

1 State of New Hampshire Banking Department

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3 In re the Matter of:) Case No.: 08-BD-010
)
 4 State of New Hampshire Banking)
)
 5 Department,)
)
 6 Petitioner,) Cease and Desist Order
)
 7 and)
)
 8 "Mortgage Protection Services,)
)
 9 Processing Center, PO Box 661028,)
)
 10 Arcadia, California 91066-9812",)
)
 11 Respondent)
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 12)
)
 13)
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15 NOTICE OF CEASE AND DESIST ORDER

16 This Cease and Desist Order (hereinafter "Order") commences an
17 adjudicative proceeding under the provisions of RSA 384:12-a, RSA 384:67 and
18 RSA 384:68 in conformity with RSA 541-A:31 through RSA 541-A:36.

19 LEGAL AUTHORITY AND JURISDICTION

20 Pursuant to RSA 383:9 ("Duties"), banks shall be under the control and
21 supervision of the Bank Commissioner (hereinafter "the Commissioner"). Many
22 of the powers now vested in the Commissioner are listed in RSA Chapter 384,
23 entitled "General Provisions As To Savings Banks, Trust Companies, And
24 Depositories".

25 Pursuant to RSA 384:12-a ("Cease and Desist Order"), IV, if, in the
opinion of the Commissioner, an individual or business entity is engaging in

1 or has engaged in any act or conduct in violation of RSA 384:67, the
2 Commissioner may issue and serve an order upon the individual or business
3 entity requiring the individual or business entity to cease and desist from
4 such act or conduct.

5 Pursuant to RSA 384:68 ("Enforcement"), the Commissioner may issue a
6 cease and desist order, as provided in RSA 384:12-a, IV, against any
7 individual or business entity which engages in any act or conduct in
8 violation of RSA 384:67 involving a financial institution under the
9 jurisdiction of the Commissioner and may bring legal action to enforce the
10 order.

11 Pursuant to RSA 383:10-d ("Consumer Complaints and Restitution"), the
12 Commissioner shall have exclusive authority and jurisdiction to investigate
13 conduct that is or may be an unfair or deceptive act or practice that may
14 violate any of the provisions of Titles XXXV and XXXVI and administrative
15 rules adopted thereunder. The Commissioner may hold hearings relative to
16 such conduct and may order restitution for a person or persons adversely
17 affected by such conduct.

18 **NOTICE OF RIGHT TO REQUEST A HEARING**

19 The above-named Respondent has, or any interested party has, the right
20 to petition for a hearing on this Cease and Desist Order (hereinafter
21 "Order"), as well as the right to be represented by counsel. If the above-
22 named Respondent to whom this Order is issued, or any interested party, fails
23 to request a hearing within 30 calendar days of receipt of such Order, then
24 such person shall be deemed in default, and the Order shall, on the thirty-
25 first day, become permanent and shall remain in full force and effect until
and unless later modified or vacated by the Commissioner, for good cause
shown. Any such request for a hearing shall be in writing, signed by the
Respondent or by the duly authorized agent of the above-named Respondent,
and shall be delivered either by hand or Certified Mail, Return Receipt

1 Requested, to the Banking Department, State of New Hampshire, 53 Regional
2 Drive, Suite 200, Concord, NH 03301.

3 A hearing shall be held not later than 10 days after the petition for
4 such hearing is received by the Commissioner. Within 20 days of the date of
5 any such hearing, the Commissioner shall issue a further order either vacating
6 this Order or making it permanent as the facts require. All hearings shall
7 comply with RSA 541-A. If the person to whom this Order is issued fails to
8 appear at the petitioned hearing after being duly notified of the date and
9 time, such financial institution shall be deemed in default, and the
10 proceeding may be determined against it upon consideration of this Order, the
11 allegations of which may be deemed to be true.

12 **STATEMENT OF ALLEGATIONS, APPLICABLE LAW, AND RELIEF REQUESTED**

13 The Staff Petition dated October 14, 2008 (a copy of which is attached
14 hereto) is incorporated by reference herein.

15 **ORDER**

16 WHEREAS, finding it necessary and appropriate and in the public
17 interest, and consistent with the intent and purposes of the New Hampshire
18 banking laws, and

19 WHEREAS, finding that the allegations contained herein, if proved true
20 and correct, form the legal basis of the relief requested,

21 It is hereby ORDERED, that:

- 22 1. The Respondent shall immediately cease and desist from the
23 unauthorized and deceptive use of the full or abbreviated
24 name, trade name, service mark, or trademark of any financial
25 institution in any written, electronic, or oral advertisement
or solicitation for products or services;

