

1 State of New Hampshire Banking Department

2 In re the Matter of:)Case No.: 08-BD-005
)
3 State of New Hampshire Banking)Cease and Desist Order
)
4 Department,)
)Consent Order
5 Petitioner)
)
6 and)
)
7 Family Direct Insurance Services, Inc.)
)
8 (d/b/a www.mortgageprotection.com))
)
9 Respondent)
)

10
11 CONSENT ORDER

12 I. For purposes of settling the above-referenced matter, among other
13 things, the New Hampshire Banking Department (hereinafter referred to
14 as "the Department") and Respondent Family Direct Insurance Services,
15 Inc. do hereby enter this Consent Order and stipulate to the
16 following:

17 1. Respondent Family Direct Insurance Services, Inc. is a company
18 that solicits mortgage protection insurance products to mortgage
19 holders by obtaining public records.

20 2. The Department and Respondent Family Direct Insurance Services,
21 Inc. agree that Respondent Family Direct Insurance Services,
22 Inc. was subject to RSA 384:67 ("Unauthorized and Deceptive
23 Use"), as amended by 2008 New Hampshire Senate Bill 315
(SB0315).

24 3. Respondent Family Direct Insurance Services, Inc. admits the
25 allegations of the Staff Petition in this cause.

II. For purposes of amicably resolving and closing the above-referenced
matter, Respondent Family Direct Insurance Services, Inc. agrees to

1 the following terms and conditions and the Department accepts the
2 same:

- 3 1. Respondent Family Direct Insurance Services, Inc. agrees that it
4 has voluntarily entered into this Consent Order without reliance
5 upon any discussions between the Department and Respondent Family
6 Direct Insurance Services, Inc., without promise of a benefit of
7 any kind (other than concessions contained in this Consent Order),
8 and without threats, force, intimidation, or coercion of any kind.
9 Respondent Family Direct Insurance Services, Inc. further
10 acknowledges its understanding of the nature of the offense stated
11 above, including the penalties provided by law.
- 12 2. Respondent Family Direct Insurance Services, Inc. agrees to waive
13 any and all rights to a hearing and appeal thereof.
- 14 3. Respondent Family Direct Insurance Services, Inc. agrees that it
15 will not deny the factual basis for this Consent Order to which it
16 has stipulated above and will not give conflicting statements about
17 such facts or its involvement in the stipulated facts.
- 18 4. Respondent Family Direct Insurance Services, Inc. agrees that all
19 terms of this Consent Order are contractual and none is a mere
20 recital.
- 21 5. Respondent Family Direct Insurance Services, Inc. agrees it is
22 subject to an administrative penalty of \$2,500.00.
- 23 6. The Department agrees to hold the \$2,500.00 penalty in abeyance for
24 thirty days from the date of this Consent Order, and shall not
25 require the payment of such penalty as long as Respondent Family
Direct Insurance Services, Inc. complies with RSA 384:67, as
amended.
7. Respondent Family Direct Insurance Services, Inc. agrees to alter
its solicitation to comply with RSA 384:67 and SB0315 as follows:
 - a. Respondent Family Direct Insurance Services, Inc. shall not use
the full or abbreviated name, trade name, service mark, or
trademark of any financial institution in any written,
electronic, or oral advertisement or solicitation for products
and services without the financial institution's express prior
written authorization;
 - b. Respondent Family Direct Insurance Services, Inc. shall not make
reference to a loan number or other specific loan information on

1 the outside of an envelope, visible through an envelope window,
2 on a postcard, or in electronic communication in connection with
3 any written or electronic solicitation without the financial
4 institution's express prior written authorization;

5 c. Respondent Family Direct Insurance Services, Inc. shall not
6 include a loan number or other specific loan information, other
7 than a loan amount, relative to a specifically identified
8 consumer that is publicly available:

9 (1) in any written or electronic solicitation, unless the
10 advertisement or solicitation clearly and conspicuously
11 states on the front page or introduction in bold-faced
12 type that is in the same font size as is predominately
13 used in the advertisement or solicitation disclosing
14 that such individual or business entity is not sponsored
15 by or affiliated with, and that such solicitation is not
16 authorized by, the financial institution and the
17 information was retrieved from public records; or

18 (2) in an oral solicitation unless the same disclosure is
19 made at the beginning of the solicitation.

20 8. Respondent Family Direct Insurance Services, Inc. agrees that it
21 shall exclude the loan date and the name of the financial
22 institution from its solicitations.

23 9. Respondent Family Direct Insurance Services, Inc. acknowledges that
24 failure to comply as agreed above will result in imposition of the
25 suspended fine, further administrative fines, which may include a
fine for each violation of RSA 384:67, as amended, and possible
criminal liability.

This Consent Order represents the complete and final resolution of, and
discharge of any basis for any civil or administrative proceeding by the
Department against Respondent Family Direct Insurance Services, Inc. for
violations arising as a result of or in connection with any actions or
omissions by Respondent Family Direct Insurance Services, Inc. through the
date of this Order as it applies to such activity; provided, however, this
release does not apply to facts not known by the Department or not otherwise
provided by Respondent Family Direct Insurance Services, Inc. to the
Department as of the date of this Order. The Department expressly reserves
its right to pursue any administrative or civil action or remedy available
to it should Respondent Family Direct Insurance Services, Inc. breach this

1 Consent Order or in the future violate the Act or rules and orders
2 promulgated thereunder.

3
4 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
5 Order, with it taking effect upon the signature of Peter C. Hildreth, Bank
6 Commissioner.

7 Recommended this 31st day of December, 2008 by

8 _____
9 /s/

10 **Maryam Torben Desfosses, Hearings Examiner, Banking Department**

11 Executed this 6th day of January, 2009.

12 _____
13 /s/

14 **Margaret H. Nelson, Esq.**, as counsel for Respondent Family Direct
15 Insurance Services, Inc.

16 **SO ORDERED,**

17 Entered this 7th day of January, 2009.

18 _____
19 /s/

20 **Peter C. Hildreth,**
21 **Bank Commissioner**