

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 09-137
)
 3 State of New Hampshire Banking)
)
 4 Department,) Consent Order
)
 5 Petitioner,)
)
 6 and)
)
 7 Century Negotiations, Inc. (d/b/a)
)
 8 CNI),)
)
 9 Respondent)
)

11 CONSENT ORDER

12 I. This Consent Order (hereinafter referred to as "Consent Order") is
13 entered between the New Hampshire Banking Department ("the
14 Department") and Respondent Century Negotiations, Inc. (d/b/ CNI)
15 ("Respondent"). Respondent does hereby stipulate and agree to the
16 following:

- 17 1. The term "this matter" shall refer to Respondent's unlicensed
18 debt adjustment activity in the State of New Hampshire from
19 at least 2007.
- 20 2. The Department is authorized by New Hampshire RSA 399-D:1 to
21 regulate debt adjustment services performed in the State of
22 New Hampshire or on behalf of a person located in the State
23 of New Hampshire.
- 24 3. RSA 399-D:19,IV authorizes the Department to investigate
25 alleged violations of laws or rules or orders to determine

1 whether any person has violated or is about to violate any
2 provision of RSA Chapter 399-D, rule or order given under RSA
3 Chapter 399-D or other applicable state and federal laws and
4 regulations.

5 4. RSA 399-D:22 authorizes the Department to perform
6 examinations of Respondent's debt adjustment business.

7 5. Respondent acknowledges that RSA 399-D:2,IV(e) states the
8 definition of debt adjustment includes a person engaging in
9 the debt adjustment business including but not limited to
10 acting upon outstanding debt adjustment contracts.

11 6. Respondent acknowledges that RSA 399-D:3,I states that any
12 person that, in its own name or on behalf of other persons,
13 engages in the business of debt adjustment in New Hampshire
14 or with New Hampshire consumers shall be required to obtain a
15 license from the Department.

16 7. Respondent acknowledges that RSA 399-D:3,III states that if a
17 person, or a person's members, officers, directors, agents,
18 and employees, violates RSA 399-D:3,I, the debt adjustment
19 contract shall be void and the person shall have no right to
20 collect, receive, or retain any interest or charges
21 whatsoever whether paid or received directly or indirectly.
22 Any such direct or indirect compensation received by the
23 person shall be refunded to the consumer.

24 8. Respondent acknowledges that RSA 399-D:14,I states in part
25 that "No licensee shall be entitled to any fee against the

1 debtor, upon any contract, until the debt adjustment program
2 is arranged and approved by the debtor."

3 9. This matter concerns at least one hundred twenty-eight (128)
4 New Hampshire consumers ("debtors") whose fees Respondent
5 shall refund (if charged and not refunded) pursuant to the
6 Department's initial investigation of this matter.

7 10. Respondent has a pending debt adjuster license with the
8 Department.

9 11. The Department and Respondent would like to avoid formal
10 proceedings, and further expense, and to finally resolve this
11 matter under the terms and conditions set forth below.

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

14 13. In consideration of the mutual promises and representations
15 set forth herein, and in further consideration of the
16 Department's reliance upon the substantial accuracy and good
17 faith of the representations and submissions made to it by
18 Respondent, the Department and Respondent intending to be
19 legally bound herein, agree to the terms and conditions
20 below.

21 II. For purposes of amicably resolving and closing the above-referenced
22 matter, and without admission or finding of any liability or
23 wrongdoing, the above named Respondent and the Department hereby agree
24 to the following terms and conditions:

25 1. Respondent agrees that it has voluntarily entered into this

1 Consent Order without reliance upon any discussions between
2 the Department and Respondent, without promise of a benefit
3 of any kind (other than concessions contained in this Consent
4 Order) and without threats, force, intimidation, or coercion
5 of any kind. Respondent further acknowledges its
6 understanding of the nature of the offenses alleged herein,
7 including the penalties provided by law.

8 2. Respondent agrees to waive any and all rights to a hearing
9 and appeal thereof.

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

14 4. Respondent agrees that all terms of this Consent Order are
15 contractual and none is a mere recital.

16 5. Respondent represents and warrants that it has all the
17 necessary rights, powers and ability to carry out all of the
18 terms of this Consent Order which are applicable to
19 Respondent.

20 6. Respondent represents and warrants that it can accomplish the
21 full relief contemplated and required herein and that all
22 parents, subsidiaries, affiliates, and successors necessary
23 to effectuate the full relief contemplated by this Consent
24 Order are parties to this Consent Order.

25 7. Respondent represents and warrants that they have obtained

1 all third-party approvals necessary to comply with the
2 Consent Order.

3 8. Respondent acknowledges that the Department is relying upon
4 the representations and warranties of Respondent, stated
5 herein, in making its determination in this matter.

6 9. The Commissioner orders the Respondent to cease and desist
7 from the alleged violations of RSA Chapter 399-D and
8 Respondents agree to comply with RSA Chapter 399-D, and any
9 rules or orders thereunder.

10 10. Subject to the terms of this Consent Order, Respondent
11 consents to the entry of an administrative penalty of
12 \$15,000.00, which shall be paid to the Department
13 contemporaneously with the execution of this Consent Order.

14 11. Subject to the terms of this Consent Order, Respondent agrees
15 to immediately pay \$200.00 to the Department. The amount
16 represents the back license fee of \$200.00 for 2007 and 2008.

17 12. Respondent agrees to immediately refund the one hundred
18 twenty-eight (128) consumers the fees charged (totaling
19 \$173,621.89) minus \$9,406.31 which has already been refunded
20 to Consumers, such amounts of which shall be paid
21 contemporaneously with the execution of this Consent Order.
22 The amounts corresponding to each Consumer as set out in
23 Attachment A shall be herein incorporated by reference.

