1 State of New Hampshire Banking Department In re the Matter of:) Case No.: 11-168 2 State of New Hampshire Banking Department, 3 4 Petitioner, 5 and Consent Order 6 Berkley Capital Corp., Jonathan Marc 7 Globerman, and Joyce F. Rubin, Respondents 8 9 CONSENT ORDER The State of New Hampshire Banking Department (the "Department") finds and 10 Orders as follows: 11 12 Respondent 13 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 Jonathan Marc Globerman ("Globerman") was the 51% direct owner, 21 control person and President of Berkley. 22 Joyce F. Rubin ("Rubin") was the 44% direct owner, control person, 23 Vice-President and Secretary of Berkley. Berkley, Globerman and Rubin shall be hereby collectively known as 24 25 "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.
 - 5. The Commissioner has jurisdiction to issue orders to show cause and to cease and desist from violations under RSA Chapter 397-A and to revoke, deny, or suspend a license of a licensee and/or assess penalties pursuant to RSA Chapter 397-A. RSA 397-A:17, RSA 397-A:18 and RSA 397-A:21.

Facts

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

Violation(s) of Law and Penalties

- 9. The above named Respondents are "Persons" as defined by RSA 397-A:1,XVIII.
 - 10. The above named 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.

2.1

12.

- 11. The above named Respondents do not deny the facts, statements, or violations contained herein and the above named Respondents each hereby agree to the entry of this Consent Order.
 - The above named Respondents have each voluntarily entered into this Consent Order without reliance upon any discussions between the Department and the above named 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. The above named Respondents each further acknowledge their understanding of the nature of the allegations set forth in this action, including the potential penalties provided by law.
- 13. The above named Respondents each hereby acknowledge, understand, and agree that there is the right to notice, hearing, and/or a civil action and hereby waive said rights.

Order

- 14. Whereas pursuant to RSA 397-A:20,VI, this Consent Order is 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. The above named Respondents shall pay to the Department the \$1,027.33 examination fee, payable contemporaneously with Respondents' signing of this Consent Order. The check shall be bank check or guaranteed funds and made payable to the "State of New Hampshire."

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 <u>22nd</u> day of <u>November</u> , 2011 by
16	/s/
17	Maryam Torben Desfosses, Hearings Examiner, Banking Department
18	Executed this <u>28th</u> day of <u>November</u> , 2011 by
19	
20	/s/ John Funk, Esquire, as legal counsel for Berkley Capital Corp, Jonathan Marc
21	Globerman, and Joyce F. Rubin.
22	SO ORDERED.
23	
24	/s/ Ronald A. Wilbur,
25	Bank Commissioner