

1 In re the Matter of:) Case No.: 10-181
2 State of New Hampshire Banking)
3 Department,)
4 Petitioner,)
5 and)
6 Prospect Mortgage, LLC, Prospect Holding) Order to Show Cause and Cease and
7 Company LLC, Prospect Management Services) Desist
8 Corp (f/k/a Metrocities Services Corp.),)
9 Sterling Capital Partners II, LP,)
10 Sterling Capital Partners III, LP,)
11 Sterling PMC, Inc ., Mark A. Filler,)
12 Ronald Lee Bergum, Keyan Tramane Scott,)
13 Carrie L. Strube, Christina Marie Longo,)
14 [REDACTED], Derek Joseph "Dutch")
15 Maranhas, Frederick Chapple Allard III,)
16 Jeffrey Heidtmann, John Bannister, John)
17 L. Cabral, John E. Priest, Kevin Joseph)
18 Cuozzo, [REDACTED], Sadiki)
19 Pierre, Judy A. Weisman, Kevin Robert)
20 Clark, Kevin Paul Wentzell, Joseph Scott)
21 Gannon, Todd Zukowski, Joe Adamaitis, and)
22 David Scott Bolton,)
23 Respondents)

24 NOTICE OF ORDER TO SHOW CAUSE AND CEASE AND DESIST ("ORDER")

25 1. This Order commences an adjudicative proceeding under the provisions

1 of RSA Chapter 397-A (including RSA 397-A:17, I and II, RSA 397-A:16,IV, RSA
2 397-A:18, I and II, and RSA 397-A:20, IV) and RSA Chapter 541-A.

3 2. The Commissioner may impose administrative penalties of up to \$2,500
4 for each violation. RSA 397-A:21, IV and V.

5 3. Respondents could be assessed a fine and penalty in an amount not to
6 exceed \$25,000.00 for each violation or failure to comply with the
7 requirements of the S.A.F.E. Mortgage Licensing Act of 2008. RSA 397-A:17,
8 IX.

9 **RESPONDENTS**

10 4. Prospect Mortgage, LLC ("Respondent Prospect Mortgage") is a limited
11 liability company formed in the State of Delaware on September 24, 1998 and
12 registered to conduct business in New Hampshire with the New Hampshire
13 Secretary of State on August 9, 2011 with a principal office location in
14 Sherman Oaks, California. Respondent Prospect Mortgage is a Person (RSA 397-
15 A:1, XVIII).

16 5. Respondent Prospect Mortgage is licensed as a Mortgage Banker with the
17 New Hampshire Banking Department ("Department") and has been since April 14,
18 2008 and prior to that from February 28, 2002 to December 31, 2007 with
19 d/b/a's of Metroconnect Mortgage, Openheimer Mortgage and F&T Mortgage and
20 was formerly known as Metrocities Mortgage, LLC.

21 6. Prospect Holding Company LLC ("Respondent Prospect Holding") is the
22 99% direct owner, control person and Member of Respondent Prospect Mortgage.
23 Respondent Prospect Holding is also the 100% direct owner of Prospect
24 Management Services Corp (a control person and minority shareholder in
25 Respondent Prospect) and therefore, an indirect owner of Respondent Prospect

1 Mortgage. Respondent Prospect Mortgage is a Direct Owner (RSA 397-A:1,VI-a),
2 an Indirect Owner (RSA 397-A:1,VIII-a), a Principal (RSA 397-A:1,XIX),
3 Person (RSA 397-A:1,XVIII), and a Control Person (RSA 397-A:1,V-a).

4 7. Prospect Management Services Corp (f/k/a Metrocities Services
5 Corp.) ("Respondent Prospect Management") is the Manager, a Control person
6 and minority shareholder of Respondent Prospect Mortgage. Respondent
7 Prospect Management is a Principal (RSA 397-A:1,XIX), a Person (RSA 397-
8 A:1,XVIII), and a Control Person (RSA 397-A:1,V-a).

9 8. Sterling Capital Partners II, LP ("Respondent Sterling II") is a 50%
10 owner of Respondent Sterling PMC, Inc., which owns 98% of Respondent
11 Prospect Holding. Respondent Sterling II is an Indirect Owner (RSA 397-
12 A:1,VIII-a), Principal (RSA 397-A:1,XIX), Person (RSA 397-A:1,XVIII), and a
13 Control Person (RSA 397-A:1,V-a).

14 9. Sterling Capital Partners III, LP ("Respondent Sterling III") is a 50%
15 owner of Respondent Sterling PMC, Inc., which owns 98% of Respondent
16 Prospect Holding. Respondent Sterling III is an Indirect Owner (RSA 397-
17 A:1,VIII-a), Principal (RSA 397-A:1,XIX), Person (RSA 397-A:1,XVIII), and a
18 Control Person (RSA 397-A:1,V-a).

19 10. Sterling PMC, Inc. ("Respondent PMC") is the 98% owner of Respondent
20 Prospect Holding, which owns 99% of Respondent Prospect Mortgage. Respondent
21 PMC is an Indirect Owner (RSA 397-A:1,VIII-a), Principal (RSA 397-A:1,XIX),
22 Person (RSA 397-A:1,XVIII), and a Control Person (RSA 397-A:1,V-a).

23 11. Mark Filler ("Respondent Filler") is the President and control person
24 of Respondent Prospect Mortgage. Respondent Filler is a Person (RSA 397-A:1,
25 XVIII), Principal (RSA 397-A:1,XIX) and a Control Person (RSA 397-A:1,V-a).

1 12. Ronald Lee Bergum ("Respondent Bergum") is the Chief Executive Officer
2 and control person of Respondent Prospect Mortgage. Respondent Bergum is a
3 Person (RSA 397-A:1, XVIII), Principal (RSA 397-A:1,XIX) and a Control
4 Person (RSA 397-A:1,V-a).

5 13. Keyan Tramane Scott ("Respondent Scott") is a New Hampshire Mortgage
6 Loan Originator currently sponsored by Respondent Prospect Mortgage. The
7 Nationwide Mortgage Licensing System & Registry ("NMLS") records indicate
8 Respondent Scott has been a licensed New Hampshire Mortgage Loan Originator
9 since April 1, 2009 and is currently licensed in 25 other states. Respondent
10 Scott is a Person (RSA 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-
11 A:1,XVII).

12 14. Carrie L. Strube ("Respondent Strube") is an unlicensed New Hampshire
13 Mortgage Loan Originator who was sponsored by Prospect Mortgage. NMLS
14 records indicate Respondent Strube was issued a Massachusetts Mortgage Loan
15 Originator license on May 21, 2009 but who's current license status as of
16 February 10, 2011 is listed as Approved-Inactive. Respondent Strube is a
17 Person (RSA 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

18 15. Christina Marie Longo ("Respondent Longo") is an unlicensed New
19 Hampshire Mortgage Loan Originator currently sponsored by Prospect Mortgage.
20 NMLS records indicate Respondent Longo was issued a Massachusetts Mortgage
21 Loan Originator license on October 9, 2008. Respondent Longo is a Person
22 (RSA 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

23 16. [REDACTED] ("Respondent [REDACTED]") is a New Hampshire Mortgage
24 Loan Originator currently sponsored by Respondent Prospect Mortgage. NMLS
25 records indicate Respondent [REDACTED] has been a licensed New Hampshire Mortgage

1 Loan Originator since April 1, 2009 and is currently licensed in 46 other
2 states. Respondent [REDACTED] is a Person (RSA 397-A:1,V-a) and Mortgage Loan
3 Originator (RSA 397-A:1,XVII).

