

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-367
)
 3 State of New Hampshire Banking)
)
 4 Department,)
)
 5 Petitioner,) Consent Order
)
 6 and)
)
 7 Noteworld, LLC (d/b/a Noteworld)
)
 8 Servicing Center and d/b/a Noteworld)
)
 9 Contract Service Center), Linda Gaye)
)
 10 Remsberg, Dodie Ann Apperson, and)
)
 11 Gloria Jean Greeley,)
)
 12 Respondents)
)

13
14 CONSENT ORDER

15 I. This Consent Order (hereinafter referred to as "Consent Order") is
 16 entered between the New Hampshire Banking Department ("the
 17 Department"), Respondent Noteworld, LLC (d/b/a Noteworld Servicing
 18 Center and d/b/a Noteworld Contract Service Center) ("Respondent
 19 Noteworld"), Respondent Linda Gaye Remsberg ("Respondent Remsberg"),
 20 Respondent Dodie Ann Apperson ("Respondent Apperson") and Respondent
 21 Gloria Jean Greeley ("Respondent Greeley") (all Respondents
 22 hereinafter referred to collectively as "Respondents"). The Department
 23 and Respondents do hereby stipulate and agree to the following:

- 24 1. The term "this matter" shall refer to the Respondent
 25 Noteworld's unlicensed money transmission activity in the

1 State of New Hampshire from at least August 18, 2006 and
2 unregistered mortgage servicer activity in the State of New
3 Hampshire from at least 1995 through 1999 and again from 2006
4 through to the present.

5 2. The Department is authorized by New Hampshire RSA 399-G:2 to
6 regulate persons engaged in the business of money
7 transmission (as defined by RSA 399-G:1,VIII).

8 3. RSA 399-G,5,I requires the licensure of Respondent
9 Noteworld's principal office (which is located in Washington)
10 and any authorized delegate registrations for all authorized
11 delegates located or to be located in the State of New
12 Hampshire.

13 4. RSA 399-G:5 and RSA 399-G:13 authorize the Department to
14 investigate alleged violations of laws or rules to determine
15 whether any person has violated or is violating any provision
16 of RSA Chapter 399-G, rule or order given under RSA Chapter
17 399-G or other applicable state and federal laws and
18 regulations.

19 5. RSA 399-G:13 authorizes the Department to perform
20 examinations of Respondents' money transmission business.

21 6. Respondents currently have a pending application to obtain a
22 money transmitter license in the State of New Hampshire.
23 However, Respondents have previously conducted money
24 transmission activity in the State of New Hampshire without a
25 license.

1 7. The Department is authorized by New Hampshire RSA 397-B:2 to
2 regulate mortgage servicing companies (as defined by RSA 397-
3 B:1,III).

4 8. RSA 397-B:4,I requires the registration of Respondent
5 Noteworld's principal office (which is located in Washington)
6 in the State of New Hampshire if it currently services
7 mortgage loans. Respondent Noteworld indicates it has
8 cancelled its one remaining client and therefore, does not
9 need to obtain a registration herein.

10 9. RSA 397-B:4 and RSA 397-B:9 authorize the Department to
11 investigate alleged violations of laws or rules to determine
12 whether any person has violated or is violating any provision
13 of RSA Chapter 397-B, rule or order given under RSA Chapter
14 397-B.

15 10. RSA 397-B:4-a and RSA 397-B:9 authorizes the Department to
16 perform examinations of Respondents' mortgage servicer
17 activity.

18 11. The Department and Respondents would like to avoid formal
19 proceedings, and further expense, and to finally resolve this
20 action under the terms and conditions set forth below.

21 12. The terms of this Consent Order are a fair and reasonable
22 disposition of this matter and are in the public interest.

23 13. In consideration of the mutual promises and representations
24 set forth herein, and in further consideration of the
25 Department's reliance upon the substantial accuracy and good

1 faith of the representations and submissions made to it by
2 Respondents, the Department and Respondents intending to be
3 legally bound herein, agree to the terms and conditions
4 below.

5 II. For purposes of amicably resolving and closing the above-referenced
6 matter, each of the above named Respondents and the Department hereby
7 agree to the following terms and conditions:

8 1. Respondents agree they have voluntarily entered into this
9 Consent Order without reliance upon any discussions between
10 the Department and Respondents, without promise of a benefit
11 of any kind (other than concessions contained in this Consent
12 Order) and without threats, force, intimidation, or coercion
13 of any kind. Respondents further acknowledge their
14 understanding of the nature of the offenses alleged herein,
15 including the penalties provided by law.

