

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In The Matter of: Themis Law PLLC, Babbs Law Firm, P.L.,
Sam Babbs, III, Esquire, and David Maresca

Case No. 20-109

CONSENT ORDER

The State of New Hampshire Banking Department (“Department”), acting in agreement with the respondents, Themis Law PLLC (“Themis Law”), Babbs Law Firm, P.L. (“Babbs Law”), Sam Babbs, III, Esquire (“Attorney Babbs”) and David Maresca (“Mr. Maresca”) (herein after collectively, “Respondents”), finds and orders as follows:

Jurisdiction

Pursuant to RSA 399-D:2, the Department is charged with regulating persons that engage “in the business of debt adjustment in this state or with persons located in this state.” Pursuant to RSA 399-D:1, IX(f), debt adjustment includes those who serve as an “intermediary between a debtor and one or more creditors of the debtor for the purpose of obtaining concessions[,]” including those who engage “in the business of mortgage loan loss mitigation¹”. Pursuant to RSA 399-D:12, I, the Department is authorized to examine the business affairs of any licensee or non-licensee debt adjuster to determine compliance with RSA 399-D.

Background

Themis Law is an Orlando, Florida and Washington, D.C. law firm and Babbs Law is registered as a Florida limited liability company with the same addresses as Themis Law. Attorney Babbs and Mr. Maresca run and own Themis Law and Attorney Babbs runs and owns

¹ RSA 399-D:1, IX(f)(1)(A).

Babbs Law. Themis Law provides support services to Babbs Law, who retains the New Hampshire clients. Babbs Law then contracts with a New Hampshire attorney but neither Attorney Babbs nor Mr. Maresca is a licensed-New Hampshire attorney. None of the aforementioned entities or individuals is a Department-licensed debt adjuster. Pursuant to its authority under 399-D:12, I, the Department, through the Consumer Credit Division, conducted an investigation of Respondents.

Through its investigation, the Department found that beginning on January 13, 2020, Respondents conducted unlicensed mortgage loan loss mitigation activity with three (3) New Hampshire consumers in violation of RSA 399-D:2, I. Themis Law collected fees totaling \$6,910.00, which shall be refunded to Consumers 1 through 3 pursuant to RSA 399-D:21, II as follow:

Consumer 1: \$3,970.00

Consumer 2: \$1,350.00

Consumer 3: \$1,590.00.

Respondents fully cooperated with the Department regarding their unlicensed activity.

Acknowledgments

WHEREAS, Respondents make the following acknowledgments:

1. Respondents voluntarily enter into and sign this Consent Order without reliance upon any discussions between the Department and Respondents, 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. Respondents understand the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.

3. Respondents acknowledge, understand, and agree that they have the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waive those rights. Respondents further acknowledge they waive the filing of any civil actions related to this matter.
4. Respondents understand that their action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
5. Respondents represent and warrant that they have all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
6. Respondents acknowledge that the Department is relying upon Respondents' representations and warranties stated herein in making its determinations in this matter.
7. Respondents acknowledge that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against each Respondent if the Department later learns that a Respondent knowingly or willfully withheld information from the Department.
8. This Consent Order is binding on all heirs, assigns and successors in interest.

Order

Pursuant to RSA 399-D:18, VI, the Commissioner finds this action necessary or appropriate to the public interest or the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of RSA Chapter 399-D. Accordingly, the Bank Commissioner orders as follows:

1. Respondents shall cease and desist from conducting any and all mortgage loan loss mitigation activity or any debt adjuster activity with New Hampshire consumers until

such time as they become licensed by the Department or meet an exemption as confirmed by the Department.

2. Respondents shall jointly remit a total of \$6,910.00 to Consumers 1 through 3 as outlined above with a bank check made payable to each Consumer. Respondents shall provide to the Department a copy of the front and back of each cancelled (cash) check. The check submitted to each Consumer shall include a letter, addressed to the last known address in Respondents' records, and which shall state the following: "This refund is provided through a Consent Order (Docket #20-109) entered into with the New Hampshire Banking Department. Should you have any questions, please contact the New Hampshire Banking Department at 603-271-3561."

The payments to Consumers 1 through 3 will be paid as follows:

- a. Consumer 1: \$3,970.00 to be mailed to Consumer 1 by May 15, 2021; and
 - b. Consumer 2: \$1,350.00 to be mailed to Consumer 2 by July 15, 2021; and
 - c. Consumer 3: \$1,590.00 to be mailed to Consumer 3 by September 15, 2021.
3. Respondents shall jointly remit a total administrative fine of \$8,000.00, of which \$800.00 shall be made contemporaneously with Respondents' execution of this Consent Order and shall be by bank check made payable to the "State of New Hampshire." The remaining nine (9) monthly payments shall be made on the 15th of each month beginning on April 15, 2021.
 4. Failure by any Respondent to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, up to and including license application denial or license revocation, and monetary penalties.
 5. This Order fully resolves this matter and the Commissioner will not take further

action against Respondents for the allegations presented herein. However, the Department may take enforcement action against any Respondent for any violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms of this Order are not being observed or if any representation made by any Respondent and reflected herein is subsequently discovered to be untrue.

6. This Consent Order shall become final when executed by the Commissioner.

Recommended by:

Maryam Torben
Digitally signed by Maryam Torben
Date: 2021.03.15 09:13:56 -0400
Maryam Torben
Hearings Examiner
New Hampshire Banking Department

Date

DocuSigned by:
Sam Babbs III
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Sam Babbs, III, Esquire
On His Own Behalf and
On Behalf of Themis Law PLLC and
Babbs Law Firm, P.L.

4/20/2021

Date

DocuSigned by:
David Maresca
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David Maresca
On His Own Behalf
And on Behalf of Themis Law PLLC

4/20/2021

Date

SO ORDERED.

Gerald H. Little
Bank Commissioner
New Hampshire Banking Department

Date