

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 09-139
)
 3 State of New Hampshire Banking)
)
 4 Department,) Consent Order
)
 5 Petitioner,)
)
 6 and)
)
 7 GHS Solutions, LLC (d/b/a GHS Debt)
)
 8 Solutions and d/b/a)
)
 9 www.ghsdebtsolutions.com),)
)
 10 Respondents)
)

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 GHS Solutions, LLC (d/b/a GHS Debt
 15 Solutions and d/b/a www.ghsdebtsolutions.com) ("Respondent").
 16 Respondent does hereby stipulate and agree to the 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 eight (108) New
4 Hampshire consumers ("debtors") whose fees Respondent shall
5 refund pursuant to the Department's initial investigation of
6 this matter.

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

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

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

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

23 1. Respondent agrees that it has voluntarily entered into this
24 Consent Order without reliance upon any discussions between
25 the Department and Respondent, without promise of a benefit

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

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

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

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

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

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

24 7. Respondent represents and warrants that it has obtained all
25 third-party approvals necessary to comply with this Consent

1 Order.

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

6 9. Respondent agrees to comply with RSA Chapter 399-D, and any
7 rules or orders thereunder.

8 10. Therefore, Respondent must obtain a debt adjuster license
9 with the Department and must begin filing an application with
10 the Department contemporaneously with its execution of this
11 Consent Order.

12 11. Subject to the terms of this Consent Order, Respondent
13 consents to monies in the amount of \$12,500.00, which shall
14 be paid to the Department contemporaneously with the
15 execution of this Consent Order.

16 12. Subject to the terms of this Consent Order, Respondent agrees
17 to immediately pay \$700.00 to the Department. The amount
18 represents the back license fees of \$200.00 for 2007 and
19 2008, and \$500.00 for 2009.

20 13. Respondent agrees to completely and fully refund within four
21 (4) months the one hundred eight (108) consumers the fees
22 charged (totaling \$149,910.14), such amounts of which shall
23 be paid contemporaneously with the execution of this Consent
24 Order. The amounts corresponding to each Consumer as se in
25 Attachment A shall be herein incorporated by reference.

1 14. Respondent acknowledges the amounts to be paid above exclude
2 any fees incurred as a result of a pre-licensing examination
3 the above named Respondent hereby agrees will be conducted by
4 the Department.

5 15. Respondent agrees to amend its consumer debt adjustment
6 contract ("Contract") to comply with RSA Chapter 399-D.

7 16. Respondent acknowledges that failure to make payment as
8 agreed above may result in civil and/or criminal penalties.

9 17. Respondent agrees to sign and return this Consent Order along
10 with the penalties and monies listed above to the Department
11 on or before 4:30 p.m. on March 12, 2010 or the Department
12 shall withdraw this offer and issue an enforcement order.

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

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

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

25 III. This Consent Order represents the complete and final resolution of,
and discharge of any basis for any civil or administrative proceeding

1 by the Department against the Respondent for violations arising as a
2 result of or in connection with any actions or omissions by the
3 Respondent through the date of this Consent Order as it applies to the
4 allegations in this matter; provided, however, this release does not
5 apply to facts not known by the Department or not otherwise provided
6 by the Respondent to the Department as of the date of this Consent
7 Order nor to actions for restitution under RSA 383:10-d
8 (excluding restitution provided previously), or any possible actions
9 related to the examination to be completed prior to licensure with the
10 Department. Such facts would include, but not be limited to, any
11 consumer harm from Respondent's actions. The Department expressly
12 reserves its right to pursue any administrative, civil or criminal
13 action or remedy available to it should the above named Respondent
14 breach this Consent Order or in the future violate the Act or rules
15 and orders promulgated thereunder.

16
17 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
18 Order, with it taking effect upon the signature of Peter C. Hildreth, Bank
19 Commissioner.

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21 Recommended this 3rd day of March, 2010 by

22
23 /s/
24 Maryam Torben Desfosses, Hearings Examiner, Consumer Credit Division
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ATTACHMENT A TO THIS CONSENT ORDER:

GHS Debt Solutions, LLC

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 GHS Debt Solutions 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	\$0.00
2	\$642.80
3	\$2,068.44
4	\$2,183.22
5	\$625.96
6	\$0.00
7	\$3,606.90
8	\$4,278.88
9	\$3,461.13
10	\$2,838.11
11	\$646.91
12	\$244.04
13	\$0.00
14	\$0.00
15	\$0.00

1	16	\$1,579.20
2	17	\$2,699.44
3	18	\$7,090.58
4	19	\$0.00
5	20	\$589.62
6	21	\$4,432.41
7	22	\$0.00
8	23	\$3,627.74
9	24	\$1,589.22
10	25	\$1,681.92
11	26	\$1,615.01
12	27	\$1,925.28
13	28	\$,1557.03
14	29	\$,1842.24
15	30	\$372.00
16	31	\$5,664.58
17	32	\$5,197.30
18	33	\$2,427.05
19	34	\$3,448.76
20	35	\$3,787.22
21	36	\$2,092.67
22	37	\$600.08
23	38	\$0.00
24	39	\$1,198.26
25	40	\$6,599.77

1	41	\$0.00
2	42	\$1,488.17
3	43	\$0.00
4	44	\$4,057.98
5	45	\$0.00
6	46	\$212.00
7	47	\$1,593.17
8	48	\$5,103.08
9	49	\$6,191.55
10	50	\$1,419.26
11	51	\$4,961.64
12	52	\$412.62
13	53	\$4,241.10
14	54	\$1,060.92
15	55	\$0.00
16	56	\$1,134.31
17	57	\$1,384.42
18	58	\$1,471.65
19	59	\$2,851.73
20	60	\$3,086.97
21	61	\$873.22
22	62	\$3,662.05
23	63	\$7,029.34
24	64	\$1,231.80
25	65	\$481.06

1	66	\$3,402.00
2	67	\$1,596.40
3	68	\$2,379.47
4	69	\$2,042.22
5	70	\$1,095.78
6	71	\$4,798.43
7	72	\$0
8	73	\$1,447.40
9	74	\$2,608.88
10	75	\$1,409.22
11	76	\$3,379.66
12	77	\$0.00
13	78	\$2,066.52
14	79	\$0.00
15	80	\$1,625.94
16	81	\$0.00
17	82	\$720.00
18	83	\$9,873.96
19	84	\$8,096.44
20	85	\$4,231.75
21	86	\$813.21
22	87	\$4,073.60
23	88	\$9,483.10
24	89	\$2,005.52
25	90	\$1,397.54

1	91	\$0.00
2	92	\$0.00
3	93	\$3,016.26
4	94	\$0.00
5	95	\$2,516.63
6	96	\$0.00
7	97	\$1,918.22
8	98	\$1,022.78
9	99	\$599.60
10	100	\$718.62
11	101	\$2,543.26
12	102	\$1,432.22
13	103	\$364.68
14	104	\$924.75
15	105	\$3,970.52
16	106	\$3,135.41
17	107	\$0.00
18	108	\$1,928.92
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