

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 11-168
)
 3 State of New Hampshire Banking Department,)
)
 4 Petitioner,)
)
 5 and) Consent Order
)
 6 Berkley Capital Corp., Jonathan Marc)
)
 7 Globerman, and Joyce F. Rubin,)
)
 8 Respondents)
)

9 CONSENT ORDER

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

12 Respondent

- 13 1. Berkley Capital Corp. ("Berkley") is a corporation duly formed in the
 14 State of Florida on February 1, 2008 and registered with the New
 15 Hampshire Secretary of State on June 23, 2008 to conduct business in
 16 New Hampshire with its principal office location in Boca Raton,
 17 Florida. Berkley was licensed by the Department as a Mortgage Broker
 18 from January 6, 2009 until Berkley surrendered its license on January
 19 3, 2011.
- 20 2. Jonathan Marc Globerman ("Globerman") was the 51% direct owner,
 21 control person and President of Berkley.
- 22 3. Joyce F. Rubin ("Rubin") was the 44% direct owner, control person,
 23 Vice-President and Secretary of Berkley.
- 24 4. Berkley, Globerman and Rubin shall be hereby collectively known as
 25 "Respondents".

1 **Jurisdiction**

- 2 4. The Department is authorized to regulate mortgage brokers and mortgage
3 loan originators pursuant to RSA Chapter 397-A. RSA 397-A:2.
- 4 5. The Commissioner has jurisdiction to issue orders to show cause and to
5 cease and desist from violations under RSA Chapter 397-A and to
6 revoke, deny, or suspend a license of a licensee and/or assess
7 penalties pursuant to RSA Chapter 397-A. RSA 397-A:17, RSA 397-A:18
8 and RSA 397-A:21.

9 **Facts**

- 10 5. On February 23, 2011, the Respondents received the Department's Notice
11 of Examination requesting examination materials but failed to timely
12 provide them. As a result, the Department issued an Order to Show
13 Cause and Cease and Desist against Respondents on July 27, 2011.
- 14 6. After discussions with Respondents' counsel, the Department received
15 Respondents' examination materials on October 31, 2011.
- 16 7. Berkley has accrued a total of \$1,027.33 in examination fees.
- 17 8. During the most recent request for information, the above named
18 Respondents cooperated with the Department.

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

- 20 9. The above named Respondents are "Persons" as defined by RSA 397-
21 A:1,XVIII.
- 22 10. The above named Respondents may each be assessed an administrative
23 fine not to exceed \$2,500.00 for each violation of RSA Chapter 397-A.
24 RSA 397-A:21,IV and V.
- 25

1 15. 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 any of the above named Respondents knowingly or willfully
4 withheld information used and relied upon in this Consent Order.

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

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

9 18. 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 Recommended this 22nd day of November, 2011 by

16 _____
/s/

17 Maryam Torben Desfosses, Hearings Examiner, Banking Department

18 Executed this 28th day of November, 2011 by

19 _____
/s/

20 John Funk, Esquire, as legal counsel for Berkley Capital Corp, Jonathan Marc
21 Globerman, and Joyce F. Rubin.

22 **SO ORDERED.**

23 _____
24 /s/
25 Ronald A. Wilbur,
Bank Commissioner

Dated: 12/5/11