

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In The Matter of: AX Mortgage Corp. d/b/a Tower Home Loans

Case No. 17-259

CONSENT ORDER

The State of New Hampshire Banking Department (“Department”), acting in agreement with the respondent, AX Mortgage Corp. d/b/a Tower Home Loans (“AX Mortgage”), finds and orders as follows:

Jurisdiction¹

Pursuant to RSA 397-A:2, I, the New Hampshire Banking Department (“Department”) is charged with regulating persons that conduct mortgage broker activity for real property located in New Hampshire . Pursuant to RSA 397-A:12, I, the Department is authorized to examine the business affairs of any licensee or non-licensee mortgage broker to determine compliance with RSA 397-A.

Background

AX Mortgage is a Massachusetts corporation with a principal office location in Malden, Massachusetts, and is currently a licensed New Hampshire mortgage broker. Pursuant to its authority under RSA 397-A:12, I, the Department, through the Consumer Credit Division, conducted an examination of AX Mortgage.

Through its examination, the Department determined that AX Mortgage conducted mortgage broker activity from June 22, 2016 through December 19, 2017 at an unlicensed

¹ Since the activities that are the subject of this Consent Order occurred both prior to and after August 20, 2016, the first citations are to the law in effect until August 20, 2016. Footnoted citations thereafter are to the new citations effective as of August 20, 2016 if different from the previous citation.

branch in Deerfield Beach, Florida, in violation of RSA 397-A:3, IV². After the Department informed AX Mortgage of the unlicensed branch office, AX Mortgage obtained its branch office license with the Department, effective December 20, 2017. AX Mortgage fully cooperated with the Department.

Acknowledgments

WHEREAS, AX Mortgage makes the following acknowledgements:

1. AX Mortgage voluntarily enters into and signs this Consent Order without reliance upon any discussions between the Department and AX Mortgage, without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and without threats, force, intimidation or coercion of any kind.
2. AX Mortgage understands the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.
3. AX Mortgage acknowledges, understands, and agrees that it has the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waives those rights. AX Mortgage further acknowledges it waives the filing of any civil actions related to this matter.
4. AX Mortgage understands that its action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
5. AX Mortgage represents and warrants that it has all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
6. AX Mortgage acknowledges that the Department is relying upon AX Mortgage's representations and warranties stated herein in making its determinations in this matter.

² RSA 397-A:3, X is the new citation effective August 20, 2016.

7. AX Mortgage acknowledges that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against AX Mortgage if the Department later learns that AX Mortgage knowingly or willfully withheld information from the Department.
8. This Consent Order is binding on all heirs, assigns and successors in interest.

Order

Pursuant to RSA 397-A:20, VI³, the Bank Commissioner (“Commissioner”) finds this action necessary or appropriate to the public interest or the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of RSA Chapter 397-A. Accordingly, the Commissioner orders as follows:

1. AX Mortgage shall remit an administrative fine in the amount of \$1,500. The payment shall be made contemporaneously with AX Mortgage’s execution of this Consent Order, by bank check made payable to the “State of New Hampshire.”
2. Failure by AX Mortgage to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, up to and including license revocation and monetary penalties.
3. This Order fully resolves this matter and the Commissioner will not take further action against AX Mortgage for the allegations presented herein. However, the Department may take enforcement action against AX Mortgage for any violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms of this Order are not being observed or if any representation made by AX Mortgage and reflected herein are subsequently

³ RSA 397-A:22, VI is the new citation effective August 20, 2016.

discovered to be untrue.

4. This Consent Order shall become final when issued.

Recommended by:

_____/s/_____
Maryam Turban Desfosses
Hearings Examiner
New Hampshire Banking Department

February 7, 2018
Date

_____/s/_____
Eliseu Dama
Director and Co-Owner
AX Mortgage Corp. d/b/a Tower Home Loans

02/09/18
Date

_____/s/_____
Jean Machado
President and Co-Owner
AX Mortgage Corp. d/b/a Tower Home Loans

02/09/18
Date

SO ORDERED.

_____/s/_____
Gerald H. Little
Bank Commissioner
New Hampshire Banking Department

02/13/18
Date