

STATE OF NEW HAMPSHIRE

BANKING DEPARTMENT

In re HSI Trust Homesavers, Ltd. and

Bruce Boguslav, as President and Secretary of HSI Trust Homesavers, Ltd.

Case No. 12-401

CONSENT ORDER

The State of New Hampshire Banking Department (the “Department”) and the Bank Commissioner acting in agreement with the respondents, HSI Trust – Homesavers, Ltd. (“HSI”) and Bruce Boguslav, President and Secretary of HSI, find and order as follows.

JURISDICTION

The Department regulates “persons that offer, originate, make, fund, or broker a mortgage loan from the state of New Hampshire or a mortgage loan secured by real property located in the state of New Hampshire.” RSA 397-A:2, I. Mortgage brokering includes “act[ing] as an intermediary, finder, or agent of a lender or borrower for the purpose of negotiating, arranging, finding, or procuring mortgage loans, or commitments for mortgage loans.” RSA 397-A:1, XIII(a).

BACKGROUND

On or about March 14, 2012, the Department received a consumer complaint against a third-party bank regarding the consumer’s mortgage loan. In the complaint, the consumer indicated that she contacted HSI on or about March 10, 2012. Subsequently, the Department investigated HSI. The evidence obtained by the Department indicated that HSI negotiated mortgage loan modifications for New Hampshire consumers. The Department’s records indicated that HSI was not licensed with the Department.

The Department sent an administrative subpoena to HSI requesting additional information from HSI, including a New Hampshire consumer list and any contracts between HSI and New Hampshire consumers. HSI fully cooperated with the Department's request. Subsequently, the Department and HSI entered into negotiations to settle this matter amicably with the cooperation of all parties. The Department, HSI, and Mr. Boguslav reached the following resolution of this matter.

CONSENT AND ACKNOWLEDGMENTS

1. HSI and Mr. Boguslav have voluntarily entered into this Consent Order without reliance upon any discussions between the Department, HSI, and Mr. Boguslav, without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind.
2. HSI and Mr. Boguslav acknowledge their understanding of the nature of the allegations set forth in this proceeding, including the potential penalties provided by law.
3. HSI and Mr. Boguslav acknowledge, understand, and agree that they have the right to notice, hearing, civil action, and/or appeal related to this Consent Order, and hereby waive those rights.
4. HSI and Mr. Boguslav represent and warrant that they have all the necessary rights, powers, and abilities to carry out all the terms of this Consent Order that are applicable to them.

5. HSI and Mr. Boguslav acknowledge that the Department is relying upon HSI's and Mr. Boguslav's representations and warranties stated herein in making its determinations in this matter.

ORDER

Pursuant to RSA 397-A:20, VI, the Commissioner finds this Consent Order necessary or 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. Accordingly, the Commissioner orders as follows:

1. HSI shall comply with RSA Chapter 397-A, and any rules or orders under RSA Chapter 397-A.
2. HSI shall not offer, originate, make, fund, or broker any mortgage loans from the State of New Hampshire or mortgage loans secured by real property located in the State of New Hampshire without first obtaining a license from the Department.
3. HSI and Mr. Boguslav shall be jointly and severally liable to pay an administrative fine of \$2,600 to the Department. The administrative fine shall be paid as follows:
 - a. HSI or Mr. Boguslav shall make a payment of \$867.00 to the Department by check payable to the "State of New Hampshire" on the date this Consent Order is executed by HSI and Mr. Boguslav.
 - b. HSI or Mr. Boguslav shall make two (2) installment payments of \$866.50 no later than the fifteenth day of each month commencing September 15, 2013.

4. This Consent Order shall become effective upon the date the Commissioner of the Banking Department signs this Consent Order, provided the Department has confirmed receipt of the payment referenced in Paragraph 3(a).

Recommended by:

08/19/13

Date

/s/

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

Executed by:

08/07/13

Date

/s/

Bruce H. Boguslav
President, HSI Trust – Homesavers, Ltd.

SO ORDERED.

08/19/13

Date

/s/

~~Glenn A. Perlow~~ Ingrid E. White
Deputy Bank Commissioner
State of New Hampshire Banking Department