

# McLane News

MAY 2010

## Richard M. Stone Joins McLane's TradeCenter 128 Office



Richard M. Stone

McLane is pleased to welcome **Richard Stone** to McLane's TradeCenter 128 office in Woburn, MA. Rick's practice focuses on state and federal tax matters, including planning, audits, appeals and litigation. He serves businesses and individuals throughout the country, and works closely with accounting firms and financial firms whose clients need specialized expertise in complex state and federal tax issues. His representation includes tax planning and controversy/litigation services, tax analysis and research, advising management on complex tax issues, analyzing proposed legislation and regulations, preparing memoranda with technical advice, and proposing creative solutions.

Rick's extensive U.S. and international business experience includes serving as General Counsel of two major multi-national U.S. companies, Western Development Corporation (later known as The Mills Corporation), a national real estate developer of large shopping centers, and APCOA, Inc., then the world's largest developer and owner of parking lots. Rick also serves as a mediator of major business disputes, acting as a fair and impartial intermediary between parties, focused on efficient and effective results for all.

## Avoiding UnSAFE Financing



In 2008, Congress enacted the Secure and Fair Enforcement for Mortgage Licensing Act, also known as the SAFE Act, in response to the collapsing subprime mortgage market. The Act required states to adopt minimum licensing requirements for individuals and companies that offer, negotiate or solicit mortgages secured by residential real estate by July of 2009. Although New Hampshire adopted legislation to comply with the Act, its Banking Department only recently took an active role in clarifying the broad scope of the Act.

The SAFE Act compels many of those who participate in otherwise routine mortgage lending transactions to become licensed. Loans to which the Act applies include those in which funds are used for personal or household use when secured by a mortgage on the borrower's residential property. In many cases, the Act will also likely apply to individuals and businesses that offer and negotiate equity lines secured by a borrower's residential investment property if the loan proceeds are for the borrower's personal or household use.

To comply with the Act, one can obtain a license. However, since licensure is intended for professional mortgage brokers and originators, the requirements to be met are burdensome and require disclosure of substantial personal financial information. For this reason, obtaining a license for an isolated transaction is often not practical, which means that the next best option is to fit into one of the Act's limited exemptions.

Although the Act expressly applies to residential mortgages, specific exemptions include seller financing for the sale of one's personal residence and the sale of residential property between immediate family members. In addition, mortgages secured by residential property when part of a commercial transaction also do not fall within the Act. However, a mortgage secured by commercial property might fall within the act if the funds are used for personal or household use.

While we do not anticipate that the Banking Department will police every transaction for SAFE Act compliance, we do expect it to investigate and act as necessary when made aware of a possible violation. If you currently participate in transactions involving mortgages secured by residential property, or have any other questions regarding the SAFE Act, please contact Corporate attorney **Aaron Rozenek** at 628-1489 or Real Estate attorney **Pat Panciocco** at 628-1322.



Aaron Rozenek



Patricia M. Panciocco



# Upcoming Events

Tue., May 11, 2010 - "**Single Member LLCs - Key Legal and Tax Issues**," sponsored by the National Business Institute, will be held at 11am Eastern Standard time. McLane attorney **John Cunningham** will be the speaker. Call NBI at 1-800-930-6182 or visit [www.nbi-sems.com](http://www.nbi-sems.com) for more information or to register.

Tue., May 11, 2010 - "**1st Annual Legislative Conference**," sponsored by the HR State Council, will be held at the Radisson in Manchester, NH. McLane attorney **Charla Stevens** will be among the presenters. For more information or to register, please visit [www.gshrconference.org](http://www.gshrconference.org).

Thu., May 13, 2010 - "**Immigration Law 2010**," sponsored by the NH Bar Association, will be held from 9:00 a.m. to 4:30 p.m. at the NH Bar Association Seminar Room in Concord, NH. McLane attorney **Tom Hildreth** will be among the presenters. For more information or to register, contact the NHBA at (603) 224-6942 or visit <http://www.legalspan.com/nhbar>.

Fri., May 14, 2010 - "**Private Schools Conference**," sponsored by the NH Nonpublic School Advisory Council, will be held from 8:00 a.m. to 12:00 p.m. at the NHHEAF Higher Education Campus in Concord, NH. McLane attorney **Linda Johnson** will speak on the topic of "*Promoting Appropriate Technology Boundaries in Schools*." For directions and registration, please go to <http://www.surveymonkey.com/s/C69VJG6>. Please register by May 6th.

