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State of New Hampshire Banking Department

In re the Matter of:) Case No.: 12-280
)
State of New Hampshire Banking Department,)
)
Petitioner,)
)
and) Consent Order
)
West Coast Servicing, Inc.,)
)
Respondent)
)

CONSENT ORDER

The State of New Hampshire Banking Department (the "Department") finds and Orders as follows:

Respondent

- 1. West Coast Servicing, Inc. ("West Coast") is a corporation duly formed in the State of California on December 18, 2003. West Coast registered with the New Hampshire Secretary of State on September 16, 2010.
- 2. In New Hampshire, West Coast has been a registered Mortgage Servicer with the Department since November 15, 2010. This Consent Order covers West Coast's unregistered Mortgage Servicer activity from September 1, 2006 to November 14, 2010.

Jurisdiction

- 3. The Department is authorized to regulate mortgage servicers pursuant to RSA Chapter 397-B. *RSA 397-B:2 and RSA 397-B:4.*
- 4. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter 397-B and RSA Chapter 397-A and to deny a registration or license of a registrant or licensee and/or assess penalties pursuant to RSA Chapter 397-B and RSA Chapter 397-A.

1 RSA 397-B:3, RSA 397-A:17, RSA 397-A:18 and RSA 397-A:21.

2 **Facts**

3 5. West Coast conducted mortgage servicer activity for at least eighteen
4 (18) New Hampshire consumers without a valid New Hampshire Mortgage
5 Servicer registration issued by the Department. Late fees and other
6 fees charged and collected by West Coast for seven (7) of those
7 Consumers totaled \$831.51 for Consumers A through G:

8 A: \$142.98 C: \$181.86 E: \$25.00 G: \$40.00
9 B: \$395.00 D: \$5.00 F: \$41.67

10
11 6. During the request for information, West Coast cooperated and provided
12 the information to show West Coast did conduct business in New
13 Hampshire without proper registration.

14 **Violation(s) of Law and Penalties**

15 7. West Coast is a "Person" as defined by RSA 397-B:1,III and RSA 397-
16 A:1, XVIII.

17 8. West Coast may be assessed an administrative fine not to exceed
18 \$2,500.00 for each violation of RSA Chapter 397-B and RSA Chapter 397-
19 A. RSA 397-B:6,IV and V and RSA 397-A:21,IV and V.

20 **Respondent's Consent**

21 9. West Coast does not deny the facts, statements, or violations
22 contained herein and West Coast hereby agrees to the entry of this
23 Consent Order.

24 10. West Coast has voluntarily entered into this Consent Order
25 without reliance upon any discussions between the Department and West

1 Coast, without promise of a benefit of any kind (other than
2 concessions contained in this Consent Order), and without threats,
3 force, intimidation, or coercion of any kind. West Coast further
4 acknowledges its understanding of the nature of the allegations set
5 forth in this action, including the potential penalties provided by
6 law.

7 11. West Coast hereby acknowledges, understands, and agrees that there is
8 the right to notice, hearing, and/or a civil action and hereby waives
9 said rights.

10 **Order**

11 12. **Whereas pursuant to RSA 397-B:3,VI and RSA 397-A:20,VI**, finding this
12 Consent Order necessary, appropriate and in the public interest and
13 consistent with the intent and purposes of New Hampshire banking laws,
14 the Department Orders as follows:

15 a. West Coast shall reimburse Consumers A through G the fees
16 charged as described in Paragraph 5 above, payable
17 contemporaneously with West Coast's signing of this Consent
18 Order. West Coast shall directly reimburse Consumers A through G
19 via a direct credit to their existing serviced residential
20 mortgage loan account.

21 (1). Such credit shall be accompanied by written
22 correspondence to each of the above Consumers containing only
23 the following language: "This direct credit is being given to
24 you pursuant to a public consent order that West Coast
25 Servicing Inc. entered into with the New Hampshire Banking

1 Department. You may find a copy of the public consent order
2 on the Banking Department's website at
3 www.nh.gov/banking/orders/enforcement/index.htm by searching
4 for Docket #12-280. For further questions, please contact
5 the New Hampshire Banking Department at (603) 271-3561;" and
6 (2). Any verbal communications with consumers about the
7 restitution shall be limited to the language found in the
8 written correspondence, and West Coast shall refer the
9 consumer to the Department for further information; and

10 b. West Coast shall pay to the Department \$6,000.00 in
11 administrative penalties, payable contemporaneously with West
12 Coast's signing of this Consent Order. The check shall be bank
13 check or guaranteed funds and made payable to "State of New
14 Hampshire."

15 13. This Consent Order may be revoked and the Department may pursue any
16 and all remedies available under law, if the Department later finds
17 that West Coast knowingly or willfully withheld information used and
18 relied upon in this Consent Order.

19 14. This Consent Order is binding on all heirs, assigns, and/or successors
20 in interest.

21 15. This Consent Order shall become effective upon the date the
22 Commissioner signs this Consent Order, providing the Department has
23 confirmed the receipt of payments referenced in Paragraphs 12.a. and
24 12.b. herein.

1 16. Once this Consent Order is effective, the Department agrees not to
2 seek further reimbursement, refunds, penalties, fines, costs, or fees
3 regarding the facts or allegations of violations contained herein.

4 17. For any person or entity not a party to this Consent Order, this
5 Consent Order does not create any private rights or remedies against
6 the Respondents, create any liability for the Respondents or limit
7 defenses of Respondents to any claims.

8 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
9 Order, effective upon its execution by Ronald A. Wilbur, Bank Commissioner.

10
11 Recommended this 2nd day of October, 2012 by

12 _____
/s/

13 Maryam Torben Desfosses, Hearings Examiner, Banking Department

14
15
16 Executed this 10th day of October, 2012 by

17 _____
/s/

18 Steve Joseph Kraemer, as President on behalf of West Coast Servicing, Inc.

19
20
21 **SO ORDERED.**

22 _____
/s/

23 Ronald A. Wilbur
Bank Commissioner

Dated: 10/15/12