

1 State of New Hampshire Banking Department

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3 In re the Matter of: ) Case No.: 08-BD-005  
 )  
 4 State of New Hampshire Banking )  
 ) Cease and Desist Order  
 5 Department, )  
 )  
 6 Petitioner, )  
 )  
 7 and )  
 )  
 8 Family Direct Insurance Services, Inc. )  
 )  
 9 (d/b/a www.mortgageprotection.com), )  
 )  
 10 Respondent )  
 )

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12 NOTICE OF CEASE AND DESIST ORDER

13 This Cease and Desist Order (hereinafter "Order") commences an  
14 adjudicative proceeding under the provisions of RSA 384:12-a, RSA 384:67 and  
15 RSA 384:68 in conformity with RSA 541-A:31 through RSA 541-A:36.

16 LEGAL AUTHORITY AND JURISDICTION

17 Pursuant to RSA 383:9 ("Duties"), banks shall be under the control and  
18 supervision of the Bank Commissioner (hereinafter "the Commissioner"). Many  
19 of the powers now vested in the Commissioner are listed in RSA Chapter 384,  
20 entitled "General Provisions As To Savings Banks, Trust Companies, And  
Depositories".

21 Pursuant to RSA 384:12-a ("Cease and Desist Order"), IV, if, in the  
22 opinion of the Commissioner, an individual or business entity is engaging in  
23 or has engaged in any act or conduct in violation of RSA 384:67, the  
24 Commissioner may issue and serve an order upon the individual or business  
25 entity requiring the individual or business entity to cease and desist from  
such act or conduct.

1 Pursuant to RSA 384:68 ("Enforcement"), the Commissioner may issue a  
2 cease and desist order, as provided in RSA 384:12-a, IV, against any  
3 individual or business entity which engages in any act or conduct in  
4 violation of RSA 384:67 involving a financial institution under the  
5 jurisdiction of the Commissioner and may bring legal action to enforce the  
6 order.

7 Pursuant to RSA 383:10-d ("Consumer Complaints and Restitution"), the  
8 Commissioner shall have exclusive authority and jurisdiction to investigate  
9 conduct that is or may be an unfair or deceptive act or practice that may  
10 violate any of the provisions of Titles XXXV and XXXVI and administrative  
11 rules adopted thereunder. The Commissioner may hold hearings relative to  
12 such conduct and may order restitution for a person or persons adversely  
13 affected by such conduct.

**NOTICE OF RIGHT TO REQUEST A HEARING**

14 The above named Respondent or any interested party has the right to  
15 petition for a hearing on this Cease and Desist Order (hereinafter "Order"),  
16 as well as the right to be represented by counsel. If the above named  
17 Respondent to whom this Order is issued, or any interested party, fails to  
18 request a hearing within 30 calendar days of receipt of such Order, then such  
19 person shall be deemed in default, and the Order shall, on the thirty-first  
20 day, become permanent and shall remain in full force and effect until and  
21 unless later modified or vacated by the Commissioner, for good cause shown.  
22 Any such request for a hearing shall be in writing, signed by the Respondent  
23 or by the duly authorized agent of the above named Respondent, and shall be  
24 delivered either by hand or certified mail, return receipt request, to the  
25 Banking Department, State of New Hampshire, 53 Regional Drive, Suite 200,  
Concord, NH 03301.

A hearing shall be held not later than 10 days after the petition for  
such hearing is received by the Commissioner. Within 20 days of the date of any

1 such hearing the Commissioner shall issue a further order either vacating this  
2 Order or making it permanent as the facts require. All hearings shall comply  
3 with RSA 541-A. If the person to whom this Order is issued fails to appear at  
4 the petitioned hearing after being duly notified of the date and time, such  
5 business entity shall be deemed in default, and the proceeding may be  
6 determined against it upon consideration of this Order, the allegations of  
7 which may be deemed to be true.

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

9 The Staff Petition dated September 8, 2008 (a copy of which is attached  
10 hereto) is incorporated by reference herein.

11 **ORDER**

12 WHEREAS, finding it necessary and appropriate and in the public  
13 interest, and consistent with the intent and purposes of the New Hampshire  
14 banking laws, and

15 WHEREAS, finding that the allegations contained herein, if proved true  
16 and correct, form the legal basis of the relief requested,

17 It is hereby ORDERED, that:

- 18 1. The Respondent shall immediately cease and desist from the  
19 unauthorized and deceptive use of the full or abbreviated  
20 name, trade name, service mark, or trademark of any financial  
21 institution in any written, electronic, or oral advertisement  
22 or solicitation for products or services;
- 23 2. The Respondent shall immediately cease and desist from  
24 including loan information relative to a specifically  
25 identified consumer that is publicly available in:
  - a. any written or electronic solicitation when the  
advertisement or solicitation does not clearly and  
conspicuously state on the front page or introduction in  
bold-faced type in the same font size as is