4 17. Derek Joseph "Dutch" Maranhas ("Respondent Maranhas") is an unlicensed
5 New Hampshire Mortgage Loan Originator who works for Prospect Mortgage but
6 has no current sponsorship. NMLS records indicate Respondent Maranhas was
7 issued a Rhode Island Mortgage Loan Originator license on July 8, 2010 and
8 has an Approved-Inactive status in Massachusetts and North Carolina.
9 Respondent Maranhas is a Person (RSA 397-A:1,V-a) and Mortgage Loan
10 Originator (RSA 397-A:1,XVII).

11 18. Frederick Chapple Allard III ("Respondent Allard") is an unlicensed
12 New Hampshire Mortgage Loan Originator who was sponsored by Prospect
13 Mortgage (formerly Metrocities Mortgage, LLC). NMLS records indicate
14 Respondent Allard was issued a Massachusetts Mortgage Loan Originator
15 license on August 28, 2008 and has an Approved-Inactive status in
16 Massachusetts and North Carolina. Respondent Allard is a Person (RSA 397-
17 A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

18 19. Jeffrey Heidtmann ("Respondent Heidtmann") is an unlicensed New
19 Hampshire Mortgage Loan Originator who was sponsored by Prospect Mortgage.
20 NMLS records indicate Respondent Heidtmann was issued a Connecticut Mortgage
21 Loan Originator license on September 3, 2008. Respondent Heidtmann is a
22 Person (RSA 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

23 20. John Bannister ("Respondent Bannister") is an unlicensed New Hampshire
24 Mortgage Loan Originator currently sponsored by Prospect Mortgage. NMLS
25 records indicate Respondent Bannister was issued a Massachusetts Mortgage

1 Loan Originator license on August 28, 2008 and has an expired license from
2 Rhode Island. Respondent Bannister is a Person (RSA 397-A:1,V-a) and
3 Mortgage Loan Originator (RSA 397-A:1,XVII).

4 21. John L. Cabral ("Respondent Cabral") is an unlicensed New Hampshire
5 Mortgage Loan Originator currently sponsored by Prospect Mortgage. NMLS
6 records indicate Respondent Cabral was issued a Massachusetts Mortgage Loan
7 Originator license on October 23, 2008 and has an expired license from Rhode
8 Island. Respondent Cabral is a Person (RSA 397-A:1,V-a) and Mortgage Loan
9 Originator (RSA 397-A:1,XVII).

10 22. John E. Priest ("Respondent Priest") is an unlicensed New Hampshire
11 Mortgage Loan Originator currently sponsored by Prospect Mortgage. NMLS
12 records indicate Respondent Priest was issued a Massachusetts Mortgage Loan
13 Originator license on October 9, 2008. Respondent Priest is a Person (RSA
14 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

15 23. Kevin Josphe Cuzzo ("Respondent Cuzzo") is an unlicensed New
16 Hampshire Mortgage Loan Originator who was sponsored by Prospect Mortgage
17 (formerly Metrocities Mortgage, LLC). NMLS records indicate Respondent
18 Cuzzo was issued a Massachusetts Mortgage Loan Originator license on
19 October 3, 2008, which expired on January 1, 2010. Respondent Cuzzo is a
20 Person (RSA 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

21 24. [REDACTED] ("Respondent [REDACTED]") is an unlicensed New
22 Hampshire Mortgage Loan Originator currently sponsored by Prospect Mortgage.
23 NMLS records indicate Respondent [REDACTED] was issued a Florida Mortgage Loan
24 Originator license on December 27, 2010. Respondent [REDACTED] is a Person (RSA
25 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

1 25. Sadiki Pierre ("Respondent Pierre") is an unlicensed New Hampshire
2 Mortgage Loan Originator currently sponsored by Prospect Mortgage (not
3 Prospect Lending). NMLS records indicate Respondent Pierre was issued a New
4 York Mortgage Loan Originator license on May 14, 2010. Respondent Pierre is
5 a Person (RSA 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

6 26. Judy A. Weisman ("Respondent Weisman") was a New Hampshire Mortgage
7 Loan Originator licensed from April 1, 2009, voluntarily surrendered the
8 license on November 3, 2009 and who was sponsored by Respondent Prospect
9 Mortgage. NMLS records indicate Respondent Weisman has been a licensed
10 California Mortgage Loan Originator since June 17, 2010, surrendered the
11 license in 11 other states and let the license expire in one other state.
12 Respondent Weisman is a Person (RSA 397-A:1,V-a) and Mortgage Loan
13 Originator (RSA 397-A:1,XVII).

14 27. Kevin Robert Clark ("Respondent Clark") is an unlicensed New Hampshire
15 Mortgage Loan Originator currently sponsored by Prospect Mortgage. NMLS
16 records indicate Respondent Clark was issued a Massachusetts Mortgage Loan
17 Originator license on October 15, 2008. Respondent Clark is a Person (RSA
18 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

19 28. Kevin Paul Wentzell ("Respondent Wentzell") is an unlicensed New
20 Hampshire Mortgage Loan Originator currently sponsored by Prospect Mortgage.
21 NMLS records indicate Respondent Wentzell was issued a Massachusetts
22 Mortgage Loan Originator license on October 9, 2008. Respondent Wentzell is
23 a Person (RSA 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

24 29. Joseph Scott Gannon ("Respondent Gannon") is an unlicensed New
25 Hampshire Mortgage Loan Originator currently sponsored by Prospect Mortgage.

1 NMLS records indicate Respondent Gannon was issued a Massachusetts Mortgage
2 Loan Originator license on October 25, 2008. Respondent Gannon is a Person
3 (RSA 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

4 30. Todd Zukowski ("Respondent Zukowski") is an unlicensed New Hampshire
5 Mortgage Loan Originator currently sponsored by Prospect Mortgage (formerly
6 Metrocities Mortgage, LLC). NMLS records indicate Respondent Zukowski was
7 issued a Massachusetts Mortgage Loan Originator license on October 31, 2008
8 with an expired Rhode Island license. Respondent Zukowski is a Person (RSA
9 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

10 31. Joe Adamaitis ("Respondent Adamaitis") is an unlicensed New Hampshire
11 Mortgage Loan Originator who was sponsored by Prospect Mortgage. NMLS
12 records indicate Respondent Adamaitis was issued a Florida Mortgage Loan
13 Originator license on January 3, 2011. Respondent Adamaitis is a Person (RSA
14 397-A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

15 32. David Scott Bolton ("Respondent Bolton") is an unlicensed New
16 Hampshire Mortgage Loan Originator who was sponsored by Prospect Mortgage.
17 NMLS records indicate Respondent Bolton was issued a Massachusetts Mortgage
18 Loan Originator license on October 9, 2008 and as of March 17, 2011 the
19 license status is Approved-Inactive. Respondent Bolton is a Person (RSA 397-
20 A:1,V-a) and Mortgage Loan Originator (RSA 397-A:1,XVII).

