

1 In re the Matter of:) Case No.: 11-125
)
 2 State of New Hampshire Banking)
)
 3 Department,)
)
 4 Petitioner,) Order to Show Cause and
) Cease and Desist
 5 and)
)
 6 CC Brown Law Offices (a/k/a CC Brown)
)
 7 Law LLC and Law Offices of C.C.)
)
 8 Brown), and Charles Craig Brown, Esq.,)
)
 9 Respondents)

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. CC Brown Law Offices (a/k/a CC Brown Law LLC and Law Offices of C.C.
 18 Brown) ("Respondent CC Brown Law") is a limited liability company
 19 incorporated in the State of Utah on September 14, 2009, where it is located
 20 with a principal office location in Midvale, Utah. The Respondents are not
 21 registered with the New Hampshire Secretary of State's Office. Respondent
 22 Brown Law is a "Person." RSA 397-A:1,XVIII.

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

1 indicate that Respondent CC Brown Law has ever held a New Hampshire Mortgage
2 Broker license.

3 5. Charles Craig Brown, Esq. ("Respondent Brown") is a Senior Partner of
4 Respondent Brown Law. Respondent Brown is an attorney licensed to practice
5 in the State of Utah since September 5, 1974. Respondent Brown is a Control
6 Person (RSA 397-A:1,V-a), a Direct Owner (RSA 397-A:1,VI-a), a Principal
7 (RSA 397-A:1,XIX), and a Person (RSA 397-A:1,XVIII).

8 6. The National Mortgage Licensing System & Registry ("NMLS") does not
9 indicate that Respondent Brown has ever held a license as a mortgage broker.
10 The New Hampshire Banking Department's ("Department") records do not
11 indicate that Respondent Brown has ever held a New Hampshire Mortgage Broker
12 license.

13 **RIGHT TO REQUEST A HEARING**

14 7. 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 397-A:17 and RSA 397-A:18.

19 8. 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
24 397-A:17,I and RSA 397-A:18.

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

1 2 above.

2 STATEMENT OF ALLEGATIONS

3 10. On May 4, 2011, the Department received a complaint from a New
4 Hampshire consumer ("Consumer A") against Respondent concerning residential
5 mortgage loan modification services.

6 11. On April 12, 2011, Respondent contracted with Consumer A to modify
7 Consumer A's mortgage loan without a New Hampshire mortgage broker license,
8 in violation of RSA 397-A:3,I.

9 12. On May 18, 2011, the Department sent a letter via U.S. Certified Mail
10 return receipt requested to Respondent, suggesting Respondent applies for
11 licensure with the Department and requesting documentation from the
12 Respondent. The U.S. Post Office indicates that the correspondence was
13 received by the Respondents on May 24, 2011.

14 13. On July 5, 2011, the Department received correspondence from the
15 Respondents dated June 23, 2011. The Respondents indicated that the
16 licensed attorneys practicing law at the Respondents' company were exempt
17 from the New Hampshire statute requiring licensure as a Mortgage Loan
18 Originator under RSA 397-A:4. The Respondents provided the Department with
19 Respondents' company's contact name, address, phone number, and email, but
20 failed to provide the Department with a New Hampshire consumer list to
21 include the consumer's name, address, transaction information, and consumer
22 contract if applicable, as requested.

23 14. RSA 397-A:4 indicates in pertinent part, "that the provisions of this
24 chapter shall not apply to a licensed attorney who negotiates the terms of a
25 residential mortgage loan on behalf of a client as an ancillary matter to

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

4 19. **Accordingly, it is hereby ORDERED that:**

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

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

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

16 (1). Respondent CC Brown Law:

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

19 Violation #2: Failure to provide documents (RSA 397-
20 A:12,I) - 1 Count;

21 (2). Respondent Brown (as Control Person, Direct Owner, and
22 Principal):

23 Violation #1: Unlicensed mortgage broker activity (RSA
24 397-A:3,I) - 1 Count;

25 Violation #2: Failure to provide documents (RSA 397-

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A:12,I) - 1 Count;

d. Nothing in this Order:

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

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

SO ORDERED.

_____/s/
RONALD A. WILBUR
BANK COMMISSIONER

Dated: August 25, 2011