

In re: Jeffrey A. Smith Law Group, P.A. (d/b/a jawlawgroup.com, d/b/a attorney-jeffrey-a-smith-esq.com and d/b/a Friedman Law Associates, P.C.), and Jeffrey Anak Smith, Esquire,  
Respondents  
Case No.: 14-022

CONSENT ORDER

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

**Respondents**

1. Jeffrey A. Smith Law Group, P.A. (with d/b/a jawlawgroup.com, d/b/a attorney-jeffrey-a-smith-esq.com and d/b/a Friedman Law Associates, P.C.) ("Smith Law Group") is a Florida law firm with a principal office location in Stuart, Florida. Smith Law Group is not registered with the New Hampshire Secretary of State and has never been a Department-licensed Mortgage Broker.
2. Jeffrey Anak Smith ("Attorney Smith"), as owner of Smith Law Group, was a licensed Florida attorney effective October 7, 1994 until his license suspension was made final on March 20, 2014. Attorney Smith is currently not eligible to practice law. Attorney Smith is not a Department-licensed Mortgage Loan Originator.

3. Smith Law Group and Attorney Smith are hereinafter collectively known as "Respondents."

#### **Jurisdiction**

4. The Department is authorized to regulate mortgage brokers and mortgage loan originators pursuant to RSA Chapter 397-A. *RSA 397-A:2 and RSA 397-A:3.*
5. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter 397-A and to assess penalties pursuant to RSA Chapter 397-A. *RSA 397-A:17 and RSA 397-A:18.*
6. The Department may assess administrative fines not to exceed \$2,500.00 for each violation of RSA Chapter 397-A. *RSA 397-A:21,IV and V.*
7. The Department may require Respondents to provide restitution. *RSA 397-A:21,IV and V and RSA 383:10-d.*

#### **Facts**

8. On December 24, 2013, Attorney Smith entered into a Conditional Guilty Plea for Consent Judgment ("Consent Judgment") requiring restitution for some consumers and fee arbitration for others. On March 20, 2014, the Supreme Court of Florida finalized the ninety-one day suspension effective thirty days from March 20, 2014 and ordered Attorney Smith to provide restitution, arbitration, court costs, in addition to placing him

- on a three-year probation should his license to practice law be reinstated ("Florida Order").
- a. Florida allows consumers to file for refunds of attorneys' fees through the Client Security Fund. In the event an affected consumer has received such repayment, the Consent Judgment and the Florida Order require Attorney Smith to make full restitution to the Client Security Fund.
9. Respondents conducted unlicensed mortgage broker and/or mortgage loan originator activity from at least 2012 to 2013 with at least four (4) New Hampshire consumers without a valid Mortgage Broker or Mortgage Loan Originator license issued by the Department.
10. On January 25, 2012, Respondents entered into a contract with Consumer A for mortgage loan modification services. Respondents charged Consumer A \$2,300.00 for such services. Consumer A is not listed in the Consent Judgment. Respondents shall be hereby required to make full restitution (if any is required) to Consumer A.
11. On May 31, 2012, Respondents entered into a contract with Consumer B for mortgage loan modification services. Consumer B paid Respondents \$2,800.00 for such services. The Consent Judgment and Florida Order

require mandatory fee arbitration with Consumer B. Respondents shall be hereby required to complete and comply with such fee arbitration for Consumer B or pay such full restitution required herein.

11. On August 17, 2012, Respondents entered into a contract with Consumer C for mortgage loan modification services. Consumer C paid Respondents \$2,800.00 for such services. Respondents shall be hereby required to make full restitution to Consumer C.

12. On September 15, 2013, Respondents entered into a contract with Consumer D for mortgage loan modification services. Respondents charged Consumer D \$3,300.00 for such services. Respondents shall be hereby required to make full restitution (if any is required) to Consumer D.

13. During the request for information, Respondents fully cooperated with the Department and provided the information to show that Respondents did conduct business in New Hampshire without proper licensure.

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

14. Respondents conducted unlicensed mortgage broker and mortgage loan originator activity without a valid Mortgage Broker and/or Mortgage Loan Originator

license, in violation of RSA 397-A:3,I.

**Respondents' Consent and Acknowledgments**

15. Respondents hereby acknowledge that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that Respondents violated RSA Chapter 397-A.
16. Respondents have voluntarily entered into this Consent Order without reliance upon any discussions between the Department and Respondents, without promise of a benefit of any kind (other than concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind. Respondents further acknowledge their understanding of the nature of the allegations set forth in this action, including the potential penalties provided by law.
17. Respondents hereby acknowledge, understand, and agree that they have the right to notice and hearing and hereby waive said rights. Respondents hereby further acknowledge they waive the filing of any civil actions related to this matter.

**Order**

18. **Whereas pursuant to RSA 397-A:20,VI,** this Consent Order is necessary, appropriate and in the public interest and consistent with the intent and purposes

of New Hampshire banking laws, the Department Orders as follows:

- a. Pursuant to RSA 397-A:18,I and II, Respondents shall cease and desist from conducting unlicensed mortgage broker and mortgage loan originator activity and from violating RSA Chapter 397-A; and
  - b. Respondents shall pay all restitution required (if any) for Consumers A, C, and D; and
  - c. Respondents shall complete and pay restitution resulting from the mandatory fee arbitration for Consumer B pursuant to the Consent Judgment and Florida Order.
19. The Consent Order finally and completely concludes this matter against Respondents. This Consent Order may still be revoked and the Department may pursue any and all remedies available under law, if the Department later finds that Respondents knowingly or willfully withheld information used and relied upon in this Consent Order.
20. This Consent Order is binding on all heirs, assigns, and/or successors in interest.
21. This Consent Order shall become effective upon the date the Commissioner signs this Consent Order,

providing the Department has confirmed the payments referenced in Paragraphs 18.b. and 18.c. herein.

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

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

Recommended this 31st day of October, 2014 by

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/s/  
Maryam Torben Desfosses,  
Hearings Examiner, Banking Department

Executed this 13th day of November, 2014 by

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/s/  
Jeffrey Anak Smith, on his own behalf and on behalf of  
Jeffrey A. Smith Law Group, P.C.  
(d/b/a jawlawgroup.com, d/b/a attorney-jeffrey-a-smith-  
esq.com and d/b/a Friedman Law Associates, P.C.)

**SO ORDERED.**

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/s/  
Glenn A. Perlow,  
Bank Commissioner

Dated: 11/19/14