21 33. The above named Respondents are hereby collectively known as
22 "Respondents".

23 **RIGHT TO REQUEST A HEARING**

24 34. Respondents have a right to request a hearing on this Order. A hearing
25 shall be scheduled not later than ten (10) days after the Commissioner

1 receives the Respondent's written request for a hearing. Respondents may
2 request a hearing and waive the ten (10) day hearing requirement. The
3 hearing shall comply with RSA Chapter 541-A, RSA 397-A:17,I, and II, and RSA
4 397-A:18,I and II.

5 35. If any person fails to request a hearing within thirty (30) days of
6 receiving this Order, then such person shall be deemed in default, and the
7 Order shall, on the thirty-first (31st) day, become permanent, all
8 allegations may be deemed true, and shall remain in full force and effect
9 until modified or vacated by the Commissioner for good cause shown. RSA 397-
10 A:17,I and II, and RSA 397-A:18,I and II.

11 36. A default may result in administrative fines as described in
12 Paragraphs 2 and 3 above.

13 **STATEMENT OF ALLEGATIONS**

14 37. On September 14, 2009, the Department began an examination of
15 Respondent Prospect Mortgage and discovered several violations, which
16 include licensed mortgage loan originators misrepresenting themselves to New
17 Hampshire consumers and the Department as the originators who worked on New
18 Hampshire residential mortgage loans when unlicensed New Hampshire mortgage
19 loan originators were the individuals who originated those New Hampshire
20 residential mortgage loans. Other violations include licensed New Hampshire
21 mortgage loan originators collecting unearned fees and Respondents
22 conducting activity in an unlicensed branch office.

23 **Unlicensed Mortgage Loan Originators: April 1, 2009 to July 30, 2009:**

24 **Respondent Strube (Unlicensed Mortgage Loan Originator)**

25 38. The Department discovered Respondent Strube transacted business in New

1 Hampshire as a mortgage loan originator on or about April 3, 2009 for
2 Consumer 1 without a New Hampshire Mortgage Loan Originator license, in
3 violation of RSA 397-A:3,II.

4 **Respondent Longo (Unlicensed Mortgage Loan Originator)**

5 39. The Department discovered Respondent Longo transacted business in New
6 Hampshire as a mortgage loan originator on or about April 7, 2009 for
7 Consumer 2 without a New Hampshire Mortgage Loan Originator license, in
8 violation of RSA 397-A:3,II. Respondent Longo retained a \$471.24 commission,
9 which pursuant to RSA 397-A:16,IV should be returned to Consumer 2.

10 40. The Department discovered Respondent Longo transacted business in New
11 Hampshire as a mortgage loan originator on or about April 8, 2009 for
12 Consumer 3 without a New Hampshire Mortgage Loan Originator license, in
13 violation of RSA 397-A:3,II. Respondent Longo retained a \$924.82 commission,
14 which pursuant to RSA 397-A:16,IV should be returned to Consumer 3.

15 41. The Department discovered Respondent Longo transacted business in New
16 Hampshire as a mortgage loan originator on or about April 9, 2009 for
17 Consumer 4 without a New Hampshire Mortgage Loan Originator license, in
18 violation of RSA 397-A:3,II. Respondent Longo retained a \$884.86 commission,
19 which pursuant to RSA 397-A:16,IV should be returned to Consumer 4.

20 42. The Department discovered Respondent Longo transacted business in New
21 Hampshire as a mortgage loan originator on or about June 3, 2009 for
22 Consumer 5 without a New Hampshire Mortgage Loan Originator license, in
23 violation of RSA 397-A:3,II. Respondent Longo retained a \$2,231.59
24 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
25 5.

1 43. The Department discovered Respondent Longo transacted business in New
2 Hampshire as a mortgage loan originator on or about July 13, 2009 for
3 Consumer 6 without a New Hampshire Mortgage Loan Originator license, in
4 violation of RSA 397-A:3,II. Respondent Longo retained a \$2,623.64
5 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
6 6.

7 **Respondent Maranhas (Unlicensed Mortgage Loan Originator)**

8 44. The Department discovered Respondent Maranhas transacted business in
9 New Hampshire as a mortgage loan originator on or about June 15, 2009 for
10 Consumer 7 without a New Hampshire Mortgage Loan Originator license, in
11 violation of RSA 397-A:3,II. Respondent Maranhas retained a \$756.05
12 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
13 7.

14 45. The Department discovered Respondent Maranhas transacted business in
15 New Hampshire as a mortgage loan originator on or about July 2, 2009 for
16 Consumer 8 without a New Hampshire Mortgage Loan Originator license, in
17 violation of RSA 397-A:3,II. Respondent Maranhas retained a \$1,339.32
18 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
19 8.

20 **Respondent Allard (Unlicensed Mortgage Loan Originator)**

21 46. The Department discovered Respondent Allard transacted business in New
22 Hampshire as a mortgage loan originator on or about April 15, 2009 for
23 Consumer 9 without a New Hampshire Mortgage Loan Originator license, in
24 violation of RSA 397-A:3,II. Respondent Allard retained a \$1,002.85
25 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer

1 9.

2 **Respondent Heidtmann (Unlicensed Mortgage Loan Originator)**

3 47. The Department discovered Respondent Heidtmann transacted business in
4 New Hampshire as a mortgage loan originator on or about May 29, 2009 for
5 Consumer 10 without a New Hampshire Mortgage Loan Originator license, in
6 violation of RSA 397-A:3,II. Respondent Heidtmann retained a \$4,625.49
7 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
8 10.

9 **Respondent Bannister (Unlicensed Mortgage Loan Originator)**

10 48. The Department discovered Respondent Bannister transacted business in
11 New Hampshire as a mortgage loan originator on or about April 17, 2009 for
12 Consumer 11 without a New Hampshire Mortgage Loan Originator license, in
13 violation of RSA 397-A:3,II. Respondent Bannister retained a \$1,214.11
14 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
15 11.

16 **Respondent Cabral (Unlicensed Mortgage Loan Originator)**

17 49. The Department discovered Respondent Cabral transacted business in New
18 Hampshire as a mortgage loan originator on or about June 24, 2009 for
19 Consumer 12 without a New Hampshire Mortgage Loan Originator license, in
20 violation of RSA 397-A:3,II. Respondent Cabral retained a \$836.00
21 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
22 12.

23 **Respondent Priest (Unlicensed Mortgage Loan Originator)**

24 50. The Department discovered Respondent Priest transacted business in New
25 Hampshire as a mortgage loan originator on or about May 8, 2009 for Consumer

1 13 without a New Hampshire Mortgage Loan Originator license, in violation of
2 RSA 397-A:3,II. Respondent Priest retained a \$455.59 commission, which
3 pursuant to RSA 397-A:16,IV should be returned to Consumer 13.

