

State of New Hampshire Banking Department

In re the Matter of:)	Case No.: 10-189
)	
State of New Hampshire Banking)	
Department,)	
)	Consent Order
Petitioner,)	
)	
and)	
)	
Law Offices of Matthew T.)	
)	
Desrochers, P.C., and Matthew)	
)	
Thomas Desrochers, Esquire,)	
)	
Respondents)	

CONSENT ORDER

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

Respondents

1. Law Offices of Matthew T. Desrochers, P.C. ("Law Offices") is a professional corporation registered with the Massachusetts Secretary of State on August 6, 2004 with a principal office location in Reading, Massachusetts and one in Stoneham, Massachusetts. Law Offices has never been licensed by the Department as a Mortgage Broker.
2. Matthew Thomas Desrochers, Esquire ("Desrochers") is a Massachusetts licensed attorney and is the 100% owner of Law Offices. Desrochers is not a licensed New

Hampshire Mortgage Loan Originator.

3. Law Offices and Desrochers shall be hereby collectively known as "Respondents."

Jurisdiction

4. The Department is authorized to regulate mortgage brokers and mortgage loan originators pursuant to RSA Chapter 397-A. *RSA 397-A:2 and RSA 397-A:3.*
5. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter 397-A and to assess penalties pursuant to RSA Chapter 397-A. *RSA 397-A:17, RSA 397-A:18 and RSA 397-A:21.*
6. Respondents may each be assessed an administrative fine not to exceed \$2,500.00 for each violation of RSA Chapter 397-A. *RSA 397-A:21, IV and V.*

Facts

7. On October 5, 2009, a Department employee received an email from a person named Mark Cote from a company called "The Modify Guy" in which a reference is made to services that may be provided by an unspecified "law office." The law office is not named in the mail but it is undisputed that it refers to the Law Offices of Matthew T. Desrochers, P.C.
8. The Department contends that the above-referenced email constitutes a solicitation by Respondents for

loan modification services.

9. Respondents represent that they have not knowingly solicited New Hampshire consumers since the date of this email and represent that they have not conducted loan modification activity for any New Hampshire consumer.

Violation(s) of Law and Penalties

10. The Department contends that Respondents solicited at least one New Hampshire consumer in violation of RSA 397-A:14, IV(d).

Respondents' Consent

11. Respondents hereby acknowledge that were an administrative hearing to be held in this matter, the Department would introduce evidence in support of its contention that the above referenced email was in violation of RSA Chapter 397-A.
12. Respondents have voluntarily entered into this Consent Order without reliance upon any discussions between the Department and Respondents, without promise of a benefit of any kind (other than concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind. Respondents further acknowledge their understanding of the nature of the allegations set forth in this action, including

the potential penalties provided by law.

13. Nothing in this Consent Order shall be construed as an admission of wrongdoing or liability on the part of Respondents.
14. Respondents hereby acknowledge, understand, and agree that they have the right to notice, hearing, and/or a civil action and hereby waive said rights.

Order

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

- a. Respondents shall cease and desist from violating RSA Chapter 397-A in New Hampshire. Without in any way limiting the generality of the foregoing, Respondents shall not:

- i. provide loan modification on behalf of any New Hampshire resident until and unless Respondent Desrochers shall become admitted to the New Hampshire Bar; and
- ii. advertize or solicit for loan modification services to New Hampshire consumers. Provided, however, nothing herein shall

prohibit Respondents from advertising loan modification services through a Massachusetts-based media outlet, even if the media outlet may reach New Hampshire consumers (i.e., a Massachusetts-based newspaper or radio station).

b. Administrative penalties totaling \$2,500.00 shall be held in abeyance for three (3) years from date of this fully executed Consent Order, assuming no further violations are discovered or committed. If such violations are discovered or committed, \$2,500.00 shall be immediately due the Department.

16. To the best of the Department's knowledge, the Department does not have any other information related to the violations in this matter or any other potential violations.

17. This Consent Order may be revoked and the Department may pursue any and all remedies available under law, if the Department later finds that Respondents knowingly or willfully withheld information used and relied upon in this Consent Order or violate this Consent Order.

18. This Consent Order is binding on all heirs, assigns,

and/or successors in interest.

19. This Consent Order shall become effective upon the date the Commissioner signs this Consent Order.

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

WHEREFORE, based on the foregoing, we have set our hands to this Consent Order, effective upon its execution by Glenn A. Perlow, Bank Commissioner.

Recommended this 20th day of May, 2013 by

_____/s/
Maryam Torben Desfosses,
Hearings Examiner, Banking Department

Executed this 6th day of June, 2013 by

_____/s/
Matthew Thomas Desrochers, Esquire, on his own behalf and
as owner of and on behalf of Law Offices of Matthew T.
Desrochers, P.C.

SO ORDERED.

_____/s/ Dated: 6/11/13
Glenn A. Perlow,
Bank Commissioner