

1 State of New Hampshire

2 In re the Matter of: ) Case No.: 10-230  
 )  
 3 State of New Hampshire Banking Department, )  
 )  
 4 Petitioner, )  
 )  
 5 and ) Order to Show Cause and  
 ) Cease and Desist  
 6 1 Global Financial, Inc., and Michael C. Chambers, )  
 )  
 7 Respondents )

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

9 1. This Order commences an adjudicative proceeding under the provisions  
10 of RSA Chapter 397-A (including RSA 397-A:17,I and II, RSA 397-A:18,I and  
11 II, and RSA 397-A:20,IV) and RSA Chapter 541-A.

12 2. The Commissioner may impose administrative penalties of up to  
13 \$2,500.00 for each violation. RSA 397-A:21,IV and V.

14 RESPONDENTS

15 3. 1 Global Financial, Inc. ("Respondent Global") is a corporation that  
16 registered with the Florida Secretary of State on June 8, 2009 with a  
17 principal office location in Davie, Florida. Respondent Global was  
18 administratively dissolved by the Florida Secretary of State on September  
19 24, 2010. Respondent Global is not registered with the New Hampshire  
20 Secretary of State. Respondent Global is a "Person." RSA 397-A:1,XVIII.

21 4. The Nationwide Mortgage Licensing System & Registry ("NMLS") does not  
22 indicate that Respondent Global has ever held a license as a mortgage  
23 broker. The New Hampshire Banking Department's ("Department") records do not  
24 indicate that Respondent Global has ever held a New Hampshire Mortgage  
25 Broker license.

1 5. Michael C. Chambers ("Respondent Chambers") is listed in the Florida  
2 Secretary of State filings as the President of Respondent Global.  
3 Respondent Chambers is a Control person (RSA 397-A:1,V-a), a Principal (RSA  
4 397-A:1,XIX) and a Person (RSA 397-A:1,XVIII).

5 6. NMLS records indicate that Respondent Chambers was never a licensed as  
6 a Mortgage Loan Originator or Mortgage Broker.

7 7. The above-named Respondents are hereinafter collectively known as  
8 "Respondents".

9 **RIGHT TO REQUEST A HEARING**

10 8. Respondents have a right to request a hearing on this Order. A hearing  
11 shall be held not later than ten (10) days after the Commissioner receives  
12 the Respondent's written request for a hearing. Respondents may request a  
13 hearing and waive the ten (10) day hearing requirement. The hearing shall  
14 comply with RSA Chapter 541-A. RSA 397-A:17 and RSA 397-A:18.

15 9. If any person fails to request a hearing within thirty (30) days of  
16 receiving this Order, then such person shall be deemed in default, and the  
17 Order shall, on the thirty-first (31<sup>st</sup>) day, become permanent, all  
18 allegations may be deemed true, and shall remain in full force and effect  
19 until modified or vacated by the Commissioner for good cause shown. RSA  
20 397-A:17,I and RSA 397-A:18.

21 10. A default may result in administrative fines as described in Paragraph  
22 2 above.

23 **STATEMENT OF ALLEGATIONS**

24 11. On or about August 19, 2009, the Department received written  
25 correspondence from a licensee of the Department indicating it had received

1 correspondence from Respondent Global on behalf of a New Hampshire consumer  
2 ("Consumer A") in order to review the loan for loss mitigation options,  
3 including a trial mortgage loan modification.

4 12. At some point prior to August 2009, Respondents contracted with  
5 Consumer A to modify Consumer A's mortgage loan without a New Hampshire  
6 mortgage broker license, in violation of RSA 397-A:3,I.

7 13. The Department's licensee did indicate it approved a trial  
8 modification for Consumer A.

9 14. On October 14, 2009, the Department sent a letter via U.S. Certified  
10 Mail return receipt requested to Respondents suggesting Respondents apply  
11 for licensure with the Department and requesting documentation from the  
12 Respondents. The letter was returned to the Department on November 16,  
13 2009, as "return to sender; unclaimed; unable to forward."

14 15. Based on new information found from the State of Michigan, the  
15 Department on September 17, 2010 sent a letter to a Fort Lauderdale, Florida  
16 address to Respondents via U.S. Certified Mail return receipt requested  
17 suggesting Respondents apply for licensure with the Department and  
18 requesting documentation from the Respondents. The letter was not returned  
19 to the Department though Post Office records indicate it was never picked up  
20 by Respondents.

21 16. On October 19, 2010, the Department sent a letter via U.S. Certified  
22 Mail return receipt requested to Respondents' Registered Agent suggesting  
23 Respondents apply for licensure with the Department and requesting  
24 documentation from the Respondents. The Registered Agent received the letter  
25 on October 25, 2010.

1 17. To date, Respondents have not provided the Department with the  
2 requested documents in violation of RSA 397-A:12,I.

3 \_\_\_\_\_ /s/  
4 Maryam Torben Desfosses  
Hearings Examiner

November 22, 2011  
Date

5 **ORDER**

6 18. **I hereby find as follows:**

7 a. Pursuant to RSA 397-A:17,I, the facts as alleged above, if true,  
8 show Respondents are operating or have operated in violation of RSA Chapter  
9 397-A and form the legal basis for this Order;

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

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

15 d. Pursuant to RSA 397-A:17,I and RSA 397-A:18,II, if any  
16 Respondent fails to respond to this Order and/or defaults then all facts as  
17 alleged herein are deemed as true.

18 19. **Accordingly, it is hereby ORDERED that:**

19 a. Respondents shall cease and desist from violating RSA Chapter  
20 397-A and rules or orders thereunder;

21 b. Respondents shall immediately provide the Department a list of  
22 all New Hampshire consumers for whom Respondents have residential mortgage  
23 loan modification activity and a status of those accounts. This list must  
24 include the names and contact information of the New Hampshire consumers,  
25 along with monies charged, collected and waived (if applicable). The list

1 shall also be accompanied by all contracts, checks to and from the consumer  
2 and any other documents in the New Hampshire consumers' files;

3 c. Respondents shall show cause why the Commissioner should not  
4 enter an order of rescission, restitution, or disgorgement of profits for at  
5 least Consumer A (if applicable);

6 d. Respondents shall show cause why an administrative fine of up to  
7 a maximum of \$2,500.00 per violation(as stated in Counts below) should not  
8 be imposed as follows:

9 (1). Respondent Global:

10 #1: Unlicensed mortgage broker activity (RSA 397-A:3,I) -  
11 1 Count;

12 #2: Failure to provide documents (RSA 397-A:12,I) - 1  
13 Count;

14 (2). Respondent Chambers (as Control Person and Principal):

15 #1: Unlicensed mortgage broker activity (RSA 397-A:3,I) -  
16 1 Count;

17 #2: Failure to provide documents (RSA 397-A:12,I) - 1  
18 Count;

19 e. Nothing in this Order:

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

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

1 SO ORDERED.

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

Dated: 11/28/2011

4 RONALD A. WILBUR  
5 BANK COMMISSIONER

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