4 51. The Department discovered Respondent Priest transacted business in New
5 Hampshire as a mortgage loan originator on or about May 13, 2009 for
6 Consumer 14 without a New Hampshire Mortgage Loan Originator license, in
7 violation of RSA 397-A:3,II. Respondent Priest retained a \$810.00
8 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
9 14.

10 **Respondent Cuozzo (Unlicensed Mortgage Loan Originator)**

11 52. The Department discovered Respondent Cuozzo transacted business in New
12 Hampshire as a mortgage loan originator on or about April 24, 2009 for
13 Consumer 15 without a New Hampshire Mortgage Loan Originator license, in
14 violation of RSA 397-A:3,II. Respondent Cuozzo retained a \$2,118.60
15 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
16 15.

17 53. The Department discovered Respondent Cuozzo transacted business in New
18 Hampshire as a mortgage loan originator on or about May 11, 2009 for
19 Consumer 16 without a New Hampshire Mortgage Loan Originator license, in
20 violation of RSA 397-A:3,II. Respondent Cuozzo retained a \$777.14
21 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
22 16.

23 **Respondent [REDACTED] (Unlicensed Mortgage Loan Originator)**

24 54. The Department discovered Respondent [REDACTED] transacted business in New
25 Hampshire as a mortgage loan originator on or about April 6, 2009 for

1 Consumer 17 without a New Hampshire Mortgage Loan Originator license, in
2 violation of RSA 397-A:3,II. Respondent [REDACTED] retained a \$1,836.76
3 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
4 17.

5 **Respondent Pierre (Unlicensed Mortgage Loan Originator)**

6 55. The Department discovered Respondent Pierre transacted business in New
7 Hampshire as a mortgage loan originator on or about June 3, 2009 for
8 Consumer 18 without a New Hampshire Mortgage Loan Originator license, in
9 violation of RSA 397-A:3,II. Respondent Pierre retained a \$2,713.00
10 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
11 18.

12 **Respondent Gannon (Unlicensed Mortgage Loan Originator)**

13 56. The Department discovered Respondent Gannon transacted business in New
14 Hampshire as a mortgage loan originator on or about July 17, 2009 for
15 Consumer 19 without a New Hampshire Mortgage Loan Originator license, in
16 violation of RSA 397-A:3,II. Respondent Gannon retained a \$1,810.90
17 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
18 19.

19 **Respondent Zukowski (Unlicensed Licensed Mortgage Loan Originator)**

20 57. The Department discovered Respondent Zukowski transacted business in
21 New Hampshire as a mortgage loan originator on or about April 9, 2009 for
22 Consumer 20 without a New Hampshire Mortgage Loan Originator license, in
23 violation of RSA 397-A:3,II. Respondent Zukowski retained a \$2,169.48
24 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
25 20.

1 58. The Department discovered Respondent Zukowski transacted business in
2 New Hampshire as a mortgage loan originator on or about April 17, 2009 for
3 Consumer 21 without a New Hampshire Mortgage Loan Originator license, in
4 violation of RSA 397-A:3,II. Respondent Zukowski retained a \$1,099.00
5 commission, which pursuant to RSA 397-A:16,IV should be returned to Consumer
6 21.

7 59. The Department discovered Respondent Zukowski transacted business in
8 New Hampshire as a mortgage loan originator on or about May 5, 2009 for
9 Consumer 22 without a New Hampshire Mortgage Loan Originator license, in
10 violation of RSA 397-A:3,II.

11 **Respondent Scott (Licensed Mortgage Loan Originator)**

12 60. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
13 by placing his name on the closing documents for the Consumer 1 residential
14 mortgage loan as the licensed mortgage loan originator when Respondent
15 Strube had originated this residential mortgage loan. Respondent Scott
16 retained an unearned \$100.00 fee for this Consumer 1 loan, in violation of
17 RSA 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
18 Regulation X, 24 C.F.R. §3500.14.

19 61. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
20 by placing his name on the closing documents for the Consumer 2, Consumer 3,
21 Consumer 4 and Consumer 5 residential mortgage loans as the licensed
22 mortgage loan originator when Respondent Longo had originated these
23 residential mortgage loans. Respondent Scott retained an unearned \$100.00
24 fee for each of these Consumer 2, 3, 4 and 5 loans, in violation of RSA 397-
25 A:2,III, referencing the Real Estate Settlement Procedures Act, Regulation

1 X, 24 C.F.R. §3500.14.

2 62. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
3 by placing his name on the closing documents for the Consumer 7 and 8
4 residential mortgage loans as the licensed mortgage loan originator when
5 Respondent Maranhos had originated these residential mortgage loans.
6 Respondent Scott retained an unearned \$100.00 fee for each of these Consumer
7 7 and 8 loans, in violation of RSA 397-A:2,III, referencing the Real Estate
8 Settlement Procedures Act, Regulation X, 24 C.F.R. §3500.14.

9 63. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
10 by placing his name on the closing documents for the Consumer 9 residential
11 mortgage loan as the licensed mortgage loan originator when Respondent
12 Allard had originated this residential mortgage loan. Respondent Scott
13 retained an unearned \$100.00 fee the Consumer 9 loan, in violation of RSA
14 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
15 Regulation X, 24 C.F.R. §3500.14.

16 64. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
17 by placing his name on the closing documents for the Consumer 10 residential
18 mortgage loan as the licensed mortgage loan originator when Respondent
19 Heidtmann had originated this residential mortgage loan. Respondent Scott
20 retained an unearned \$100.00 fee the Consumer 10 loan, in violation of RSA
21 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
22 Regulation X, 24 C.F.R. §3500.14.

23 65. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
24 by placing his name on the closing documents for the Consumer 11 residential
25 mortgage loan as the licensed mortgage loan originator when Respondent

1 Bannister had originated this residential mortgage loan. Respondent Scott
2 retained an unearned \$100.00 fee the Consumer 11 loan, in violation of RSA
3 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
4 Regulation X, 24 C.F.R. §3500.14.

5 66. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
6 by placing his name on the closing documents for the Consumer 12 residential
7 mortgage loan as the licensed mortgage loan originator when Respondent
8 Cabral had originated this residential mortgage loan. Respondent Scott
9 retained an unearned \$100.00 fee the Consumer 12 loan, in violation of RSA
10 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
11 Regulation X, 24 C.F.R. §3500.14.

12 67. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
13 by placing his name on the closing documents for the Consumer 14 residential
14 mortgage loan as the licensed mortgage loan originator when Respondent
15 Priest had originated this residential mortgage loan. Respondent Scott
16 retained an unearned \$100.00 fee the Consumer 14 loan, in violation of RSA
17 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
18 Regulation X, 24 C.F.R. §3500.14.

19 68. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
20 by placing his name on the closing documents for the Consumer 15 and 16
21 residential mortgage loans as the licensed mortgage loan originator when
22 Respondent Cuzzo had originated these residential mortgage loans.
23 Respondent Scott retained an unearned \$100.00 fee for each of these Consumer
24 15 and 16 loans, in violation of RSA 397-A:2,III, referencing the Real
25 Estate Settlement Procedures Act, Regulation X, 24 C.F.R. §3500.14.

