# **State of New Hampshire**

State of New Hampshire Banking Department

v.

Home Loan Relief Center, LLC,

Respondent

Docket # 10-147

Notice of Complaint, Order to Show Cause and Cease and Desist

## Notice of Complaint, Order to Show Cause and Cease and Desist ("Order")

- 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, RSA 397-A:20, IV) and RSA Chapter 541-A.
- 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.

### **Respondent(s)**

- Home Loan Relief Center, LLC ("Respondent") is a limited liability company registered in California, with a principal address of 3350 E. Birch Street, Ste #204, Brea, CA 92821. Respondent Home Loan Relief is a Person. RSA 397-A:1, XVIII.
- 4. Respondent Home Loan Relief has never held a New Hampshire mortgage broker license with the New Hampshire Department of Banking ("Department").

### **Right to a Hearing**

5. Respondent has the right to request a hearing of this Order. A hearing shall be held not later than ten (10) days after the Commissioner receives the Respondent's written request for a hearing. The Respondent 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.

- 6. 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.
- A default may result in administrative fines up to the maximum amount of \$2,500.00 as described in Paragraph 2 above.

#### **Statement of Alleged Facts**

- 8. On December 14, 2009, the New Hampshire Attorney General's Office forwarded the Department a complaint from Consumer A, a New Hampshire resident, regarding the Respondent's business activities within the State of New Hampshire. The complaint states that Respondent had been hired by Consumer A to complete a mortgage modification and Respondent failed to obtain a modification for Consumer A.
- The Department's investigator discovered that Respondent solicited and/or engaged in business as a mortgage broker, with a New Hampshire consumer, without a New Hampshire Mortgage Broker license in violation of RSA 397-A:3, I.
- Respondent required an advance payment from Consumer A of \$2,500.00 in violation of RSA 397-A:14, IV (m).
- 11. Consumer A requested a refund, which was not given in violation of RSA 397-A:14, IV(b).
- 12. On September 15, 2010, the Department mailed a certified letter to Respondent's principal office address requesting that it provide, within (10) days of receipt, a response regarding the alleged unlicensed activity, a New Hampshire transaction list, contact

information and a response to the consumer complaint. As of March 22, 2011,

Respondent has failed to respond to the Department's requests for information in

violation of RSA 397-A:12, VII.

## **Alleged Violations:**

Home Loan Relief Center, LLC.

1 Count for Unlicensed Activity as a Mortgage Broker.

RSA 397-A:3, I

1 Count for Failure to Produce requested documents.

RSA 397-A:12, VII

1 Count of Collection of an Advanced Fee for a loan modification.

RSA 397-A:14, IV (m)

1 Count of Solicitation or Collection of a best efforts Commission or Fee for a loan modification.

RSA 397-A:14, IV (b)

Respectfully Submitted:

/s/

04/12/11

Date

Raef J. Granger Hearings Examiner N.H. Banking Department

#### **Order**

#### 13. I hereby find as follows:

- a. Pursuant to RSA 397-A:17, I, the facts as alleged above, if true, show Respondent is operating or have operated in violation of RSA Chapter 397-A and form the legal basis for this Order;
- b. Pursuant to RSA 397-A:20, VI, this Order is necessary and appropriate to the public interest and for the protection of consumers and consistent with the purpose of New Hampshire banking laws;
- c. Pursuant to RSA 397-A:17, II and RSA 397-A:18, II, reasonable cause exists to issue an order to cease and desist; and
- d. Pursuant to RSA 397-A:17, I and RSA 397-A:18, II, if Respondent fails to respond to this Order and/or default then all facts as alleged herein are deemed as true.

### 14. Accordingly, it is hereby ordered that:

- Respondent shall immediately Cease and Desist from violating RSA Chapter 397 A in the State of New Hampshire;
- b. Respondent shall provide to the Department, for the past one calendar year, a transaction list detailing name, date, address, and amount of each service and provide all consumer contracts involving New Hampshire consumers within thirty (30) days of the date of this Order;
- c. Respondent shall show cause why the commissioner should not enter an order of rescission, restitution, or disgorgement of profits;
- d. Respondent shall show cause why costs should not be recovered for investigation in the minimum amount of \$2,250.00;

- e. Respondent shall show cause why administrative penalties of a minimum of \$10,000.00 should not be imposed;
- Respondent shall show cause why commissions for services rendered should not be disgorged; and
- g. Nothing in this Order shall prevent 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 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