

**State of New Hampshire  
Banking Department**

|  |   |                                  |
|--|---|----------------------------------|
| <b>In re:</b>                                    | ) | <b>Case Nos.: 12-360; 12-439</b> |
|  | ) |                                  |
| <b>The Rigley Group a/k/a Loan Reduction</b>     | ) |                                  |
|  | ) |                                  |
| <b>Hero, TriMark Financial Solutions, and G.</b> | ) | <b>Order to Cease and Desist</b> |
|  | ) |                                  |
| <b>Darrell Rigley,</b>                           | ) |                                  |
|  | ) |                                  |
| <b>Respondents.</b>                              | ) |                                  |

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Now comes the State of New Hampshire Banking Department (the “Department”) commencing an adjudicative proceeding under the provisions of RSA Chapter 397-A and RSA Chapter 541-A against the respondents, the Rigley Group, TriMark Financial Solutions (“TriMark”), and G. Darrell Rigley.

**JURISDICTION**

The Department licenses and regulates persons “engage[d] in the business of offering, originating, making, funding, or brokering mortgage loans from the state of New Hampshire or mortgage loans secured by real property located in the state of New Hampshire.” RSA 397-A:2, I. “The [Department] may issue a cease and desist order against any licensee or person who it has reasonable cause to believe is in violation of the provisions of [RSA Chapter 397-A] or any rule or order under [RSA Chapter 397-A].”

**RESPONDENTS**

1. The Rigley Group, also known as Loan Reduction Hero, is a Florida profit corporation with a principal address of 20283 State Road 7, Suite 400, Boca Raton, FL 33498. Presidential Services Incorporated, 1217 Cape Coral Parkway, #300, Cape Coral, FL 33904 is listed as the registered agent for the Rigley Group by the Florida Secretary of State. The Florida Secretary of State lists the Rigley Group as having an inactive status.

The Rigley Group is not registered with the New Hampshire Secretary of State and does not hold a New Hampshire mortgage broker license from the Department.

2. TriMark is an entity with a mailing address of 6965 E. Broad Street, Ste 114, Columbus, OH 43213. TriMark is not registered with the Ohio Secretary of State or the New Hampshire Secretary of State. TriMark has never held a New Hampshire mortgage broker license from the Department.
3. Mr. Rigley is an individual likely residing in Ohio or Florida. The Florida Secretary of State lists Mr. Rigley as an officer or director of the Rigley Group. Additionally, Mr. Rigley's LinkedIn website lists him as the President of TriMark. Mr. Rigley has never held a New Hampshire mortgage broker license from the Department.

#### **FACTS**

On October 26, 2011, the Department received a complaint from Consumer A and Consumer B about NewEnglandForeclosureRescue.com, LLC.<sup>1</sup> Consumer A and Consumer B stated in their complaint that they hired NewEnglandForeclosureRescue.com, LLC to “proceed with an audit of [their] home mortgage” to avoid foreclosure. Consumer A and Consumer B paid \$3,000 and gave paperwork to NewEnglandForeclosureRescue.com, LLC. Subsequently, NewEnglandForeclosureRescue.com, LLC forwarded the consumers' money and paperwork to the Rigley Group and Mr. Rigley.

The Rigley Group requested that Consumer A sign a “Negotiation Services Contract.” The Negotiation Services Contract explains that the Rigley Group will: (1) “send demand letters”

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<sup>1</sup> The Department was unable to locate NewEnglandForeclosureRescue.com, LLC. The New Hampshire Secretary of State lists the entity as administratively dissolved with a principal office address of 225 Church Road, Pembroke, NH 03275. The Department issued administrative subpoenas to the principal office address, as well as other addresses associated with NewEnglandForeclosureRescue.com, LLC, and the subpoenas were returned as “not known” or “not deliverable as addressed.” Accordingly, the Department did not include NewEnglandForeclosureRescue.com, LLC as a respondent on this Order to Cease and Desist.

to Consumer A's lenders; (2) "negotiate directly with [Consumer A's] lenders . . . to assist [Consumer A] in securing a loan modification or other relief as appropriate"; and (3) provide Consumer A with access to the Rigley Group's "network of attorneys" to "help [Consumer A] deal with [his] lender." Consumer A signed the Negotiation Services Contract on or about April 6, 2011.

