

In re: American Foreclosure Specialists LLC (d/b/a  
AFSCANHELP.com), Kristian Hendel, and Michael Harris  
Case No.: 12-378

CONSENT ORDER

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

**Respondents**

1. American Foreclosure Specialists LLC (d/b/a  
AFSCANHELP.com) ("AFS") is a limited liability company  
duly formed in the State of Oklahoma on January 25,  
2005 with a principal office location in Owasso,  
Oklahoma. AFS is not registered with the New Hampshire  
Secretary of State and is not a Department-licensed  
Debt Adjuster.
2. Kristian Hendel ("K. Hendel") is the co-owner, officer  
and manager of AFS.
3. Michael Harris ("M. Harris") is the co-owner, officer  
and manager of AFS.
4. The above-named Respondents are hereinafter  
collectively known as "Respondents."

**Jurisdiction**

5. The Department is authorized to regulate debt  
adjusters pursuant to RSA Chapter 399-D. *RSA 399-D:1*  
and *RSA 399-D:3*.

6. 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.*
7. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter 399-D and RSA Chapter 397-A, and to assess penalties pursuant to both RSA Chapter 399-D and RSA Chapter 397-A. *RSA 399-D:13, RSA 399-D:23, RSA 397-A:17 and RSA 397-A:18.*
8. The Department may assess administrative fines not to exceed \$2,500.00 for each violation of RSA Chapter 399-D and/or RSA Chapter 397-A. *RSA 399-D:24, IV and V, and RSA 397-A:21, IV and V.*

#### **Facts**

9. Respondents conducted unlicensed debt adjustment/mortgage modification business with eleven (11) New Hampshire consumers in violation of RSA 399-D:3,I and RSA 397-A:3,I.
10. Respondents would enter into contracts with New Hampshire consumers to provide debt adjustment and/or mortgage loan modification services. The services would be offered in three steps with payments due Respondents at each step. Respondents discussed all three steps in conversations prior to entering into

these contracts and in the initial contract signed by the New Hampshire consumers. Respondents violated RSA 399-D:3,I (pre-S.A.F.E. Act) and RSA 397-A:3,I (post-S.A.F.E. Act).

11. Respondents owe \$4,750.00 in restitution for the following ten (10) New Hampshire consumers:

Consumer A:\$195.00	Consumer F:\$795.00	Consumer J:\$795.00
Consumer B:\$295.00	Consumer G:\$295.00	Consumer K:\$795.00
Consumer D:\$295.00	Consumer H:\$195.00	
Consumer E:\$295.00	Consumer I:\$795.00	

12. During the request for information, Respondents fully cooperated with the Department and provided the information to show that Respondents did conduct business in New Hampshire without proper licensure.

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

13. Respondents conducted unlicensed debt adjustment activity, in violation of RSA 399-D:3,I.
14. Respondents conducted unlicensed mortgage broker (loan modification) activity, in violation of RSA 397-A:3,I.

**Respondents' Consent and Acknowledgments**

15. Respondents hereby acknowledge that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that

Respondents violated RSA Chapter 399-D and RSA Chapter 397-A.

16. 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.

17. Respondents hereby acknowledge, understand, and agree that they have the right to notice and hearing hereby waive said rights. Respondents hereby further acknowledge they waive the filing of any civil actions related to this matter.

#### **Order**

18. **Whereas pursuant to RSA 399-D:25,VI and 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. Pursuant to RSA 399-D:23,I and II, Respondents shall cease and desist from conducting unlicensed

debt adjuster activity and from violating RSA Chapter 399-D; and

b. Pursuant to RSA 397-A:18,I and II, Respondents shall cease and desist from conducting unlicensed mortgage broker (loan modification) activity and from violating RSA Chapter 397-A; and

c. Respondents shall reimburse the 10 New Hampshire Consumers the fees charged as set out in Paragraph 11 above (which total \$4,750.00) over 18 months as follows:

