

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-BD-002
)
 3 State of New Hampshire Banking) Cease and Desist Order
)
 4 Department,)
) Consent Order
 5 Petitioner,)
)
 6 and)
)
 7 Mortgage Protection Associates (d/b/a)
)
 8 www.mortgageprotectionassociates.net))
)
 9 Respondent

10
11 CONSENT ORDER

12 I. For purposes of settling the above-referenced matter, among other
13 things, the New Hampshire Banking Department (hereinafter referred to
14 as "the Department") and Respondent Mortgage Protection Associates
15 (d/b/a www.mortgageprotectionassociates.net) (hereinafter referred to as
16 "Respondent"), do hereby enter this Consent Order and stipulate to the
17 following:

- 18 1. Respondent is a company that solicits mortgage protection insurance
19 products to mortgage holders by obtaining public records.
- 20 2. The Department and Respondent agree that Respondent was subject
21 to RSA 384:67 ("Unauthorized and Deceptive Use"), as amended by
22 2008 New Hampshire Senate Bill 315 (SB0315).
- 23 3. The Respondent admits the allegations of the Staff Petition in
24 this cause.

25 II. For purposes of amicably resolving and closing the above-referenced
matter, the Respondent agrees to the following terms and conditions and the
Department accepts the same:

- 1. The Respondent agrees that it has voluntarily entered into this
Consent Order without reliance upon any discussions between the

1 Department and Respondent, without promise of a benefit of any kind
2 (other than concessions contained in this Consent Order), and
3 without threats, force, intimidation, or coercion of any kind. The
4 Respondent further acknowledges its understanding of the nature of
5 the offense stated above, including the penalties provided by law.

6 2. The Respondent agrees to waive any and all rights to a hearing and
7 appeal thereof.

8 3. The Respondent agrees that it will not deny the factual basis for
9 this Consent Order to which it has stipulated above and will not
10 give conflicting statements about such facts or its involvement in
11 the stipulated facts.

12 4. The Respondent agrees that all terms of this Consent Order are
13 contractual and none is a mere recital.

14 5. The Respondent agrees it is subject to an administrative penalty of
15 \$5,000.00.

16 6. The Department agrees to hold the \$5,000 penalty in abeyance for two
17 calendar years from the date of this Consent Order, as long as
18 Respondent complies with RSA 384:67, as amended.

19 7. Respondent agrees to alter its solicitation to comply with RSA
20 384:67 and SB0315 as follows:

21 a. Respondent shall not use the full or abbreviated name, trade
22 name, service mark, or trademark of any financial institution in
23 any written, electronic, or oral advertisement or solicitation
24 for products and services without the financial institution's
25 express prior written authorization;

26 b. Respondent shall not make reference to a loan number or other
27 specific loan information on the outside of an envelope, visible
28 through an envelope window, on a postcard, or in electronic
29 communication in connection with any written or electronic
30 solicitation without the financial institution's express prior
31 written authorization;

32 c. Respondent shall not include a loan number or other specific loan
33 information, other than a loan amount, relative to a specifically
34 identified consumer that is publicly available:

35 (1) in any written or electronic solicitation, unless the
advertisement or solicitation clearly and conspicuously
states on the front page or introduction in bold-faced
type that is in the same font size as is predominately

1 used in the advertisement or solicitation disclosing that
2 such individual or business entity is not sponsored by or
3 affiliated with, and that such solicitation is not
4 authorized by, the financial institution and the
5 information was retrieved from public records; or

(2) in an oral solicitation unless the same disclosure is
made at the beginning of the solicitation.

6 8. Respondent agrees that it shall exclude the loan date and the name
of the financial institution from its solicitations.

7 9. The Respondents acknowledge that failure to comply as agreed above
8 will result in imposition of the suspended fine, further
9 administrative fines, which may include a fine for each individual
10 mailing that violates RSA 384:67, as amended, and possible criminal
liability.

11 This Consent Order represents the complete and final resolution of, and
12 discharge of any basis for any civil or administrative proceeding by the
Department against the Respondent for violations arising as a result of or in
13 connection with any actions or omissions by the Respondent through the date
14 of this Order as it applies to such fraudulent activity; provided, however,
15 this release does not apply to facts not known by the Department or not
16 otherwise provided by the Respondent to the Department as of the date of this
17 Order. The Department expressly reserves its right to pursue any
18 administrative or civil action or remedy available to it should the
Respondent breach this Consent Order or in the future violate the Act or
19 rules and orders promulgated thereunder.

20
21 [REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]
22
23
24
25

1 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
2 Order, with it taking effect upon the signature of Peter C. Hildreth, Bank
3 Commissioner.

4 Recommended this 8th day of August, 2008 by

5 /S/

6 Maryam Torben Desfosses, Staff Attorney, Banking Department

7 Executed this 19th day of August, 2008.

8
9 /S/

10 Thomas McDermott , as representative for Respondent.

11 **SO ORDERED,**

12 Entered this 28th day of August, 2008.

13
14 /S/

15 Peter C. Hildreth,
16 Bank Commissioner