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State of New Hampshire Banking Department

In re the Matter of:)Case No.: 08-026
)
State of New Hampshire Banking)
)
Department,)
)
Petitioner,)Consent Order
)
and)
)
LeadPoint, Inc. d/b/a Secure Rights and)
)
d/b/a Amerivalue,)
)
Respondent)
)

CONSENT ORDER

The State of New Hampshire Banking Department (the "Department") finds and Orders as follows:

Respondent

- 1. LeadPoint, Inc. d/b/a Secure Rights and d/b/a Amerivalue ("LeadPoint") is a corporation duly formed in the State of California on August 10, 2004 with its principal office location in Los Angeles, California. LeadPoint registered with the New Hampshire Secretary of State on January 31, 2005.
- 2. In New Hampshire, LeadPoint had not been previously licensed as a Mortgage Broker by the Department. LeadPoint's Mortgage Broker license with the Department is pending execution of this Consent Order regarding unlicensed mortgage broker activity.

Jurisdiction

- 3. The Department is authorized to regulate mortgage brokers pursuant to RSA Chapter 397-A. RSA 397-A:2.

1 4. The Commissioner has jurisdiction to issue orders to show cause and to
2 cease and desist from violations under RSA Chapter 397-A and to
3 revoke, deny, or suspend a license of a licensee and/or assess
4 penalties pursuant to RSA Chapter 397-A. RSA 397-A:17, RSA 397-A:18
5 and RSA 397-A:21.

6 **Facts**

7 5. Since at least October 25, 2004, LeadPoint has been conducting
8 mortgage broker activity for New Hampshire consumers without a valid
9 Mortgage Broker license issued by the Department.

10 6. Since at least October 25, 2004, LeadPoint conducted unlicensed
11 mortgage broker activity for 23,602 New Hampshire consumers. The Fees
12 charged and collected by LeadPoint total \$184,553.67.

13 7. During the request for information, LeadPoint cooperated and provided
14 the information to show it did conduct business in New Hampshire
15 without licensure.

16 **Violation(s) of Law and Penalties**

17 8. LeadPoint is a "Person" as defined by RSA 397-A:1,XVIII.

18 9. LeadPoint may be assessed an administrative fine not to exceed
19 \$2,500.00 for each violation of RSA Chapter 397-A. RSA 397-A:21,IV
20 and V.

21 **Respondent's Consent**

22 10. LeadPoint does not deny the facts, statements, or violations contained
23 herein and LeadPoint hereby agrees to the entry of this Consent Order.

24 11. LeadPoint has voluntarily entered into this Consent Order without
25 reliance upon any discussions between the Department and LeadPoint,

1 without promise of a benefit of any kind (other than concessions
2 contained in this Consent Order), and without threats, force,
3 intimidation, or coercion of any kind. LeadPoint further acknowledges
4 its understanding of the nature of the allegations set forth in this
5 action, including the potential penalties provided by law.

6 12. LeadPoint hereby acknowledges, understands, and agrees that there is
7 the right to notice, hearing, and/or a civil action and hereby waives
8 said rights.

9 **Order**

10 13. **Whereas pursuant to RSA 397-A:20,VI** this Consent Order is necessary,
11 appropriate and in the public interest and consistent with the intent
12 and purposes of New Hampshire banking laws, the Department Orders as
13 follows:

14 a. LeadPoint shall pay to the Department \$20,000.00 in
15 administrative penalties, payable contemporaneously with
16 LeadPoint's signing of this Consent Order; and

17 b. The check shall be bank check or guaranteed funds and made
18 payable to "State of New Hampshire."

19 14. This Consent Order may be revoked and the Department may pursue any
20 and all remedies available under law, if the Department later finds
21 that LeadPoint knowingly or willfully withheld information used and
22 relied upon in this Consent Order.

23 15. This Consent Order is binding on all heirs, assigns, and/or successors
24 in interest.

25 16. This Consent Order shall become effective upon the date the

1 Commissioner signs this Consent Order, providing the Department has
2 confirmed the payment referenced in Paragraph 13a. herein.

3 17. Once this Consent Order is effective, the Department agrees not to
4 seek further reimbursement, refunds, penalties, fines, costs, or fees
5 regarding the facts, allegations, or findings of violations contained
6 herein.

7 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
8 Order, upon its execution by Ronald A. Wilbur, Bank Commissioner.

9
10 Recommended this 19th day of December, 2011 by

11 _____
/s/

12 Maryam Torben Desfosses, Hearings Examiner, Banking Department

13 Executed this 29th day of December, 2011 by

14 _____
/s/

15 Marc Louis Diana, Chief Executive Officer for and on behalf of LeadPoint,
16 Inc. d/b/a Secure Rights and d/b/a Amerivalue

17
18 **SO ORDERED.**

19
20 _____
/s/
21 Ronald A. Wilbur,
Bank Commissioner

Dated: 12/30/2011