

1 State of New Hampshire Banking Department

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3 In re the Matter of: ) Case No.: 08-062  
) )  
4 State of New Hampshire Banking ) Cease and Desist Order  
) )  
5 Department, )  
) )  
6 Petitioner, )  
) )  
7 and )  
) )  
8 Campos Chartered Law Firm and Jeffrey )  
) )  
9 Scott Campos, )  
) )  
10 Respondents

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12 This Order commences an adjudicative proceeding under the provisions of  
13 RSA 399-D:23, RSA 383:10-d, RSA 541-A, BAN 200 and JUS 800 as applicable.

14 LEGAL AUTHORITY AND JURISDICTION

15 Pursuant to RSA 399-D:23, the Banking Department of the State of New  
16 Hampshire (hereinafter the "Department") has the authority to issue and cause  
17 to be served an order requiring any person about to engage in or has engaged  
18 in any act or practice constituting a violation of RSA 399-D or any rule or  
19 order thereunder, to cease and desist from violations of RSA 399-D.

20 Pursuant to RSA 399-D:24, the Commissioner has the authority to  
21 suspend, revoke or deny any license and to impose administrative penalties of  
22 up to \$2,500.00 for each violation of New Hampshire banking law and rules.

23 Pursuant to RSA 383:10-d, the Commissioner shall have exclusive  
24 authority and jurisdiction to investigate conduct that is or may be an unfair  
25 or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or  
that may violate any of the provisions of Titles XXXV and XXXVI and  
administrative rules adopted thereunder. The Commissioner may hold hearings

1 relative to such conduct and may order restitution for a person or persons  
2 adversely affected by such conduct.

3 **NOTICE OF RIGHT TO REQUEST A HEARING**

4 The above named respondents have the right to request a hearing on this  
5 Cease and Desist Order, as well as the right to be represented by counsel. If  
6 the person to whom a cease and desist order is issued fails to request a  
7 hearing within 30 calendar days of receipt of such order, then such person  
8 shall be deemed in default, and the order shall, on the thirty-first day,  
9 become permanent and shall remain in full force and effect until and unless  
10 later modified or vacated by the commissioner, for good cause shown. Any such  
11 request for a hearing shall be in writing, signed by the respondent or by the  
12 duly authorized agent of the above named respondent, and shall be delivered  
13 either by hand or certified mail, return receipt request, to the Banking  
14 Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH 03301.

15 A hearing shall be held not later than 10 days after the request for such  
16 hearing is received by the commissioner. Within 20 days of the date of any such  
17 hearing the commissioner shall issue a further order either vacating the cease  
18 and desist order or making it permanent as the facts require. All hearings  
19 shall comply with 541-A. If the person to whom a cease and desist order is  
20 issued fails to appear at the requested hearing after being duly notified of  
21 the date and time, such person shall be deemed in default, and the proceeding  
22 may be determined against him or her upon consideration of the cease and desist  
23 order, the allegations of which may be deemed to be true

24 **STATEMENT OF ALLEGATIONS, APPLICABLE LAW, AND RELIEF REQUESTED**

25 The Staff Petition dated May 20, 2008 (a copy of which is attached  
hereto) is incorporated by reference hereto.



1 State of New Hampshire Banking Department

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3 In re the Matter of: ) Case No.: 08-062  
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 4 State of New Hampshire Banking ) Staff Petition  
 )  
 5 Department, )  
 ) May 20, 2008  
 6 Petitioner, )  
 )  
 7 and )  
 )  
 8 Campos Chartered Law Firm and Jeffrey )  
 )  
 9 Scott Campos, )  
 )  
 10 Respondents

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12 STATEMENT OF ALLEGATIONS

13 I. The staff of the Banking Department, State of New Hampshire  
14 (hereinafter referred to as the "Department") alleges the following  
15 facts:

16 1. On or about November 12, 2007 the Department received a written  
17 communication from Consumer A, a New Hampshire resident,  
18 regarding Campos Chartered Law Firm (hereinafter "Respondent  
19 Firm").

20 2. On or about August 27, 2007, Consumer A executed a Retainer  
21 Agreement (hereinafter "Agreement") with Respondent Firm.