1 69. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
2 by placing his name on the closing documents for the Consumer 17 residential
3 mortgage loan as the licensed mortgage loan originator when Respondent [REDACTED]
4 had originated this residential mortgage loan. Respondent Scott retained an
5 unearned \$100.00 fee the Consumer 17 loan, in violation of RSA 397-A:2,III,
6 referencing the Real Estate Settlement Procedures Act, Regulation X, 24
7 C.F.R. §3500.14.

8 70. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
9 by placing his name on the closing documents for the Consumer 19 residential
10 mortgage loan as the licensed mortgage loan originator when Respondent
11 Gannon had originated this residential mortgage loan. Respondent Scott
12 retained an unearned \$100.00 fee the Consumer 19 loan, in violation of RSA
13 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
14 Regulation X, 24 C.F.R. §3500.14.

15 71. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
16 by placing his name on the closing documents for the Consumer 20 and 22
17 residential mortgage loans as the licensed mortgage loan originator when
18 Respondent Zukowski had originated these residential mortgage loans.
19 Respondent Scott retained an unearned \$100.00 fee for each of these Consumer
20 20 and 22 loans, in violation of RSA 397-A:2,III, referencing the Real
21 Estate Settlement Procedures Act, Regulation X, 24 C.F.R. §3500.14.

22 Respondent [REDACTED] (Licensed Mortgage Loan Originator)

23 72. The Department discovered Respondent [REDACTED] violated RSA 397-A:2,VI(c)
24 by placing her name on the closing documents for the Consumer 6 residential
25 mortgage loan as the licensed mortgage loan originator when Respondent Longo

1 had originated this residential mortgage loan. Respondent [REDACTED] retained an
2 unearned \$100.00 fee the Consumer 6 loan, in violation of RSA 397-A:2,III,
3 referencing the Real Estate Settlement Procedures Act, Regulation X, 24
4 C.F.R. §3500.14.

5 73. The Department discovered Respondent [REDACTED] violated RSA 397-A:2,VI(c)
6 by placing her name on the closing documents for the Consumer 13 residential
7 mortgage loan as the licensed mortgage loan originator when Respondent
8 Priest had originated this residential mortgage loan. Respondent [REDACTED]
9 retained an unearned \$100.00 fee the Consumer 13 loan, in violation of RSA
10 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
11 Regulation X, 24 C.F.R. §3500.14.

12 74. The Department discovered Respondent [REDACTED] violated RSA 397-A:2,VI(c)
13 by placing her name on the closing documents for the Consumer 21 residential
14 mortgage loan as the licensed mortgage loan originator when Respondent
15 Zukowski had originated this residential mortgage loan. Respondent [REDACTED]
16 retained an unearned \$100.00 fee the Consumer 21 loan, in violation of RSA
17 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
18 Regulation X, 24 C.F.R. §3500.14.

19 **Respondent Weisman (Licensed Mortgage Loan Originator)**

20 75. The Department discovered Respondent Weisman violated RSA 397-
21 A:2,VI(c) by placing her name on the closing documents for the Consumer 18
22 residential mortgage loan as the licensed mortgage loan originator when
23 Respondent Pierre had originated this residential mortgage loan. Respondent
24 Weisman retained an unearned \$100.00 fee the Consumer 18 loan, in violation
25 of RSA 397-A:2,III, referencing the Real Estate Settlement Procedures Act,

1 Regulation X, 24 C.F.R. §3500.14.

2 **Remaining Respondents (Non-Mortgage Loan Originators)**

3 76. All remaining non-mortgage loan originator Respondents, including but
4 not limited to Respondent Prospect Mortgage, employed, retained or otherwise
5 engaged thirteen (13) unlicensed New Hampshire mortgage loan originators in
6 violation of RSA 397-A:3,III.

7 77. All remaining non-mortgage loan originator Respondents, including but
8 not limited to Respondent Prospect Mortgage, failed to supervise their three
9 (3) licensed and thirteen (13) unlicensed New Hampshire mortgage loan
10 originators in violation of RSA 397-A:6,I.

11 **Unlicensed Mortgage Loan Originators: From July 31, 2009:**

12 **Respondent Strube (Unlicensed Mortgage Loan Originator)**

13 78. The Department discovered Respondent Strube transacted business in New
14 Hampshire as a mortgage loan originator on or about November 20, 2009 for
15 Consumer 23 without a New Hampshire Mortgage Loan Originator license, in
16 violation of RSA 397-A:3,II and RSA 397-A:14,IV(d). Respondent Strube
17 retained a \$1,774.88 commission, which pursuant to RSA 397-A:16,IV should be
18 returned to Consumer 23.

19 **Respondent Bolton (Unlicensed Mortgage Loan Originator)**

20 79. The Department discovered Respondent Bolton transacted business in New
21 Hampshire as a mortgage loan originator on or about December 8, 2009 or on
22 or about February 3, 2010 (two dates provided by Respondent Prospect
23 Mortgage) for Consumer 24 without a New Hampshire Mortgage Loan Originator
24 license, in violation of RSA 397-A:3,II and RSA 397-A:14,IV(d). Respondent
25 Bolton retained a \$528.00 commission, which pursuant to RSA 397-A:16,IV

1 should be returned to Consumer 24.

2 **Respondent Adamaitis (Unlicensed Mortgage Loan Originator)**

3 80. The Department discovered Respondent Adamaitis transacted business in
4 New Hampshire as a mortgage loan originator on or about September 17, 2009
5 for Consumer 25 without a New Hampshire Mortgage Loan Originator license, in
6 violation of RSA 397-A:3,II and RSA 397-A:14,IV(d). Respondent Adamaitis
7 retained a \$1,614.00 commission, which pursuant to RSA 397-A:16,IV should be
8 returned to Consumer 25.

9 **Respondent Bannister (Unlicensed Mortgage Loan Originator)**

10 81. The Department discovered Respondent Bannister transacted business in
11 New Hampshire as a mortgage loan originator on or about December 24, 2009
12 for Consumer 26 without a New Hampshire Mortgage Loan Originator license, in
13 violation of RSA 397-A:3,II and RSA 397-A:14,IV(d). Respondent Bannister
14 retained a \$1,177.31 commission, which pursuant to RSA 397-A:16,IV should be
15 returned to Consumer 26.

16 **Respondent Clark (Unlicensed Mortgage Loan Originator)**

17 82. The Department discovered Respondent Clark transacted business in New
18 Hampshire as a mortgage loan originator on or about December 7, 2009 for
19 Consumer 27 without a New Hampshire Mortgage Loan Originator license, in
20 violation of RSA 397-A:3,II and RSA 397-A:14,IV(d). Respondent Clark
21 retained a \$789.67 commission, which pursuant to RSA 397-A:16,IV should be
22 returned to Consumer 27.

23 **Respondent Wentzell (Unlicensed Mortgage Loan Originator)**

24 83. The Department discovered Respondent Wentzell transacted business in
25 New Hampshire as a mortgage loan originator on or about January 25, 2010 for

1 Consumer 28 without a New Hampshire Mortgage Loan Originator license, in
2 violation of RSA 397-A:3,II and RSA 397-A:14,IV(d). Respondent Wentzell
3 retained a \$4,268.50 commission, which pursuant to RSA 397-A:16,IV should be
4 returned to Consumer 28.

