

1 State of New Hampshire Banking Department

2 In re the Matter of:)Case No.: 08-BD-004
)
3 State of New Hampshire Banking)Cease and Desist Order
)
4 Department,)
)Consent Order Only as to Courthouse
5 Petitioner,)
)Researcher Group (d/b/a Data
6 and)
)Processing Center) and
7 Courthouse Researcher Group (d/b/a Data)
)www.easyrespond.com (excluding
8 Processing Center), Domains by Proxy,)
)Domains by Proxy, Inc., which has
9 Inc. (d/b/a www.easyrespond.com), and)
)been vacated)
10 www.easyrespond.com,)
)
11 Respondents)
)

12
13 CONSENT ORDER

14 I. For purposes of settling the above-referenced matter, among other
15 things, the New Hampshire Banking Department (hereinafter referred to
16 as "the Department"), remaining Respondent Courthouse Researcher Group
17 (d/b/a Processing Center) and remaining Respondent www.easyrespond.com
18 (both Respondent who are also known as MailCo Productions, Inc.
19 (hereinafter referred to as "Remaining Respondents"), do hereby enter
20 this Consent Order and stipulate to the following:

21 1. Remaining Respondents are a company that solicits mortgage
22 protection insurance products to mortgage holders by obtaining
23 public records.

24 2. The Department and Remaining Respondents agree that Remaining
25 Respondents were subject to RSA 384:67 ("Unauthorized and
Deceptive Use"), as amended by 2008 New Hampshire Senate Bill 315
(SB0315).

3. Remaining Respondents admit the allegations of the Staff Petition
in this cause.

1 II. For purposes of amicably resolving and closing the above-referenced
2 matter, the Remaining Respondents agree to the following terms and conditions
3 and the Department accepts the same:

- 4 1. Remaining Respondents agree that they have voluntarily entered into
5 this Consent Order without reliance upon any discussions between the
6 Department and Remaining Respondents, without promise of a benefit
7 of any kind (other than concessions contained in this Consent
8 Order), and without threats, force, intimidation, or coercion of any
9 kind. The Remaining Respondents further acknowledge their
10 understanding of the nature of the offense stated above, including
11 the penalties provided by law.
- 12 2. Remaining Respondents agree to waive any and all rights to a hearing
13 and appeal thereof.
- 14 3. Remaining Respondents agree that they will not deny the factual
15 basis for this Consent Order to which they have stipulated above and
16 will not give conflicting statements about such facts or their
17 involvement in the stipulated facts.
- 18 4. Remaining Respondents agree that all terms of this Consent Order are
19 contractual and none is a mere recital.
- 20 5. Remaining Respondents agree they are subject to an administrative
21 penalty of \$5,000.00.
- 22 6. The Department agrees to hold the \$5,000 penalty in abeyance for
23 ninety days from the date of this Consent Order, as long as
24 Remaining Respondents comply with RSA 384:67, as amended.
- 25 7. Remaining Respondents agree to alter their solicitation to comply
with RSA 384:67 and SB0315 as follows:
 - a. Remaining Respondents shall not use the full or abbreviated name,
trade name, service mark, or trademark of any financial
institution in any written, electronic, or oral advertisement or
solicitation for products and services without the financial
institution's express prior written authorization;
 - b. Remaining Respondents shall not make reference to a loan number
or other specific loan information on the outside of an envelope,
visible through an envelope window, on a postcard, or in
electronic communication in connection with any written or
electronic solicitation without the financial institution's
express prior written authorization;

1 c. Remaining Respondents shall not include a loan number or other
2 specific loan information, other than a loan amount, relative to
3 a specifically identified consumer that is publicly available:

4 (1) in any written or electronic solicitation, unless the
5 advertisement or solicitation clearly and conspicuously
6 states on the front page or introduction in bold-faced
7 type that is in the same font size as is predominately
8 used in the advertisement or solicitation disclosing that
9 such individual or business entity is not sponsored by or
10 affiliated with, and that such solicitation is not
11 authorized by, the financial institution and the
12 information was retrieved from public records; or

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

15 8. Remaining Respondents agree that they shall exclude the loan date
16 and the name of the financial institution from their solicitations.

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

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

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 6th day of October, 2008 by

5 _____ /s/

6 **Maryam Torben Desfosses, Staff Attorney, Banking Department**

7 Executed this 13th day of February, 2009.

8 _____ /s/

9 **Glenn Eaton**

, as representative for Respondent Courthouse
Researcher Group (d/b/a Data Processing Center
and a/k/a MailCo Productions, Inc.

10
11 Executed this 13th day of February, 2009.

12 _____ /s/

13 **Glenn Eaton**

, as representative for Respondent
www.easyrespond.com (a/k/a MailCo Productions,
Inc.)

14 **SO ORDERED,**

15 Entered this 18th day of February, 2009.

16
17 _____ /s/

18 Peter C. Hildreth,
19 Bank Commissioner