation #5: Collected an advance fee from Consumer A
4 (RSA 397-A:14,IV(m)): 1 Count;

5 Violation #6: Respondents collected a fee without
6 obtaining a mortgage loan modification for Consumer A (RSA
7 397-A:14,IV(b)): 1 Count;

8 (3). Respondent Penney (as Direct Owner, Principal and Control
9 person):

10 Violation #1: Engaging in mortgage loan modification
11 without a New Hampshire mortgage broker license (RSA 397-
12 A:3,I): 1 Count;

13 Violation #2: Conduct business, assist or aid and abet any
14 business under RSA Chapter 397-A without a valid license
15 (RSA 397-A:14,IV(d)): 1 Count;

16 Violation #3: Employed or retained an unlicensed New
17 Hampshire mortgage loan originator (RSA 397-A:3,III): 2
18 Counts;

19 Violation #4: Conduct business, assist or aid and abet two
20 unlicensed mortgage loan originators (RSA 397-A:14,IV(d)):
21 2 Counts;

22 Violation #5: Collected an advance fee from Consumer A
23 (RSA 397-A:14,IV(m)): 1 Count;

24 Violation #6: Respondents collected a fee without
25 obtaining a mortgage loan modification for Consumer A (RSA

1 397-A:14,IV(b)): 1 Count;

2 (4). Respondent Buck (as an unlicensed mortgage loan
3 originator):

4 Violation #1: Engaging in mortgage loan modification
5 without a New Hampshire mortgage loan originator license
6 (RSA 397-A:3,II): 1 Count;

7 Violation #2: Conduct business, assist or aid and abet any
8 business under RSA Chapter 397-A without a valid license
9 (RSA 397-A:14,IV(d)): 1 Count;

10 Violation #3: Collected an advance fee from Consumer A
11 (RSA 397-A:14,IV(m)): 1 Count;

12 Violation #4: Respondents collected a fee without
13 obtaining a mortgage loan modification for Consumer A (RSA
14 397-A:14,IV(b)): 1 Count;

15 (5). Respondent Drury Law Group (as Direct Owner, Indirect
16 Owner, Principal and Control person):

17 Violation #1: Engaging in mortgage loan modification
18 without a New Hampshire mortgage broker license (RSA 397-
19 A:3,I): 1 Count;

20 Violation #2: Conduct business, assist or aid and abet any
21 business under RSA Chapter 397-A without a valid license
22 (RSA 397-A:14,IV(d)): 1 Count;

23 Violation #3: Employed or retained an unlicensed New
24 Hampshire mortgage loan originator (RSA 397-A:3,III): 2
25 Counts;

1 Violation #4: Conduct business, assist or aid and abet two
2 unlicensed mortgage loan originators (RSA 397-A:14,IV(d)):
3 2 Counts;

4 Violation #5: Collected an advance fee from Consumer A
5 (RSA 397-A:14,IV(m)): 1 Count;

6 Violation #6: Respondents collected a fee without
7 obtaining a mortgage loan modification for Consumer A (RSA
8 397-A:14,IV(b)): 1 Count;

9 (6). Respondent Sanders (as an unlicensed mortgage loan
10 originator):

11 Violation #1: Engaging in mortgage loan modification
12 without a New Hampshire mortgage loan originator license
13 (RSA 397-A:3,II): 1 Count;

14 Violation #2: Conduct business, assist or aid and abet any
15 business under RSA Chapter 397-A without a valid license
16 (RSA 397-A:14,IV(d)): 1 Count;

17 Violation #3: Collected an advance fee from Consumer A
18 (RSA 397-A:14,IV(m)): 1 Count;

19 Violation #4: Respondents collected a fee without
20 obtaining a mortgage loan modification for Consumer A (RSA
21 397-A:14,IV(b)): 1 Count;

22 h. Pursuant to RSA 397-A:17,IX and addition to the penalties listed
23 above, Respondents shall show cause why administrative fines of up to a
24 maximum of \$25,000.00 per violation should not be imposed against
25 Respondents Buck and Sanders; and

1 i. Nothing in this Order:

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

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

8 **SO ORDERED.**

9
10 _____ /s/

Dated: April 20, 2011

11 ROBERT A. FLEURY
12 DEPUTY BANK COMMISSIONER