5 **Respondent Gannon (Unlicensed Mortgage Loan Originator)**

6 84. The Department discovered Respondent Gannon transacted business in New
7 Hampshire as a mortgage loan originator on or about January 26, 2010 for
8 Consumer 29 without a New Hampshire Mortgage Loan Originator license, in
9 violation of RSA 397-A:3,II and RSA 397-A:14,IV(d). Respondent Gannon
10 retained a \$2,432.61 commission, which pursuant to RSA 397-A:16,IV should be
11 returned to Consumer 29.

12 **Respondent Scott (Licensed Mortgage Loan Originator)**

13 85. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
14 by placing his name on the closing documents for the Consumer 23 residential
15 mortgage loan as the licensed mortgage loan originator when Respondent
16 Strube had originated this residential mortgage loan. Respondent Scott
17 retained an unearned \$100.00 fee the Consumer 23 loan, in violation of RSA
18 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
19 Regulation X, 24 C.F.R. §3500.14.

20 86. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
21 by placing his name on the closing documents for the Consumer 24 residential
22 mortgage loan as the licensed mortgage loan originator when Respondent
23 Bolton had originated this residential mortgage loan. Respondent Scott
24 retained an unearned \$100.00 fee the Consumer 24 loan, in violation of RSA
25 397-A:2,III, referencing the Real Estate Settlement Procedures Act,

1 Regulation X, 24 C.F.R. §3500.14.

2 87. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
3 by placing his name on the closing documents for the Consumer 25 residential
4 mortgage loan as the licensed mortgage loan originator when Respondent
5 Adamaitis had originated this residential mortgage loan. Respondent Scott
6 retained an unearned \$100.00 fee the Consumer 25 loan, in violation of RSA
7 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
8 Regulation X, 24 C.F.R. §3500.14.

9 88. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
10 by placing his name on the closing documents for the Consumer 26 residential
11 mortgage loan as the licensed mortgage loan originator when Respondent
12 Bannister had originated this residential mortgage loan. Respondent Scott
13 retained an unearned \$100.00 fee the Consumer 26 loan, in violation of RSA
14 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
15 Regulation X, 24 C.F.R. §3500.14.

16 89. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
17 by placing his name on the closing documents for the Consumer 28 residential
18 mortgage loan as the licensed mortgage loan originator when Respondent
19 Wentzell had originated this residential mortgage loan. Respondent Scott
20 retained an unearned \$100.00 fee the Consumer 28 loan, in violation of RSA
21 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
22 Regulation X, 24 C.F.R. §3500.14.

23 90. The Department discovered Respondent Scott violated RSA 397-A:2,VI(c)
24 by placing his name on the closing documents for the Consumer 29 residential
25 mortgage loan as the licensed mortgage loan originator when Respondent

1 Gannon had originated this residential mortgage loan. Respondent Scott
2 retained an unearned \$100.00 fee the Consumer 29 loan, in violation of RSA
3 397-A:2,III, referencing the Real Estate Settlement Procedures Act,
4 Regulation X, 24 C.F.R. §3500.14.

5 Respondent [REDACTED] (Licensed Mortgage Loan Originator)

6 91. The Department discovered Respondent [REDACTED] violated RSA 397-A:2,VI(c)
7 by placing her name on the closing documents for the Consumer 27 residential
8 mortgage loan as the licensed mortgage loan originator when Respondent Clark
9 had originated this residential mortgage loan. Respondent [REDACTED] retained an
10 unearned \$100.00 fee the Consumer 27 loan, in violation of RSA 397-A:2,III,
11 referencing the Real Estate Settlement Procedures Act, Regulation X, 24
12 C.F.R. §3500.14.

13 Remaining Respondents (Non-Mortgage Loan Originators)

14 92. All remaining non-mortgage loan originator Respondents, including but
15 not limited to Respondent Prospect Mortgage, employed, retained or otherwise
16 in addition to those 13 mortgage loan originators listed in Paragraph 76, an
17 additional four (4) unlicensed New Hampshire mortgage loan originators in
18 violation of RSA 397-A:3,III.

19 93. All remaining non-mortgage loan originator Respondents, including but
20 not limited to Respondent Prospect Mortgage, failed to supervise, in
21 addition to those mortgage loan originators listed in Paragraph 77 above,
22 their four (4) unlicensed New Hampshire mortgage loan originators in
23 violation of RSA 397-A:6,I.

24 Unlicensed Branch Office Located in Newton, Massachusetts:

25 94. During the September 14, 2009 Department examination of Respondent

1 Prospect Mortgage, the Department Examiners discovered that the Newton,
2 Massachusetts branch office had been conducting New Hampshire residential
3 mortgage loan activity without a New Hampshire branch office license.

4 95. Respondent Prospect Mortgage's Newton, Massachusetts branch office was
5 licensed by the Department from August 17, 2009 through November 13, 2009.
6 Unlicensed New Hampshire residential mortgage loan activity occurred at the
7 Newton, Massachusetts branch office before August 17, 2009 and after
8 November 13, 2009.

9 **Respondent Scott (Licensed Mortgage Loan Originator)**

10 96. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
11 conducting activity regarding the Consumer 30 residential mortgage loan at
12 the unlicensed Newton, Massachusetts branch office on or about June 23,
13 2009.

14 97. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
15 conducting activity regarding the Consumer 23 residential mortgage loan at
16 the unlicensed Newton, Massachusetts branch office on or about November 20,
17 2009.

18 98. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
19 conducting activity regarding the Consumer 31 residential mortgage loan at
20 the unlicensed Newton, Massachusetts branch office on or about December 8,
21 2009.

22 99. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
23 conducting activity regarding the Consumer 26 residential mortgage loan at
24 the unlicensed Newton, Massachusetts branch office on or about December 24,
25 2009.

1 100. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
2 conducting activity regarding the Consumer 28 residential mortgage loan at
3 the unlicensed Newton, Massachusetts branch office on or about January 25,
4 2010.

5 101. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
6 conducting activity regarding the Consumer 29 residential mortgage loan at
7 the unlicensed Newton, Massachusetts branch office on or about January 26,
8 2010.

9 102. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
10 conducting activity regarding the Consumer 24 residential mortgage loan at
11 the unlicensed Newton, Massachusetts branch office on or about December 8,
12 2009 or on or about February 3, 2010 (two dates provided by Respondent
13 Prospect Mortgage).

14 103. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
15 conducting activity regarding the Consumer 25 residential mortgage loan at
16 the unlicensed Newton, Massachusetts branch office on or about September 17,
17 2009.

18 Respondent [REDACTED] (Licensed Mortgage Loan Originator)

19 104. The Department discovered Respondent Scott violated RSA 397-A:3,IV by
20 conducting activity regarding the Consumer 27 residential mortgage loan at
21 the unlicensed Newton, Massachusetts branch office on or about December 7,
22 2009.