The Rigley Group subsequently notified Consumer A that an audit of his mortgage documents "uncovered numerous violations in the preparation, underwriting and delivery" of Consumer A's mortgage. The Rigley Group allegedly sent notice of the problems with Consumer A's mortgage to his lender. Additionally, the Rigley Group told Consumer A that it would assist Consumer A in reducing the principal owed on his mortgage to "current market value." However, eventually, Consumer A's contact at NewEnglandForeclosureRescue.com, LLC stopped returning Consumer A's phone calls and Consumer A filed a complaint against the entity.

Consumer A provided the Department with a variety of correspondence from the Rigley Group, a "Fully Executed Negotiation Services Contract" between Consumer A and the Rigley Group, and photocopies of documents submitted by Consumer A to the Rigley Group. Additionally, Consumer A provided an email from Mr. Rigley to Consumer A which appears on letterhead for TriMark.

The Department also received information on September 19, 2012 from Consumer C regarding NewEnglandForeclosureRescue.com, LLC and the Rigley Group. Consumer C alleged that he paid "thousands" of dollars to NewEnglandForeclosureRescue.com, LLC and the Rigley Group for help with obtaining a forensic audit of his mortgage and a mortgage loan

modification. Consumer C further alleged that he was unable to obtain a mortgage loan modification.

On November 9, 2012, the Department sent administrative subpoenas via certified mail return receipt requested to the Rigley Group, the registered agent for the Rigley Group, and TriMark. The Rigley Group received the letter enclosing the subpoena on November 19, 2012. The registered agent received the letter enclosing the subpoena on November 16, 2012. Trimark received the letter enclosing the subpoena on November 16, 2012. The Department received no response from the respondents to the subpoenas. Subsequently, the Department commenced this adjudicative action.

#### **GOVERNING LAW**

Under RSA 397-A:3, I, “[a]ny person . . . that, in its own name or on behalf of other persons, engages in the business of making or brokering mortgage loans secured by real property located in this state shall be required to obtain a license from the department.” A “mortgage broker” is defined as “a person . . . who for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly . . . [a]cts as an intermediary, finder, or agent of a lender or borrower for the purpose of negotiating, arranging, finding, or procuring mortgage loans.” RSA 397-A:1, XIII.

#### **FINDINGS**

Pursuant to RSA 397-A:18, II, the Department has reasonable cause to believe that the respondents have violated the following provisions of RSA Chapter 397-A:

1. RSA 397-A:3, I: The Rigley Group knowingly or negligently violated RSA 397-A:3, I when it offered to negotiate the terms of Consumer A’s mortgage secured by real

property located in New Hampshire in exchange for financial compensation without a license from the Department;

2. RSA 397-A:3, I: TriMark knowingly or negligently violated RSA 397-A:3, I when it offered to negotiate the terms of Consumer A's mortgage secured by real property located in New Hampshire in exchange for financial compensation without a license from the Department;
3. RSA 397-A:3, I: Mr. Rigley knowingly or negligently violated RSA 397-A:3, I when he offered to negotiate the terms of Consumer A's mortgage secured by real property located in New Hampshire in exchange for financial compensation without a license from the Department;
4. RSA 397-A:3, I: The Rigley Group knowingly or negligently violated RSA 397-A:3, I when it offered to negotiate the terms of Consumer C's mortgage secured by real property located in New Hampshire in exchange for financial compensation without a license from the Department; and
5. RSA 397-A:3, I: Mr. Rigley knowingly or negligently violated RSA 397-A:3, I when he offered to negotiate the terms of Consumer C's mortgage secured by real property located in New Hampshire in exchange for financial compensation without a license from the Department.

Pursuant to RSA 397-A:20, VI, this Order is necessary and appropriate to the public interest, for the protection of consumers, and consistent with the purposes fairly intended by the policy and provisions of RSA Chapter 397-A.

#### **ORDER**

The Commissioner orders as follows:



**ORDERED by:**

02/25/13

Date

/s/

Glenn A. Perlow  
Deputy Bank Commissioner  
State of New Hampshire Banking Department

**CERTIFICATE OF SERVICE**

I, Emelia A.S. Galdieri, hereby certify that on 26<sup>th</sup> Feb. 2013, a copy of this Order to Cease and Desist was sent to the following parties via U.S. Certified Mail First Class:

TriMark Financial Solutions  
6956 E. Broad Street, Ste 114  
Columbus, OH 43213

The Rigley Group  
20283 State Road 7, #400  
Boca Raton, FL 33498

Presidential Services Incorporated  
1217 Cape Coral Pkwy, #300  
Cape Coral, FL 33904

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/s/  
Emelia A.S. Galdieri  
N.H. Bar #19840  
Hearings Examiner  
State of New Hampshire Banking Department