# ORDER

## BEFORE THE ADMINISTRATOR
## STATE OF WISCONSIN
## DEPARTMENT OF FINANCIAL INSTITUTIONS
## DIVISION OF BANKING

TO: Maxim Mortgage Solutions, LLC
N3219 Hwy. H, Ste. E
Lake Geneva, WI 53147
Respondent

## PURPOSE

1. This is an order issued by the Administrator, State of Wisconsin, Department of Financial Institutions, Division of Banking and directed to respondent.

## JURISDICTION and AUTHORITY

2. The State of Wisconsin, Department of Financial Institutions, Division of Banking ("division") shall enforce all laws relating to adjustment service companies in the State of Wisconsin, and shall enforce and cause to be enforced every law relating to the supervision and control thereof. Sec. 220.02(2)(b), Stats.

3. The intent of s. 220.02(2)(b), Stats., is to give the division jurisdiction to enforce and carry out all laws relating to adjustment service companies in the State of Wisconsin. Sec. 220.02(3), Stats.

4. Respondent is not licensed under s. 218.02, Stats., with the division. Upon information and belief, respondent is located at the address indicated above.

5. Respondent is a regulated entity under the supervision and control of the division. Sec. 220.04(9)(a)2., Stats.

6. It shall be the duty of the division and the division shall have power, jurisdiction and authority to investigate the conditions and ascertain the facts with reference to such companies and upon the basis thereof to issue special orders in execution of or supplementary to s. 218.02, Stats. Sec. 218.02(7), Stats.

## FINDINGS

**The division finds as follows:**

### Unlicensed Adjustment Service Company

7. On or about April 26, 2010, the division received a copy of a solicitation letter respondent sent to a Wisconsin resident. The correspondence indicated that respondent was operating as an unlicensed adjustment service company. **Ex. 1.**

8. On May 6, 2010, the division wrote to respondent concerning the solicitation letter and advised respondent to cease all adjustment service company activities involving Wisconsin residents until properly licensed by the division. **Ex. 2.**

9. On or about May 18, 2010, the division received a response from respondent. Respondent advised that they were not providing loan modification services to Wisconsin residents. **Ex. 3.**

10. On June 18, 2010, the division wrote to respondent requesting additional information. **Ex. 4.** The division has not received a response from the respondent, and as of November 16, 2010, respondent's website has not been modified.

11. Respondent has a website at www. www.maximmor.com. As of November 16, 2010, the website indicated:

> Understanding and negotiating your best option(s) is key to getting your lender's immediate attention and a timely resolution. We have worked extensively with lenders and we have the expertise to know what they want to see in their loss mitigation departments. Our team's negotiation experience in working with lenders will help achieve the best possible option available to you.

In the area of the website that describes the Process, Steps 4 and 7 state,

> Step 4 Lender Notification
> We will notify your lender that you have selected Maxim to assist you in all future negotiations in working out a solution with them. After the lender notification you must inform Maxim of any contact directly from the lender and send copies of any written contact to Maxim.
>
> Step 7 Negotiations
> We communicate and negotiate, in your best interest, with your lender. Remember, this is a negotiation and we don't have to accept your lender's first offer. During the process we maintain communication with you to insure that the terms of the negotiations are acceptable to you.

The Modifications section of the website provides recent examples of successful loan modifications.

> These are recent examples of successful loan modifications with a variety of lenders. The recent examples are the result of dedicated hard work, negotiating experience and good working relationship with lenders. Our mission is to improve your present situation and results may vary based on your scenario and your lender. **Ex. 5.**

12. Pursuant to s. 218.02(2)(a)1, Stats., each adjustment service company shall apply to the division for a license to engage in such business.

13. Respondent violated s. 218.02(2)(a)1, Stats., by engaging in business as an adjustment service company without a license from the division.

## Solicitation Letter

14. Respondent used the name, logo, or symbol, or any combination thereof, or the name, logo, or symbol, or any combination thereof, that is deceptively similar to the name, logo, or symbol of Marathon Savings Bank ("the financial institution") in marketing material provided to or in solicitation of another person in a manner such that a reasonable person may believe that the marketing material or solicitation originated from or is endorsed by the financial institution or that the financial institution is responsible for the marketing material or solicitation. **Ex. 1.**

15. The marketing material or solicitation did not originate from and is not endorsed by the financial institution, and the financial institution is not responsible for the marketing material or solicitation.

16. The financial institution is a Wisconsin state-chartered savings bank.

17. Respondent has violated s. 214.035(4)(a) Stats.

## ORDER

**Based on the foregoing, IT IS HEREBY ORDERED AS FOLLOWS:**

18. Respondent shall not conduct or attempt to conduct adjustment service company business with Wisconsin residents.

19. Respondent shall immediately discontinue any and all violations of s. 218.02, Stats, and ch. DFI-Bkg 73, Admin. Code.

20. Respondent shall refund to any Wisconsin client to whom it provided, or attempted to provide, adjustment service company activity any and all moneys that have been paid to respondents by said clients that have not been remitted to the clients creditors.

21. Respondents shall forward to the division the refund checks and stamped envelopes addressed to each client along with letters advising the clients of the refund. The refund checks, client-addressed stamped envelopes, and letters must be received by the division by December 17, 2010.

22. Respondent is directed to cease and desist from the use of any name, logo, or symbol, or any combination thereof, of any Wisconsin state-chartered savings bank, a savings and loan association, or bank or any name, logo, or symbol, or any combination thereof, that is deceptively similar to the name, logo, or symbol of a Wisconsin state-chartered savings bank, a savings and loan association, or bank, in any marketing material provided to or solicitation of another person in a manner such that a reasonable person may believe that the marketing material or solicitation originated from or is endorsed by the Wisconsin state-chartered savings bank, savings and loan association, or bank or that the Wisconsin state-chartered savings bank, savings and loan association, or bank is responsible for the marketing material or solicitation, pursuant to ss. 214.035(4)(a), 215.26(10)(a) and 221.0404(1), Stats.

23. Respondent is directed to cease and desist from any and all violations of ss. 214.035(4)(a), 215.26(10)(a) and 221.0404(1), Stats.

24. The provisions of this order shall be binding upon respondent and respondent's directors, officers, employees, agents, successors, assigns, and other persons participating in the conduct of its affairs. The provisions of the order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this order shall have been modified, terminated, suspended, or set aside by the division.

25 The effective date of this order shall be the date it is served, and service is complete upon mailing. Secs. 227.48(1), Stats., and DFI—Bkg 11.09, Admin. Code.

26. Any person violating any of the provisions of s. 218.02, Stats., shall be punished by a fine of not more than $500 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment. Sec. 218.02(10), Stats.

Dated and mailed at Madison, Wisconsin this 16th day of November, 2010.

By:_____

Michael J. Mach, Administrator
Wisconsin Department of Financial Institutions
Division of Banking
P.O. Box 7876
345 W. Washington Avenue, 4th Floor
Madison, WI 53707-7876
tel. (608) 266-0451
fax (608) 267-6889

## APPEAL

The procedures to appeal this order are set forth in s. 227.42, Stats. Pursuant to s. 227.42(1), Stats., any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if:

(a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;

(b) There is no evidence of legislative intent that the interest is not to be protected;

(c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and

(d) There is a dispute of material fact.

All four criteria set for in s. 227.42(1), Stats., must be met for a person to have the right to a hearing. In particular, the attention of an individual or entity requesting a hearing is directed to the requirement to demonstrate that there is a dispute of material fact regarding the basis or bases for the action being taken by the division.

The request shall be sent to:

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