23 Remaining Respondents (Non-Mortgage Loan Originators)

24 105. All Non-Mortgage Loan Originator Respondents, including but not
25 limited to Respondent Prospect Mortgage, violated RSA 397-A:3,IV by allowing

1 New Hampshire mortgage broker activities to occur at the Newton,
2 Massachusetts branch office before its Department licensure date of August
3 17, 2009 and after its licensure surrender date of November 13, 2009.

4 106. All Non-Mortgage Loan Originator Respondents, including but not
5 limited to Respondent Prospect Mortgage, violated RSA 397-A:6,I by allowing
6 New Hampshire mortgage broker activities to occur at the Newton,
7 Massachusetts branch office before its Department licensure date of August
8 17, 2009 and after its licensure surrender date of November 13, 2009.

9
10
11 _____ /s/
12 Maryam Torben Desfosses
13 Hearings Examiner

7/25/11
Date

14 **ORDER**

15 107. I hereby find as follows:

16 a. Pursuant to RSA 397-A:17,I, the facts as alleged above, if true,
17 show Respondents are operating or have operated in violation of RSA Chapter
18 397-A and form the legal basis for this Order;

19 b. Pursuant to RSA 397-A:20,VI, this Order is necessary and
20 appropriate to the public interest and for the protection of consumers and
21 consistent with the purpose and intent of New Hampshire banking laws;

22 c. The Department finds pursuant to RSA 397-A:17,II and RSA 397-
23 A:18,II, reasonable cause to issue an order to cease and desist; and

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

1 108. Accordingly, it is hereby ORDERED that:

2 a. Respondents shall cease and desist from violating RSA Chapter
3 397-A and rules or orders thereunder;

4 b. Respondents shall show cause why Respondent Prospect Mortgage's
5 New Hampshire Mortgage Banker license should not be revoked;

6 c. Respondents shall show cause why Respondent Scott's New
7 Hampshire Mortgage Loan Originator license should not be revoked;

8 d. Respondents shall show cause why Respondent [REDACTED]'s New Hampshire
9 Mortgage Loan Originator license should not be revoked;

10 e. Respondents shall show cause why Respondent Weisman's New
11 Hampshire Mortgage Loan Originator license should not be revoked;

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

14 (1). Respondent Prospect Mortgage:

15 Violation #1: Employing, Retaining, Engaging Unlicensed
16 Mortgage Loan Originators (RSA 397-A:3,III) - 17 Counts;

17 Violation #2: Unlicensed Branch Office Activity (RSA 397-
18 A:3,IV) - 9 Counts;

19 Violation #3: Failure to Supervise Mortgage Loan
20 Originators (397-A:6,I) - 20 Counts;

21 (2). Respondent Prospect Holding (as Direct and Indirect Owner,
22 Principal and Control Person):

23 Violation #1: Employing, Retaining, Engaging Unlicensed
24 Mortgage Loan Originators (RSA 397-A:3,III) - 17 Counts;

25 Violation #2: Unlicensed Branch Office Activity (RSA 397-

1 A:3,IV) - 9 Counts;

2 Violation #3: Failure to Supervise Mortgage Loan
3 Originators (397-A:6,I) - 20 Counts;

4 (3). Respondent Prospect Management (as Principal and Control
5 Person):

6 Violation #1: Employing, Retaining, Engaging Unlicensed
7 Mortgage Loan Originators (RSA 397-A:3,III) - 17 Counts;

8 Violation #2: Unlicensed Branch Office Activity (RSA 397-
9 A:3,IV) - 9 Counts;

10 Violation #3: Failure to Supervise Mortgage Loan
11 Originators (397-A:6,I) - 20 Counts;

12 (4). Respondent Sterling II (as Indirect Owner, Principal and
13 Control Person):

14 Violation #1: Employing, Retaining, Engaging Unlicensed
15 Mortgage Loan Originators (RSA 397-A:3,III) - 17 Counts;

16 Violation #2: Unlicensed Branch Office Activity (RSA 397-
17 A:3,IV) - 9 Counts;

18 Violation #3: Failure to Supervise Mortgage Loan
19 Originators (397-A:6,I) - 20 Counts;

20 (5). Respondent Sterling III (as Indirect Owner, Principal and
21 Control Person):

22 Violation #1: Employing, Retaining, Engaging Unlicensed
23 Mortgage Loan Originators (RSA 397-A:3,III) - 17 Counts;

24 Violation #2: Unlicensed Branch Office Activity (RSA 397-
25 A:3,IV) - 9 Counts;

1 Violation #3: Failure to Supervise Mortgage Loan
2 Originators (397-A:6,I) - 20 Counts;

3 (6). Respondent PMC (as Indirect Owner, Principal and Control
4 Person):

5 Violation #1: Employing, Retaining, Engaging Unlicensed
6 Mortgage Loan Originators (RSA 397-A:3,III) - 17 Counts;

7 Violation #2: Unlicensed Branch Office Activity (RSA 397-
8 A:3,IV) - 9 Counts;

9 Violation #3: Failure to Supervise Mortgage Loan
10 Originators (397-A:6,I) - 20 Counts;

11 (7). Respondent Filler (as Principal and Control Person):

12 Violation #1: Employing, Retaining, Engaging Unlicensed
13 Mortgage Loan Originators (RSA 397-A:3,III) - 17 Counts;

14 Violation #2: Unlicensed Branch Office Activity (RSA 397-
15 A:3,IV) - 9 Counts;

16 Violation #3: Failure to Supervise Mortgage Loan
17 Originators (397-A:6,I) - 20 Counts;

18 (8). Respondent Bergum (as Principal and Control Person):

19 Violation #1: Employing, Retaining, Engaging Unlicensed
20 Mortgage Loan Originators (RSA 397-A:3,III) - 17 Counts;

21 Violation #2: Unlicensed Branch Office Activity (RSA 397-
22 A:3,IV) - 9 Counts;

23 Violation #3: Failure to Supervise Mortgage Loan
24 Originators (397-A:6,I) - 20 Counts;

25

- 1 (9). Respondent Scott (as a Licensed Mortgage Loan Originator):
2 Violation #1: Retaining Unearned Fee (RSA 397-A:2,III) -
3 24 Counts;
4 Violation #2: Engaged in act, practice or course of
5 business which operated as fraud or deceit upon any person
6 (RSA 397-A:2,VI(c)) - 24 Counts;
7 Violation #3: Unlicensed Branch Office Activity (397-
8 A:3,IV) - 8 Counts;
- 9 (10). Respondent Strube (as an Unlicensed Mortgage Loan
10 Originator):
11 Violation #1: Unlicensed Mortgage Loan Originator Activity
12 (RSA 397-A:3,II) - 2 Counts;
13 Violation #2: Conduct business without holding a valid
14 license (RSA 397-A:14,IV(d)) - 1 Count;
- 15 (11). Respondent Longo (as an Unlicensed Mortgage Loan
16 Originator):
17 Violation #1: Unlicensed Mortgage Loan Originator Activity
18 (RSA 397-A:3,II) - 5 Counts;
- 19 (12). Respondent [REDACTED] (as a Licensed Mortgage Loan Originator):
20 Violation #1: Retaining Unearned Fee (RSA 397-A:2,III) - 4
21 Counts;
22 Violation #2: Engaged in act, practice or course of
23 business which operated as fraud or deceit upon any person
24 (RSA 397-A:2,VI(c)) - 4 Counts;
25 Violation #3: Unlicensed Branch Office Activity (397-