Tues., May 18, 2010 - "**Family Wealth Paradigm**," sponsored by McLane and BNY Mellon, will be held from 7:30 am to 9:00 am at 300 TradeCenter, Suite 5860 in Woburn, MA. For more information or to register, please contact Heather Wolcott at [heather.wolcott@mclane.com](mailto:heather.wolcott@mclane.com).

Tues., May 18, 2010 - "**Accounting & Finance for Lawyers**," sponsored by MCLE, Inc., will be held from 1:30 pm to 5:30 pm at the MCLE Conference Center in Boston, MA. McLane attorney **John Colucci** will be among the speakers. For more information or to register, please contact MCLE at 1-800-966-6253 or visit [http://www.mcle.org/program-calendar/program-catalog.cfm?product\\_code=2100174P01](http://www.mcle.org/program-calendar/program-catalog.cfm?product_code=2100174P01).

Thu., May 20, 2010 - "**Business Legal Issues**," sponsored by the Massachusetts Small Business Development Center will be held from 8:30 am to 10:30 am at the North Shore Community College in Beverly, MA. McLane attorneys **Tamsin Kaplan**, **Donna Killmon** and **Mark Wright** will be among the presenters. For more information or to register, please visit <http://sbdc.salemstate.edu/training.html#legal520>

Fri., May 21, 2010 - "**Prenuptial & Postnuptial Agreements in New Hampshire**," sponsored by the NH Bar Association, will be held from 8:30 a.m. to 10:30 a.m. at the NH Bar Association Seminar Room in Concord, NH. McLane attorneys **David DePuy** and **Bob Wells** will be among the presenters. For more information or to register, contact the NHBA at (603) 224-6942 or visit <http://www.legalspan.com/nhbar>.

Tue., May 25, 2010 - "**What Every Estate Planner in Massachusetts Needs To Know About the Laws of the Other New England States & Florida**," sponsored by MCLE, Inc., will be held from 9:00 am to 12:00 pm at the MCLE Conference Center in Boston, MA. McLane attorney **Bill Zorn** will be among the presenters. For more information or to register, please contact MCLE at 1-800-966-6253 or visit [http://www.mcle.org/program-calendar/program-catalog.cfm?product\\_code=2100396P01](http://www.mcle.org/program-calendar/program-catalog.cfm?product_code=2100396P01).

Tue., May 25, 2010 - Wed., May 26, 2010 - "**Boot Camp for Advisors**," sponsored by the Business Enterprise Institute, will be held at the Westin Hotel in Waltham, MA. McLane attorney **Bill Norman** will be among the presenters. For more information or to register, please contact the BEI at 1-888-206-3009.

Tue., June 08, 2010 - "**Understanding Military Deployment**," hosted by the New Hampshire Committee for Employer Support of the Guard & Reserve (ESGR) and the Human Resources State Council of New Hampshire will be held from 8:00 am to 3:00 pm at the Richard Flynn Fire Academy in Concord, NH. McLane attorney **Charla Stevens** will be among the presenters. For more information or to register, please call (603) 225-1892.

Mon., June 21, 2010 - "**Risk Management at Independent Schools**," sponsored by McLane, will be held at 300 TradeCenter, Suite 5860 in Woburn, MA. McLane's **Education Law Practice Group** will address significant, current issues confronting independent schools as well as practical strategies for managing risk. For more information or to register, please contact Heather Wolcott at [heather.wolcott@mclane.com](mailto:heather.wolcott@mclane.com) or (781) 904-2700.

Wed, June 30, 2010 - "**Building Your Civil Trial Skills**," sponsored by the National Business Institute, will be held from 9:00 a.m. to 4:30 p.m. at the Highlander Inn & Conference Center in Manchester, NH. McLane attorney **Jennifer Parent** will be among the presenters. Don't miss this opportunity to prepare yourself for success in the civil trial courtroom. Call NBI at 1-800-930-6182 or visit [www.nbi-sems.com](http://www.nbi-sems.com) for more information or to register.

For more information by telephone, call (603) 625-6464.