- Consumer A on the 15<sup>th</sup> of August 2014;
- Consumer B on the 15<sup>th</sup> of September 2014;
- Consumer D on the 15<sup>th</sup> of October 2014;
- Consumer E on the 15<sup>th</sup> of November 2014;
- Consumer F as follows:
  - (1). \$265.00 on the 15<sup>th</sup> of December 2014;
  - (2). \$265.00 on the 15<sup>th</sup> of January 2015;
  - (3). \$265.00 on the 15<sup>th</sup> of February 2015;
- Consumer G on the 15<sup>th</sup> of March 2015;
- Consumer H on the 15<sup>th</sup> of April 2015;
- Consumer I as follows:

- (1). \$265.00 on the 15<sup>th</sup> of May 2015;
  - (2). \$265.00 on the 15<sup>th</sup> of June 2015;
  - (3). \$265.00 on the 15<sup>th</sup> of July 2015;
- Consumer J as follows:
    - (1). \$265.00 on the 15<sup>th</sup> of August 2015;
    - (2). \$265.00 on the 15<sup>th</sup> of September 2015;
    - (3). \$265.00 on the 15<sup>th</sup> of October 2015;
  - Consumer K as follows:
    - (1). \$265.00 on the 15<sup>th</sup> of November 2015;
    - (2). \$265.00 on the 15<sup>th</sup> of December 2015;
    - (3). \$265.00 on the 15<sup>th</sup> of January 2016;
  - All checks shall be bank checks or guaranteed funds and made payable to each individual consumer and submitted directly to each consumer via first class mail by Respondents as follows:
    - (1). Each check shall be accompanied by written correspondence containing only the following language: "This refund check is

being sent to you pursuant to a public consent order that American Foreclosure Specialists LLC (d/b/a AFSCANHELP.com) and Kristian Hendel entered into with the New Hampshire Banking Department. You may find a copy of the public consent order on the Banking Department's website, located at [www.nh.gov/banking/orders/enforcement/index.htm](http://www.nh.gov/banking/orders/enforcement/index.htm) by searching for Docket #12-378. For further questions, please contact the New Hampshire Banking Department at (603) 271-3561;"

(2). Any verbal communications with consumers about the restitution shall be limited to the language found in the written correspondence, and Respondents shall refer the consumer to the Department for further information;

(3). Respondents shall also forward to the Department copies of both cancelled checks or copies of both cancelled check images;

(4). Respondents shall make a second attempt to locate the consumer, if the address to which the restitution check is mailed is no

longer valid. Such attempt shall be documented and reported to the Department;

(5). Respondents shall follow up at least once with any consumer who does not cash each check within three months of receipt. Such follow up shall be documented and reported to the Department; and

(6). If, after six months, a consumer has failed to cash or deposit the restitution check(s), Respondents shall begin the process to escheat the funds to the New Hampshire State Treasurer's Abandoned Property division. Such process shall be documented and reported to the Department. The process of escheatment may begin prior to six months, if so approved or directed by the Department; and

d. Respondents shall pay to the Department \$2,500.00 in administrative fines as follows. All checks shall be bank checks or guaranteed funds and made payable to "State of New Hampshire":

- An initial payment of \$110.00, payable contemporaneously with Respondents' execution of this Consent Order; and



- \$132.77 on the 15th of each month for 18 months, beginning with the month following the effective date of this Consent Order, which is upon the Commissioner's signature.
19. The Consent Order finally and completely concludes this matter against Respondents. This Consent Order may still 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.
  20. This Consent Order is binding on all heirs, assigns, and/or successors in interest.
  21. This Consent Order shall become effective upon the date the Commissioner signs this Consent Order, providing the Department has confirmed the payments referenced in Paragraphs 18.c. and 18.d. herein.
  22. 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 21st day of August, 2014 by

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

Executed this 26th day of August, 2014 by

/s/  
Mr. Kristian Hendel, on his own behalf and as co-owner,  
officer and manager of American Foreclosure Specialists LLC  
(d/b/a AFSCANHELP.com)

Executed this 26th day of August, 2014 by

/s/  
Mr. Michael Harris, on his own behalf and as co-owner,  
officer and manager of American Foreclosure Specialists LLC  
(d/b/a AFSCANHELP.com)

**SO ORDERED.**

/s/  
Glenn A. Perlow,  
Bank Commissioner

Dated: 09/04/14