24 13. Respondent acknowledges the amounts to be paid above exclude
25 any fees incurred as a result of a pre-licensing examination

1 the above named Respondent hereby agrees will be conducted by
2 the Department.

3 14. Respondent agrees to amend its consumer debt adjustment
4 contract ("Contract") to comply with RSA Chapter 399-D.

5 15. Respondent acknowledges that failure to make payment as
6 agreed above may result in civil and/or criminal penalties.

7 16. Respondent agrees to sign and return this Consent Order along
8 with the penalties and monies listed above to the Department
9 on or before 4:30 p.m. on April 16, 2010 or the Department
10 shall withdraw this offer and issue an enforcement order.

11 17. Upon completion of all the requirements within this Consent
12 Order, the Department shall, if all statutory requirements
13 have been met, issue a debt adjuster license to Respondent.

14 18. This Consent Order shall become effective immediately upon
15 the date of its issuance, which is upon the Commissioner's
16 signature.

17 19. The provisions of this Consent Order shall remain effective
18 and enforceable except to the extent that, and until such
19 time as, any provisions of this Consent Order shall have been
20 modified, terminated, suspended, or set aside by the Bank
21 Commissioner or upon an order of a court of competent
22 jurisdiction.

23 III. This Consent Order represents the complete and final resolution of,
24 and discharge of any basis for any civil or administrative proceeding
25 by the Department against the Respondent for violations arising as a

1 **SO ORDERED** this 9th day of April, 2010 by

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4 _____ /s/

5 Peter C. Hildreth,
6 Bank Commissioner

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7 **NOTE: A VIOLATION OF ANY CONSENT ORDER IS A CRIMINAL OFFENSE.**

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ATTACHMENT A TO THIS CONSENT ORDER:

Century Negotiations, Inc. (d/b/a CNI)

DOCKET #09-137

The Department hereby presents the following list of Consumers who are entitled to restitution in the form of fees charged and collected when Respondent Century Negotiations, Inc. conducted debt adjustment activity in the State of New Hampshire without a debt adjuster license from 2007 to the present:

CONSUMER NUMBER	TOTAL RESTITUTION
1	\$4,332.03
2	\$0.00
3	\$0.00
4	\$1,370.15
5	\$3,846.98
6	\$2,960.28
7	\$0.00
8	\$3,416.20
9	\$475.40
10	\$5,367.58
11	\$0.00
12	\$733.56
13	\$1,098.90
14	\$6,032.26
15	\$1,610.65

1	16	\$0.00
2	17	\$991.30
3	18	\$2,435.54
4	19	\$847.48
5	20	\$0.00
6	21	\$2,030.49
7	22	\$1,625.61
8	23	\$0.00
9	24	\$0.00
10	25	\$2,283.96
11	26	\$820.84
12	27	\$2,786.40
13	28	\$3,752.60
14	29	\$1,347.89
15	30	\$3,179.04
16	31	\$0.00
17	32	\$1,697.42
18	33	\$2,231.02
19	34	\$0.00
20	35	\$0.00
21	36	\$1,940.37
22	37	\$1,710.52
23	38	\$12,582.73
24	39	\$1,546.31
25	40	\$283.82

1	41	\$0.00
2	42	\$3,337.60
3	43	\$772.95
4	44	\$721.95
5	45	\$3,560.74
6	46	\$0.00
7	47	\$3,789.27
8	48	\$1,792.81
9	49	\$1,370.85
10	50	\$3,269.17
11	51	\$1,822.11
12	52	\$0.00
13	53	\$3,264.90
14	54	\$1,082.28
15	55	\$11,237.10
16	56	\$1,329.50
17	57	\$794.96
18	58	\$0.00
19	59	\$553.18
20	60	\$165.15
21	61	\$133.88
22	62	\$0.00
23	63	\$0.00
24	64	\$0.00
25	65	\$0.00

1	66	\$1,071.69
2	67	\$1,130.79
3	68	\$984.10
4	69	\$1,262.38
5	70	\$948.33
6	71	\$0.00
7	72	\$1,254.12
8	73	\$166.67
9	74	\$1,353.32
10	75	\$0.00
11	76	\$1,015.58
12	77	\$449.07
13	78	\$1,362.35
14	79	\$1,072.37
15	80	\$882.64
16	81	\$0.00
17	82	\$956.50
18	83	\$1,140.92
19	84	\$254.56
20	85	\$1,085.28
21	86	\$352.00
22	87	\$901.84
23	88	\$182.61
24	89	\$0.00
25	90	\$1,507.12

1	91	\$1,059.71
2	92	\$665.01
3	93	\$757.85
4	94	\$125.00
5	95	\$758.85
6	96	\$1,085.93
7	97	\$613.43
8	98	\$651.32
9	99	\$1,148.40
10	100	\$630.55
11	101	\$736.08
12	102	\$715.41
13	103	\$797.15
14	104	\$640.51
15	105	\$630.99
16	106	\$725.46
17	107	\$687.71
18	108	\$314.95
19	109	\$139.83
20	110	\$550.59
21	111	\$837.10
22	112	\$0.00
23	113	\$500.01
24	114	\$853.98
25	115	\$332.94

1	116	\$0.00
2	117	\$677.50
3	118	\$463.78
4	119	\$1,895.77
5	120	\$0.00
6	121	\$2,606.40
7	122	\$2,704.47
8	123	\$1,398.56
9	124	\$1,697.78
10	125	\$0.00
11	126	\$841.32
12	127	\$646.59
13	128	\$1,866.97

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