

1 State of New Hampshire Banking Department

2 In re the Matter of: )Case No.: 11-150  
3 State of New Hampshire Banking )  
4 Department, )  
5 Petitioner, )Consent Order  
6 and )  
7 FCI Lender Services, Inc., )  
8 Respondent )  
9 )

CONSENT ORDER

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

12 Respondent

- 13 1. FCI Lender Services, Inc. ("FCI") is a corporation duly formed in the  
14 State of California on July 22, 1982 with its principal office  
15 location in Anaheim Hills, California. FCI registered with the New  
16 Hampshire Secretary of State on November 26, 2007.
- 17 2. In New Hampshire, FCI has been registered as a Mortgage Servicer with  
18 the Department since January 28, 2010. This Consent Order covers FCI's  
19 unregistered mortgage servicer activity from July 1, 2008 to January  
20 27, 2010.

21 Jurisdiction

- 22 3. The Department is authorized to regulate mortgage servicers pursuant  
23 to RSA Chapter 397-B. RSA 397-B:2 and RSA 397-B:4.
- 24 4. The Commissioner has jurisdiction to issue orders to show cause and to  
25 cease and desist from violations under RSA Chapter 397-B and to

1 revoke, deny, or suspend a registration of a registrant and/or assess  
2 penalties pursuant to RSA Chapter 397-B. RSA 397-B:3.

3 **Facts**

4 5. Since 2008, FCI had been conducting mortgage servicer activity for New  
5 Hampshire consumers without a valid Mortgage Servicer Registration  
6 issued by the Department until January 28, 2010.

7 6. Since July 1, 2008 until its registration date of January 28, 2010,  
8 FCI conducted unregistered mortgage servicer activity for two (2) New  
9 Hampshire consumers (Consumers A and B). Fees charged and collected  
10 by FCI for Consumers A and B total \$6324.83 as follows:

11 Consumer A: \$844.64; and

12 Consumer B: \$5,480.19.

13 7. FCI has cooperated and provided the information to show it did conduct  
14 business in New Hampshire prior to obtaining a Mortgage Servicer  
15 Registration from the Department.

16 **Violation(s) of Law and Penalties**

17 8. FCI is a "Mortgage Servicing Company" as defined by RSA 397-B:1,III.

18 9. FCI may be assessed an administrative fine not to exceed \$2,500.00 for  
19 each violation of RSA 397-B. RSA 397-B:6,IV and V.

20 **Respondent's Consent**

21 10. FCI does not deny the facts, statements, or violations contained  
22 herein and FCI hereby agrees to the entry of this Consent Order.

23 11. FCI has voluntarily entered into this Consent Order without reliance  
24 upon any discussions between the Department and FCI, without promise  
25 of a benefit of any kind (other than concessions contained in this

1 Consent Order), and without threats, force, intimidation, or coercion  
2 of any kind. FCI further acknowledges its understanding of the nature  
3 of the allegations set forth in this action, including the potential  
4 penalties provided by law.

5 12. FCI hereby acknowledges, understands, and agrees that there is the  
6 right to notice, hearing, and/or a civil action and hereby waives said  
7 rights.

8 **Order**

9 13. **Whereas pursuant to RSA 397-B:3,VI** finding this Consent Order  
10 necessary, appropriate and in the public interest and consistent with  
11 the intent and purposes of New Hampshire banking laws, the Department  
12 Orders as follows:

13 a. FCI shall reimburse Consumers A and B the fees charged as  
14 described in Paragraph 6 above, payable contemporaneously with  
15 FCI's signing of this Consent Order. Each check should be made  
16 out to the specific consumer and submitted to the Department  
17 along with current contact information to forward to the  
18 consumer;

19 b. FCI shall pay to the Department \$3,000.00 in administrative  
20 penalties for unregistered activity, payable contemporaneously  
21 with FCI's signing of this Consent Order; and

22 c. All checks shall be bank check or guaranteed funds and made  
23 payable to "State of New Hampshire" with the exception for those  
24 made out to Consumers.

1 14. This Consent Order may be revoked and the Department may pursue any  
2 and all remedies available under law, if the Department later finds  
3 that FCI knowingly or willfully withheld information used and relied  
4 upon in this Consent Order.

5 15. This Consent Order is binding on all heirs, assigns, and/or successors  
6 in interest.

7 16. This Consent Order shall become effective upon the date the  
8 Commissioner signs this Consent Order.

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

13 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent  
14 Order, upon its execution by Ronald A. Wilbur, Bank Commissioner.

15  
16 Recommended this 7th day of July, 2011 by

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

18 Maryam Torben Desfosses, Hearings Examiner, Banking Department

19 Executed this 14th day of July, 2011 by

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

21 Michael Griffith, President and CEO, on behalf of FCI Lender Services, Inc.

22 **SO ORDERED.**

23  
24 \_\_\_\_\_  
/s/  
25 Ronald A. Wilbur,  
Deputy Bank Commissioner

Dated: 07/25/2011