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| 1 | In re the Matter of: |) Case No.: 11-209 |
| | |) |
| 2 | State of New Hampshire Banking |) |
| | |) |
| 3 | Department, |) |
| | |) |
| 4 | Petitioner, |) Order to Cease and Desist |
| | |) |
| 5 | and |) |
| | |) |
| 6 | Home Care Alliance Group (d/b/a |) |
| | |) |
| 7 | www.homecarealliancegroup.com and |) |
| | |) |
| 8 | a/k/a Home Protection Firm), |) |
| | |) |
| 9 | Respondent |) |

NOTICE OF ORDER TO 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.

RESPONDENT

17 3. Home Care Alliance Group (d/b/a www.homecarealliancegroup.com and
18 a/k/a Home Protection Firm) ("Respondent Home Care") is a company with a
19 principal office location in Newport Beach, California. Respondent Home
20 Care is also listed as having an address in Los Angeles, California.
21 Respondent Home Care is not registered with the California Secretary of
22 State. Respondent Home Care is not registered with the New Hampshire
23 Secretary of State. Respondent Home Care is a "Person." RSA 397-A:1,XVIII.

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

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

4 **RIGHT TO REQUEST A HEARING**

5 5. Respondent Home Care has a right to request a hearing on this Order. A
6 hearing shall be held not later than ten (10) days after the Commissioner
7 receives the Respondent Home Care's written request for a hearing.
8 Respondent Home Care may request a hearing and waive the ten (10) day
9 hearing requirement. The hearing shall comply with RSA Chapter 541-A. *RSA*
10 *397-A:17 and RSA 397-A:18.*

11 6. If Respondent Home Care fails to request a hearing within thirty (30)
12 days of receiving this Order, then such person shall be deemed in default,
13 and the Order shall, on the thirty-first (31st) day, become permanent, all
14 allegations may be deemed true, and shall remain in full force and effect
15 until modified or vacated by the Commissioner for good cause shown. *RSA*
16 *397-A:17,I and RSA 397-A:18.*

17 7. A default may result in administrative fines as described in Paragraph
18 2 above.

19 **STATEMENT OF ALLEGATIONS**

20 8. On July 7, 2011, the Department received a complaint from a New
21 Hampshire consumer ("Consumer A") against Respondent Home Care concerning
22 residential mortgage loan modification services.

23 9. On April 11, 2011, Respondent Home Care contracted with Consumer A to
24 modify Consumer A's mortgage loan without a New Hampshire mortgage broker
25 license, in violation of RSA 397-A:3,I.

1 10. On or about April 15, 2011, Respondent Home Care collected an advance
2 fee of \$1,800.00 from Consumer A, in violation of RSA 397-A:14,IV(m).

3 11. On May 19, 2011, Respondents collected an advance fee of \$1,695.00
4 from Consumer A, in violation of RSA 397-A:14,IV(m).

5 12. Respondent Home Care failed to provide a residential mortgage loan
6 modification to Consumer A in violation of RSA 397-A:14,IV(b).

7 13. On September 30, 2011, the Department sent a letter via U.S. Certified
8 Mail return receipt requested to Respondent Home Care at the Newport Beach,
9 California and the Los Angeles, California addresses, suggesting Respondent
10 Home Care apply for licensure with the Department, and requesting documents
11 relative to New Hampshire consumers. The correspondence to Newport Beach was
12 received by the Respondent Home Care on October 6, 2011 and the U.S. Post
13 office returned the correspondence sent to Los Angeles as "Return to Sender,
14 Insufficient Address, Unable to Forward."

15 14. On September 30, 2011, the Department sent a letter via facsimile to
16 Respondent Home Care, suggesting Respondent Home Care apply for licensure
17 with the Department, and requesting documents relative to New Hampshire
18 consumers. The Department received confirmation that the correspondence was
19 properly transmitted.

20 15. To date, Respondent Home Care has failed to provide the information
21 requested by the Department, in violation of RSA 397-A:12,I and has failed
22 to provide a refund to Consumer A.

23 _____/s/
24 Maryam Torben Desfosses
25 Hearings Examiner

Dated: 05/09/12

ORDER

16. **I hereby find as follows:**

a. Pursuant to RSA 397-A:17,I, the facts as alleged above, if true, show Respondent Home Care is operating or has operated in violation of RSA Chapter 397-A and form the legal basis for this Order;

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

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

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

17. **Accordingly, it is hereby ORDERED that:**

a. Respondent Home Care shall cease and desist from violating RSA Chapter 397-A and rules or orders thereunder;

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

c. Respondent Home Care shall show cause why the Commissioner

1 should not enter an order of rescission, restitution, or disgorgement of
2 profits in the amount of at least \$3,495.00 (for Consumer A);

3 d. Respondent Home Care shall show cause why an administrative fine
4 of up to a maximum of \$2,500.00 per violation (as stated in Counts below)
5 should not be imposed as follows:

6 (1). Respondent Home Care:

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

9 #2: Collecting an Advance Fee (RSA 397-A:14,IV(m)) - 2
10 Counts;

11 #3: Failure to provide a residential mortgage loan
12 modification (RSA 397-A:14,IV(b)) - 1 Count;

13 #4: Failure to provide documents (RSA 397-A:12,I) - 1
14 Count; and

15 e. Nothing in this Order:

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

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

22
23 **SO ORDERED.**

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

Dated: 05/10/12