16 2. The Respondents agree to waive any and all rights to a
17 hearing and appeal thereof.

18 3. The Respondents agree that they will not deny the factual
19 basis for this Consent Order to which they have stipulated
20 above and will not give conflicting statements about such
21 facts or their involvement in the stipulated facts.

22 4. The Respondents agree that all terms of this Consent Order
23 are contractual and none is a mere recital.

24 5. Respondent Noteworld represents and warrants that it has all
25 the necessary rights, powers and ability to carry out all of

1 the terms of this Consent Order which are applicable to
2 Respondent Noteworld.

3 6. Respondent Remsberg represents and warrants that she has all
4 the necessary rights, powers and ability to carry out all of
5 the terms of this Consent Order which are applicable to
6 Respondent Remsberg.

7 7. Respondent Apperson represents and warrants that she has all
8 the necessary rights, powers and ability to carry out all of
9 the terms of this Consent Order which are applicable to
10 Respondent Apperson.

11 8. Respondent Greeley represents and warrants that she has all
12 the necessary rights, powers and ability to carry out all of
13 the terms of this Consent Order which are applicable to
14 Respondent Greeley.

15 9. Respondents represent and warrant that they can accomplish
16 the full relief contemplated and required herein and that all
17 parents, subsidiaries, affiliates, and successors necessary
18 to effectuate the full relief contemplated by this Consent
19 Order are parties to this Consent Order.

20 10. Respondents represent and warrant that they have obtained all
21 third-party approvals necessary to comply with the Consent
22 Order.

23 11. Respondents acknowledge that the Department is relying upon
24 the representations and warranties of Respondents, stated
25 herein, in making its determination in this matter.

- 1 12. Subject to the terms of this Consent Order, the Respondents
2 consent to the entry of a total administrative penalty of
3 \$91,800.00, which shall be paid to the Department
4 contemporaneously with the execution of this Consent Order.
- 5 13. Respondents agree to immediately refund Consumer A the
6 mortgage servicer fee of \$92.95 and Consumer B the mortgage
7 servicer fee of \$18.95.
- 8 14. Respondents agree to immediately refund the money
9 transmission fees charged to consumers (totaling \$6,612.00)
10 and submit proof of such refunds in the form of cancelled
11 checks to the Department.
- 12 15. Respondents acknowledge they are jointly and severally liable
13 for all required payments referenced herein.
- 14 16. The Respondents acknowledge that failure to make payment as
15 agreed above may result in civil and/or criminal penalties.
- 16 17. This Consent Order shall become effective immediately upon
17 the date of its issuance.
- 18 18. Upon the effective date of this Consent Order, the Department
19 shall issue Respondent Noteworld a money transmitter license
20 and issue authorized delegate registrations to all of
21 Respondent Noteworld's New Hampshire authorized delegates, if
22 applicable.
- 23 19. The provisions of this Consent Order shall remain effective
24 and enforceable except to the extent that, and until such
25 time as, any provisions of this Consent Order shall have been

1 modified, terminated, suspended, or set aside by the Bank
2 Commissioner or upon an order of a court of competent
3 jurisdiction.

4 III. This Consent Order represents the resolution of and discharge of any
5 basis for any civil or administrative proceeding by the Department
6 against the above named Respondents for violations arising as a result
7 of or in connection with any actions or omissions by the above named
8 Respondents through the date of this Consent Order as it applies to
9 the allegations in this action; provided, however, this release does
10 not apply to facts not known by the Department or not otherwise
11 provided by the above named Respondents to the Department as of the
12 date of this Consent Order nor to actions for restitution under RSA
13 383:10-d, or any possible actions related to the examination just
14 completed. Such facts would include, but not be limited to, any
15 consumer harm from the actions of the above named Respondents. The
16 Department expressly reserves its right to pursue any administrative,
17 civil or criminal action or remedy available to it should the above
18 named Respondents breach this Consent Order or in the future violate
19 the Act or rules and orders promulgated thereunder.

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1 **SO ORDERED,**

2 This 4th day of August, 2009 by

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5 _____ /s/
Peter C. Hildreth,
Bank Commissioner

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8 **NOTE: VIOLATION OF A CEASE AND DESIST ORDER IS A CRIMINAL**
9 **OFFENSE.**

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