

1	In re the Matter of:) Case No.: 11-205
)
2	State of New Hampshire Banking)
)
3	Department,)
)
4	Petitioner,) Order to Show Cause and
5	and) Cease and Desist
)
6	Mortgage Assistance Group (a/k/a)
)
7	Mortgage Relief Group, LLC and d/b/a)
)
8	www.mortgageassistancegroup-az.com),)
)
9	and Stan Nii-Addo Allotey,)
)
10	Respondents)

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.

RESPONDENTS

18 3. Mortgage Assistance Group (a/k/a Mortgage Relief Group, LLC and d/b/a
19 www.mortgageassistancegroup-az.com) ("Respondent Mortgage Assistance") is a
20 limited liability company incorporated in the State of Arizona on September
21 3, 2008 with a principal office location in Glendale, Arizona. Respondent
22 Mortgage Assistance also has an office location in Phoenix, Arizona.
23 Respondent Mortgage Assistance is not registered with the New Hampshire
24 Secretary of State. Respondent Mortgage Assistance is a "Person." RSA 397-
25 A:1,XVIII.

1 4. The Nationwide Mortgage Licensing System & Registry ("NMLS") does not
2 indicate that Respondent Mortgage Assistance has ever held a license as a
3 mortgage broker. The New Hampshire Banking Department's ("Department")
4 records do not indicate that Respondent Mortgage Assistance has ever held a
5 New Hampshire Mortgage Broker license.

6 5. Stan Nii-Addo Allotey ("Respondent Allotey") is the Founder and Owner
7 of Respondent Mortgage Assistance. Respondent Allotey is listed by filings
8 with the Arizona Corporation Commission as the Statutory Agent and Member of
9 Respondent Mortgage Assistance. Respondent Allotey is a Control person (RSA
10 397-A:1,V-a), a Principal (RSA 397-A:1,XIX), a Direct Owner (RSA 397-A:1 VI-
11 a), and a Person (RSA 397-A:1,XVIII).

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

15 7. The above-named Respondents are hereinafter collectively known as
16 "Respondents".

17 **RIGHT TO REQUEST A HEARING**

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

23 9. If any person fails to request a hearing within thirty (30) days of
24 receiving this Order, then such person shall be deemed in default, and the
25 Order shall, on the thirty-first (31st) day, become permanent, all

1 allegations may be deemed true, and shall remain in full force and effect
2 until modified or vacated by the Commissioner for good cause shown. RSA
3 397-A:17,I and RSA 397-A:18.

4 10. A default may result in administrative fines as described in Paragraph
5 2 above.

6 **STATEMENT OF ALLEGATIONS**

7 11. On February 18, 2011, the Department received a complaint from a New
8 Hampshire consumer ("Consumer A") against Respondents concerning residential
9 mortgage loan modification services.

10 12. On February 11, 2010, Respondents contracted with Consumer A to
11 modify Consumer A's mortgage loan without a New Hampshire mortgage broker
12 license, in violation of RSA 397-A:3,I.

13 13. On February 11, 2010, Respondents collected an advance fee of \$950.00
14 from Consumer A, in violation of RSA 397-A:14,IV(m).

15 14. On March 12, 2010, Respondents collected an advance fee of \$300.00
16 from Consumer A, in violation of RSA 397-A:14,IV(m).

17 15. On October 31, 2010, Respondents collected an advance fee of \$165.00
18 from Consumer A, in violation of RSA 397-A:14,IV(m).

19 16. On December 1, 2010, Respondents collected an advance fee of \$165.00
20 from Consumer A, in violation of RSA 397-A:14,IV(m).

21 17. On December 29, 2010, Respondents collected an advance fee of \$165.00
22 from Consumer A, in violation of RSA 397-A:14,IV(m).

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

25 19. On October 4, 2011, the Department sent a letter via U.S. Certified

1 Mail return receipt requested to Respondents at the Glendale, Arizona
2 address, suggesting Respondents apply for licensure with the Department,
3 requesting documents relative to New Hampshire consumers and requesting a
4 resolution to the consumer complaint. The U.S. Post Office returned the
5 letter on October 17, 2011 indicating, "Return to Sender, Not Deliverable as
6 Addressed, Unable to Forward".

7 20. On October 4, 2011, the Department sent a letter via U.S. Certified
8 Mail return receipt requested to Respondents at the Phoenix, Arizona
9 address, suggesting Respondents apply for licensure with the Department,
10 requesting documents relative to New Hampshire consumers and requesting a
11 resolution to the consumer complaint. The U.S. Post Office returned the
12 letter on October 17, 2011 indicating, "Return to Sender, Attempted - Not
13 Known, Unable to Forward".

14 21. To date, Respondents have failed to provide the information requested
15 by the Department, in violation of RSA 397-A:12,I.

16 _____ /S/
17 Ryan McFarland
18 Hearings Examiner

Dated: November 29, 2011

18 **ORDER**

19 22. **I hereby find as follows:**

20 a. Pursuant to RSA 397-A:17,I, the facts as alleged above, if true,
21 show Respondents are operating or have operated in violation of RSA Chapter
22 397-A and form the legal basis for this Order;

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

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

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

6 **23. Accordingly, it is hereby ORDERED that:**

7 a. Respondents shall cease and desist from violating RSA Chapter
8 397-A and rules or orders thereunder;

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

16 c. Respondents shall show cause why the Commissioner should not
17 enter an order of rescission, restitution, or disgorgement of profits in the
18 amount of at least \$1,745.00 (for Consumer A);

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

22 (1). Respondent Mortgage Assistance:

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

24 1 Count;

25 #2: Collecting an Advance Fee (RSA 397-A:14,IV(m)) - 5

1 Counts;

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

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

6 (2). Respondent Allotey (as Control Person, Direct Owner, and
7 Principal):

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

10 #2: Collecting an Advance Fee (RSA 397-A:14,IV(m)) - 5
11 Counts;

12 #3: Failure to provide a residential mortgage loan
13 modification (RSA 397-A:14,IV(b)) - 1 Count;

14 #4: Failure to provide documents (RSA 397-A:12,I) - 1
15 Count;

16 e. Nothing in this Order:

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

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

23 **SO ORDERED.**

24 _____ /S/
25 RONALD A. WILBUR
BANK COMMISSIONER

Dated: November 29, 2011