

1 "Respondents".

2 LEGAL AUTHORITY AND JURISDICTION

3 6. "Direct Owner" is defined as any person, including individuals, that
4 owns, beneficially owns, has the right to vote, or has the power to sell or
5 direct the sale of 10 percent or more of the applicant or licensee. RSA 399-
6 D:2,V-b.

7 7. "Person" is defined as an individual, corporation, partnership,
8 association, limited liability company, association, joint stock company,
9 trust, unincorporated organization, or any other entity. RSA 399-D:2,VII.

10 8. "Principal" of the applicant or licensee is defined as "an owner with 10
11 percent or more ownership interest, corporate officer, director, member,
12 general or limited liability partner, limited partner with 10 percent or
13 more ownership interest, trustee, beneficiary of 10 percent or more of the
14 trust that owns the applicant or licensee, indirect owner, senior manager,
15 New Hampshire branch manager, and any person occupying similar status or
16 performing similar functions." RSA 399-D:2,VIII.

17 9. The Commissioner has the authority to issue an order to show cause to any
18 person under the Commissioner's jurisdiction why penalties for violations of
19 RSA Chapter 399-D or any rule or order thereunder should not be imposed.
20 RSA 399-D:13,I.

21 10. The Commissioner may by order, upon due notice and opportunity for
22 hearing, assess penalties, deny, suspend, decline to renew or revoke a
23 license if it is in the public interest and the respondent, any partner,
24 officer, member, or director, any person occupying a similar status or
25 performing similar functions, or any person directly or indirectly

1 controlling the respondent has violated any provision of RSA Chapter 397-A
2 or rules or orders thereunder. RSA 399-D:13,I.

3 11. The Department may issue an order to cease and desist from violating RSA
4 Chapter 399-D or any rule or order thereunder if it has reasonable cause to
5 believe the Respondents have violated RSA Chapter 399-D or any rule or order
6 thereunder. RSA 399-D:23,II.

7 12. The Commissioner may impose administrative fines of up to \$2,500.00 for
8 each violation. RSA 399-D:24.

9 13. The Commissioner may issue, amend, or rescind such orders as are
10 reasonably necessary to comply with the provisions of RSA Chapter 399-D. RSA
11 399-D:25,IV.

12 **RIGHT TO REQUEST A HEARING**

13 14. Respondents have a right to request a hearing on this Order. A hearing
14 shall be held not later than ten (10) days after the Commissioner receives
15 the Respondents' written request for a hearing. Respondents may request a
16 hearing and waive the ten (10) day hearing requirement. The hearing shall
17 comply with RSA Chapter 541-A, RSA 399-D:13 and RSA 399-D:23.

18 15. If any person fails to request a hearing within thirty (30) days of
19 receiving this Order, then such person shall be deemed in default, and the
20 Order shall, on the thirty-first (31st) day, become permanent, all
21 allegations may be deemed true, and shall remain in full force and effect
22 until modified or vacated by the Commissioner for good cause shown. RSA 399-
23 D:13 and RSA 399-D:23.

24 16. A default may result in administrative fines as described in Paragraph
25 12 above.

STATEMENT OF ALLEGATIONS

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2 17. In April of 2010, the Department conducted an examination of a licensee
3 and through that examination discovered Respondents conducted debt
4 adjustment activity with a New Hampshire consumer in December 2008.

5 a. A December 29, 2008 authorization form from Respondents (letterhead
6 states Mortgage Modifiers A Division of Residential Financial Group) was
7 signed by the New Hampshire consumer giving permission to Respondents to
8 discuss payment assistance on the consumer's behalf and faxed the same day
9 to the Department licensee.

10 18. Research conducted on June 25, 2010 revealed that the Economic Crimes
11 Division of the Florida Office of the Attorney General has an active public
12 consumer-related investigation regarding Respondents. Respondents' business
13 in the complaint summary is listed as "foreclosure-related rescue service."

14 19. On June 25, 2010, Debthelpdirectory.com listed "Residential Financial
15 Group Mortgage Modifiers" with a description that included the statement
16 "STOP FORECLOSURE NOW!!!" Based on Paragraph 17a above, it is more likely
17 than not that this is Respondents' advertisement.

18 20. On June 25, 2010, the Department sent an inquiry letter to Respondents
19 via U.S. Certified Mail Return Receipt, which was returned to the Department
20 on July 9, 2010 as "vacant, unable to forward".

21 21. On September 18, 2010, the Department sent a different inquiry letter to
22 Respondents via U.S. Certified Mail Return Receipt, which was returned to
23 the Department on October 21, 2010 as "unclaimed, unable to forward". This
24 inquiry letter gave Respondents ten (10) calendar days to respond to the
25 Department's inquiry.

1 cause to issue an order to cease and desist; and

2 d. If Respondent fails to respond to this Order and/or defaults
3 then all facts as alleged herein are deemed as true.

4 **27. Accordingly, it is hereby ORDERED that:**

5 a. Respondents shall cease and desist from violating RSA Chapter
6 399-D and rules or orders thereunder;

7 b. Respondents shall immediately provide the Department a list of
8 all New Hampshire consumers for whom Respondents have conducted debt
9 adjustment activity and a status of those accounts. This list must include
10 the names and contact information of the New Hampshire consumers, along with
11 monies charged, collected and waived (if applicable). The list shall also be
12 accompanied by all contracts, checks to and from the consumer and any other
13 documents in the New Hampshire consumers' files;

14 c. Respondents shall show cause why an administrative fine of up to
15 a maximum of \$2,500.00 per violation should not be imposed as follows:

16 (1). Respondent MML:

17 Violation #1: Unlicensed debt adjustment activity;

18 (2). Respondent Rice:

19 Violation #1: Unlicensed debt adjustment activity; and

20 d. Nothing in this Order:

21 (1). shall prevent the Department from taking any further
22 administrative and legal action as necessary under New Hampshire law; and

23 (2). shall prevent the New Hampshire Office of the Attorney
24 General from bringing an action against the above named Respondents in any
25 New Hampshire superior court, with or without prior administrative action by

