

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-130
)
 3 State of New Hampshire Banking) Order to Show Cause
)
 4 Department,)
) Consent Order
 5 Petitioner,)
)
 6 and)
)
 7 Safeguard Mortgage LLC,)
)
 8 Respondent)
)

9
10 CONSENT ORDER

11 I. For purposes of settling the above-referenced matter, among other
12 things, the New Hampshire Banking Department (hereinafter referred to
13 as "the Department") and Respondent Safeguard Mortgage LLC (hereinafter
14 referred to as "Respondent"), do hereby enter this Agreement and
15 stipulate to the following:

- 16 1. Respondent was licensed to conduct mortgage brokering in New
17 Hampshire by the Department during 2006.
- 18 2. The Department and Respondent agree that Respondent was subject
19 to certain reporting requirements as a result of such licensure.
- 20 3. The Respondent admits it failed to submit an annual report for
21 2006.

22 II. For purposes of amicably resolving and closing the above-referenced
23 matters the Respondent agrees to the following terms and conditions and the
24 Department accepts the same:

- 25 1. The Respondent agrees that it has voluntarily entered into this
Agreement without reliance upon any discussions between the
Department and Respondent, without promise of a benefit of any kind
(other than concessions contained in this Agreement), and without
threats, force, intimidation, or coercion of any kind. The

1 Respondent further acknowledges its understanding of the nature of
2 the offenses stated above, including the penalties provided by law.

3 2. The Respondent agrees to waive any and all rights to a hearing and
4 appeal thereof.

5 3. The Respondent agrees that it will not deny the factual basis for
6 this Agreement to which it has stipulated above and will not give
7 conflicting statements about such facts or its involvement in the
8 stipulated facts.

9 4. The Respondent agrees that all terms of this Agreement are
10 contractual and none is a mere recital.

11 5. The Respondent agrees it is subject to an administrative penalty of
12 \$2,500.00.

13 6. The Department agrees to waive \$1,250.00 of said penalty on receipt
14 of Respondents compliance with its further agreements herein.

15 7. The remaining \$1,250.00 fine is to be paid in two equal monthly
16 installments with the first payment to be made within 30 days of
17 this agreement's execution by the Commissioner.

18 8. Respondent submitted the 2006 annual report on December 13, 2007
19 which generated the maximum statutory penalty of \$2,500.00.
20 Respondent agrees to pay said statutory penalty upon receipt of an
21 invoice.

22 9. The Respondent acknowledges that failure to make payment as agreed
23 above will result in imposition of the suspended fine, further
24 administrative fines, and possible criminal liability.
25

18 This Agreement represents the complete and final resolution of, and discharge
19 of any basis for any civil or administrative proceeding by the Department
20 against the Respondent for violations arising as a result of or in connection
21 with any actions or omissions by the Respondents through the date of this
22 Order as it applies to the allegations of the Staff Petition in this cause;
23 provided, however, this release does not apply to facts not known by the
24 Department or not otherwise provided by the Respondents to the Department as
25 of the date of this Order nor to actions for Restitution under RSA 383:10-d.
The Department expressly reserves its right to pursue any administrative or
civil action or remedy available to it should the Respondent breach this
Agreement or in the future violate the Act or rules and orders promulgated
thereunder.

1 **WHEREFORE**, based on the foregoing, we have set our hands to this Agreement,
2 with it taking effect upon the signature of Peter C. Hildreth, Bank
3 Commissioner.

4 Recommended this 31st day of January, 2008 by

5 _____ /s/
6 James Shepard, Staff Attorney, Banking Department

7 Executed this 28th day of January, 2008 by

8 _____ /s/
9 Robert DePasquale, as representative for Respondent.

10
11 **SO ORDERED,**

12 Entered this 31st day of January, 2008.

13
14 _____ /s/
15 Peter C. Hildreth,
16 Bank Commissioner