1 A:3,IV) - 1 Count;

2 (13). Respondent Maranhas (as an Unlicensed Mortgage Loan
3 Originator):

4 Violation #1: Unlicensed Mortgage Loan Originator Activity
5 (RSA 397-A:3,II) - 2 Counts;

6 (14). Respondent Allard (as an Unlicensed Mortgage Loan
7 Originator):

8 Violation #1: Unlicensed Mortgage Loan Originator Activity
9 (RSA 397-A:3,II) - 1 Count;

10 (15). Respondent Heidtmann (as an Unlicensed Mortgage Loan
11 Originator):

12 Violation #1: Unlicensed Mortgage Loan Originator Activity
13 (RSA 397-A:3,II) - 1 Count;

14 (16). Respondent Bannister (as an Unlicensed Mortgage Loan
15 Originator):

16 Violation #1: Unlicensed Mortgage Loan Originator Activity
17 (RSA 397-A:3,II) - 2 Counts;

18 Violation #2: Conduct business without holding a valid
19 license (RSA 397-A:14,IV(d)) - 1 Count;

20 (17). Respondent Cabral (as an Unlicensed Mortgage Loan
21 Originator):

22 Violation #1: Unlicensed Mortgage Loan Originator Activity
23 (RSA 397-A:3,II) - 1 Count;

24 (18). Respondent Priest (as an Unlicensed Mortgage Loan
25 Originator):

1 Violation #1: Unlicensed Mortgage Loan Originator Activity
2 (RSA 397-A:3,II) - 2 Counts;

3 (19). Respondent Cuozzo (as an Unlicensed Mortgage Loan
4 Originator):

5 Violation #1: Unlicensed Mortgage Loan Originator Activity
6 (RSA 397-A:3,II) - 2 Counts;

7 (20). Respondent [REDACTED] (as an Unlicensed Mortgage Loan
8 Originator):

9 Violation #1: Unlicensed Mortgage Loan Originator Activity
10 (RSA 397-A:3,II) - 1 Count;

11 (21). Respondent Pierre (as an Unlicensed Mortgage Loan
12 Originator):

13 Violation #1: Unlicensed Mortgage Loan Originator Activity
14 (RSA 397-A:3,II) - 1 Count;

15 (22). Respondent Weisman (as a Licensed Mortgage Loan
16 Originator):

17 Violation #1: Retaining Unearned Fee (RSA 397-A:2,III) - 1
18 Count;

19 Violation #2: Engaged in act, practice or course of
20 business which operated as fraud or deceit upon any person
21 (RSA 397-A:2,VI(c)) -1 Count;

22 (23). Respondent Clark (as an Unlicensed Mortgage Loan
23 Originator):

24 Violation #1: Unlicensed Mortgage Loan Originator Activity
25 (RSA 397-A:3,II) - 1 Count;

1 Violation #2: Conduct business without holding a valid
2 license (RSA 397-A:14,IV(d)) - 1 Count;

3 (24). Respondent Wentzell (as an Unlicensed Mortgage Loan
4 Originator):

5 Violation #1: Unlicensed Mortgage Loan Originator Activity
6 (RSA 397-A:3,II) - 1 Count;

7 Violation #2: Conduct business without holding a valid
8 license (RSA 397-A:14,IV(d)) - 1 Count;

9 (25). Respondent Gannon (as an Unlicensed Mortgage Loan
10 Originator):

11 Violation #1: Unlicensed Mortgage Loan Originator Activity
12 (RSA 397-A:3,II) - 2 Counts;

13 Violation #2: Conduct business without holding a valid
14 license (RSA 397-A:14,IV(d)) - 1 Count;

15 (26). Respondent Zukowski (as an Unlicensed Mortgage Loan
16 Originator):

17 Violation #1: Unlicensed Mortgage Loan Originator Activity
18 (RSA 397-A:3,II) - 3 Counts;

19 (27). Respondent Adamaitis (as an Unlicensed Mortgage Loan
20 Originator):

21 Violation #1: Unlicensed Mortgage Loan Originator Activity
22 (RSA 397-A:3,II) - 1 Count;

23 Violation #2: Conduct business without holding a valid
24 license (RSA 397-A:14,IV(d)) - 1 Count;

25

1 (28). Respondent Bolton (as an Unlicensed Mortgage Loan
2 Originator):

3 Violation #1: Unlicensed Mortgage Loan Originator Activity
4 (RSA 397-A:3,II) - 1 Count;

5 Violation #2: Conduct business without holding a valid
6 license (RSA 397-A:14,IV(d)) - 1 Count;

7 g. In addition to Paragraph 108f. above, the following Respondents
8 shall show cause why a fine in an amount not to exceed \$25,000.00 for each
9 violation or failure to comply with the requirements of the S.A.F.E.
10 Mortgage Licensing Act of 2008 should not be imposed as follows:

11 (1). Respondent Strube:

12 Violation #1: Failure to be licensed as a Mortgage Loan
13 Originator in accordance with the S.A.F.E. Mortgage
14 Licensing Act of 2008 (NH RSA 397-A:17,IX) (1 Count);

15 (2). Respondent Bannister:

16 Violation #1: Failure to be licensed as a Mortgage Loan
17 Originator in accordance with the S.A.F.E. Mortgage
18 Licensing Act of 2008 (NH RSA 397-A:17,IX) (1 Count);

19 (3). Respondent Clark:

20 Violation #1: Failure to be licensed as a Mortgage Loan
21 Originator in accordance with the S.A.F.E. Mortgage
22 Licensing Act of 2008 (NH RSA 397-A:17,IX) (1 Count);

23 (4). Respondent Wentzell:

24 Violation #1: Failure to be licensed as a Mortgage Loan
25 Originator in accordance with the S.A.F.E. Mortgage

1 Licensing Act of 2008 (NH RSA 397-A:17,IX) (1 Count);

2 (5). Respondent Gannon:

3 Violation #1: Failure to be licensed as a Mortgage Loan
4 Originator in accordance with the S.A.F.E. Mortgage
5 Licensing Act of 2008 (NH RSA 397-A:17,IX) (1 Count);

6 (6). Respondent Adamaitis:

7 Violation #1: Failure to be licensed as a Mortgage Loan
8 Originator in accordance with the S.A.F.E. Mortgage
9 Licensing Act of 2008 (NH RSA 397-A:17,IX) (1 Count);

10 (7). Respondent Bolton:

11 Violation #1: Failure to be licensed as a Mortgage Loan
12 Originator in accordance with the S.A.F.E. Mortgage
13 Licensing Act of 2008 (NH RSA 397-A:17,IX) (1 Count);

14 h. Respondents shall show cause why reimbursement to Consumers 1
15 through 31 as described above should not be made; and

16 i. Nothing in this Order:

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

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

23 **SO ORDERED.**

24 _____
25 /s/
RONALD A. WILBUR
BANK COMMISSIONER

Dated: 7/25/11