22 3. The Agreement required Consumer A to pay Respondent Firm a  
23 monthly payment of \$223.00 for a debt settlement program. The  
24 Agreement also required Consumer A to pay a monthly fee of \$49.99  
25 to Respondent Firm.

- 1 4. Consumer A executed an Electronic Payment Authorization  
2 (hereinafter "Authorization") granting Respondent Firm access to  
3 Consumer A's checking account to deduct the monthly payment.
- 4 5. Consumer A executed a Limited Power of Attorney granting  
5 Respondent Firm the authority to negotiate with Consumer A's  
6 creditors.
- 7 6. Consumer A provided Respondent Firm with the names and account  
8 numbers for their creditors in order for Respondent Firm to  
9 negotiate on their behalf.
- 10 7. Respondent Firm deducted two payments of \$223.00 from Consumer  
11 A's checking account for the debt settlement program.
- 12 8. Respondent Firm later reimbursed one payment leaving a net  
13 collection from Consumer A of \$223.00.
- 14 9. Respondent Jeffrey Scott Campos is the only attorney listed on  
15 Respondent Firm's website and is not a member of the New  
16 Hampshire Bar Association.
- 17 10. None of the above names Respondents are licensed to do business  
18 under RSA Chapter 399-D.
- 19 11. Each of the above named Respondents appear to have contracted to  
20 provide debt adjustment services for a fee.
- 21 12. On November 19, 2007 Respondents were invited to respond to the  
22 above allegations and notified of the need for licensure.
- 23 13. To date Respondents have ignored said invitation and have not  
24 applied for licensure.

25 **ISSUES OF LAW**

II. The staff of the Department, alleges the following issues of law:

1           1. The Department realleges the above stated facts in paragraphs 1  
2           through 12.

3           2. The Department has jurisdiction over the licensing and  
4           regulation of persons engaged in debt adjustment activities  
5           pursuant to NH RSA 399-D:3.

6           3. RSA 399-D:3, IV defines debt adjustment as

7                   (a) Providing debt management advice or counseling to  
8                   consumers for direct or indirect compensation;

9                   (b) Creating debt management plans for consumers for direct  
10                  or indirect compensation;

11                  (c) Negotiating with creditors on behalf of consumers for  
12                  direct or indirect compensation; or

13                  (d) Receiving, for a fee or compensation and as agent of a  
14                  debtor, money or evidences thereof for the purpose of  
15                  distributing such money or evidences thereof among  
16                  creditors in full or partial payment of obligations of the  
17                  debtor.

18           4. RSA 399-D:3 requires that any person, in its own name or on  
19           behalf of other persons, engages in the business of debt  
20           adjustment in this state or with persons located in this state  
21           shall be required to obtain a license from the banking  
22           department. Respondents collectively violated this provision by  
23           providing debt adjustment services without a license.

24           5. RSA 399-D:23 provides that the Department may issue a Cease and  
25           Desist Order against anyone who it has reasonable cause to

1 believe is in violation of the provisions of the Chapter or a  
2 rule or order under the Chapter.

- 3 6. RSA 399-D:24 IV provides that any person who, either knowingly or  
4 negligently, violates any provision of this chapter may, upon  
5 notice and opportunity for hearing, and in addition to any such  
6 other penalty provided for by law, be subject to suspension,  
7 revocation or denial of any registration or license, including  
8 forfeiture of any application fee, or an administrative fine not  
9 to exceed \$2,500, or both. Each of the acts specified shall  
10 constitute a separate violation, and such administrative action  
11 or fine may be imposed in addition to any criminal or civil  
12 penalties imposed.

13 **RELIEF REQUESTED**

14 The staff of the Banking Department requests the Commissioner take the  
15 following action:

- 16 1. Find as fact the allegations contained in section I of the  
17 Statement of Allegations of this petition.  
18 2. Make conclusions of law relative to the allegations contained in  
19 section II of the Statement of Allegations of this petition.  
20 3. Pursuant to NH RSA 399-D:23, Order Respondent to immediately Cease  
21 and Desist from violations of the chapter.  
22 4. Take such other administrative and legal actions as are necessary  
23 for enforcement of the New Hampshire Banking laws, the protection  
24 of New Hampshire citizens, and to provide other equitable relief.

24 **RIGHT TO AMEND**

25 The Department reserves the right to amend this Petition for Relief and  
to request that the Banking Department Commissioner take additional

