

# State of New Hampshire

State of New Hampshire  
Banking Department

Docket # 10-101

v.

The Law Offices of Thomas W. Dvorack,  
P.A. and Thomas W. Dvorack, Esq.,

Order to Show Cause  
and Cease and Desist

Respondents

## Order to Show Cause and Cease and Desist (“Order”)

1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 397-A (including RSA 397-A:17, I & II; RSA 397-A:18, I & II and RSA 397-A:20, IV) and RSA Chapter 541-A.
2. The Commissioner has jurisdiction to assess penalties up to a maximum fine of \$2,500.00 for each violation. RSA 397-A:21, IV & V.

## Respondents

3. The Law Offices of Thomas W. Dvorack, P.A. (“Respondent Law Offices”) is a corporation duly incorporated in the State of Florida on August 25, 2005 with a principal office location of 633 S. Andrews Ave, Ste. 402, Fort Lauderdale, FL 33308 and an additional office location at 2740 East Oakland Park Blvd. Suite #200, Fort Lauderdale, FL 33306. Respondent Law Office is a “Person.” RSA 397-A:1, XVIII.
4. Respondent Law Offices has never held a New Hampshire Mortgage Broker license with the New Hampshire Banking Department (“Department”).
5. Thomas W. Dvorack, Esq. (“Respondent Dvorack”) is an attorney admitted to the Florida Bar on October 7, 2002 but is currently not eligible to practice law in Florida. Respondent Dvorack is the owner of Respondent Law Offices with a principal office

location of 633 S. Andrews Ave, Ste. 402, Ft. Lauderdale, Florida 33308. Respondent Dvorack is a Control person (RSA 397-A:1, V-a), a Direct Owner (RSA 397-A:1, VI-a), a Person (RSA 397-A:1, XVIII) and a Principal (RSA 397-A:1, XIX).

6. Respondent Dvorack has never held a New Hampshire Mortgage Loan Originator license with the Department.
7. The above-named Respondents are hereinafter collectively known as “Respondents”.

#### **Right to a Hearing**

8. Respondents have the right to request a hearing of this Order. A hearing shall be held not later than ten (10) days after the Commissioner receives Respondents’ written request for a hearing. The Respondents may request a hearing and waive the ten (10) day hearing requirement. The hearing shall comply with RSA Chapter 541-A, RSA 397:17, I and II and RSA 397-A:18, II.
9. If any person fails to request a hearing within thirty (30) days of receiving this Order, then such person shall likewise be deemed in default, and the Order shall, on the thirty-first (31<sup>st</sup>) day, become permanent, all allegations may be deemed true, and shall remain in full force and effect until modified or vacated by the Commissioner for good cause shown. RSA 397-A:17, I and II and RSA 397-A:18, II.
10. A default may result in administrative fines up as described in paragraph 2 above.

#### **Statement of Allegations**

11. On April 8, 2010, the Department received a complaint from a New Hampshire consumer (“Consumer A”) regarding Respondents’ business activities within the State of New Hampshire.
12. On September 8, 2009, Respondents contracted with Consumer A to provide mortgage modification services, in violation of RSA 397-A:3, I.

13. Respondents collected \$1,500.00 from Consumer A as an advanced payment for Respondents' services, in violation of RSA 397-A:14, IV(m).
14. Respondent failed to obtain a loan modification for Consumer A, in violation of RSA 397-A:14, IV(b).
15. On September 14, 2010, the Department sent a letter via U.S. Certified Mail Return Receipt requested to Respondents' last known principal address, requesting a response regarding the alleged unlicensed activity, a New Hampshire transaction list and a response to Consumer A's complaint. This letter was returned to the Department on September 27, 2010 marked "Cannot Transfer – Moved."
16. On December 14, 2010, the Department sent a letter via U.S. First Class Mail to Respondents' additional office address, requesting an application for licensure, a New Hampshire transaction list and a response to Consumer A's complaint. This letter was returned to the Department on December 20, 2010 marked "Pulled – Return to Sender."
17. On December 21, 2010, the Department sent a letter via U.S. Certified Mail Return Receipt requested to Respondents' last known principal address, requesting a response regarding the alleged unlicensed activity, a New Hampshire transaction list and a response to Consumer A's complaint. This letter was returned to the Department on March 29, 2011 marked "Moved – Left No Address – Unable to Forward."

**Alleged Violations:**

Respondent Law Offices:

1 Count for unlicensed activity as a  
Mortgage Broker  
RSA 397-A:3, I

1 Count for collection of an advance  
fee for a mortgage loan modification  
RSA 397-A:14, IV(m)



- d. Pursuant to RSA 397-A:17, I and RSA 397-A:18, II, if Respondents fail to respond to this Order and/or default then all facts as alleged herein are deemed as true.

**19. Accordingly, it is hereby ordered that:**

- a. Respondents shall immediately cease and desist from violating RSA Chapter 397-A and rules or orders thereunder;
- b. Respondents shall within fourteen (14) days of the date of this Order provide to the Department a list of all New Hampshire consumers for whom Respondents have conducted or contracted to conduct mortgage modification activities. This list must include the names and contact information of the New Hampshire consumers, along with all monies charged, collected and waived (if applicable). The list shall also be accompanied by all contracts, checks to and from the consumer and any other documents in the New Hampshire consumers' files;
- c. Respondents shall show cause why the Commissioner should not enter an order of rescission, restitution, or disgorgement of profits, and or commissions for services rendered, in the amount of at least \$1,500.00;
- d. Respondents shall show cause why the Commissioner should not recover costs for investigation of this matter in the minimum amount of \$2,250.00;
- e. Respondents shall show cause why administrative fines totaling \$7,500.00 per Respondent should not be imposed; and
- f. Nothing in this Order shall prevent either 1) the Department from taking any further administrative and legal action as necessary under New Hampshire law or 2) the New Hampshire Office of the Attorney General from bringing an

action against the above-named Respondents in any New Hampshire superior court, with or without prior administrative action by the Commissioner.

**SO ORDERED,**

Entered this April 14, 2011.

\_\_\_\_\_  
/s/

Robert A. Fleury, Deputy Bank Commissioner  
New Hampshire Banking Department