## 1 State of New Hampshire Banking Department In re the Matter of: Case No.: 10-076 2 State of New Hampshire Banking 3 4 Department, 5 Petitioner, Consent Order 6 and 7 Littleton Imports LLC 8 Respondent 9 CONSENT ORDER The State of New Hampshire Banking Department (the "Department") finds and 10 Orders as follows: 11 12 Respondent 13 1. Littleton Imports LLC ("Littleton Imports") is a limited liability 14 company duly formed in the State of New Hampshire on October 24, 2008 15 with its principal location in Littleton, New Hampshire. 2. Littleton Imports has a pending Department license application as a 16 17 New Hampshire Retail Seller. 18 Jurisdiction 19 3. The Department is authorized to regulate retail sellers. RSA 361-20 A:1,XII defines "retail seller" or "seller" as a person who sells a 21 motor vehicle in New Hampshire or to a retail buyer under or subject 22 to a retail installment contract. 23 4. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter 361-A and to revoke, deny, or 24 25 suspend a license of a licensee and/or assess penalties pursuant RSA

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Chapter 361-A. RSA 361-A:3, RSA 361-A:3-a and RSA 361-A:11.

Facts

5. Since 2009, Littleton Imports has been conducting unlicensed retail seller activity for New Hampshire consumers. Since 2009, Littleton Imports has sold at least three hundred ninety-five (395) motor vehicles subject to a retail installment contract.

- 6. On July 7, 2010, Littleton Imports filed an application with the Department for a New Hampshire Retail Seller license.
- 7. On July 27, 2010, Littleton Imports provided the balance sheet to the New Hampshire Banking Department.
- 8. Littleton Imports has provided copies of its purchase and sales and retail installment contracts it executed with New Hampshire consumers.
- 9. The Department's Licensing Division now has a completed and approved application for licensure pending resolution of the unlicensed activity.

## Violation(s) of Law and Penalties

- 10. Littleton Imports is a "Person" as defined by RSA 361-A:1, VIII.
- 11. Each motor vehicles sales transaction, as detailed above in Paragraph 5, may be assessed an administrative fine not to exceed \$2,500.00 as to each transaction for a total maximum administrative penalty of \$987,500.00. RSA 361-A:11.
- 12. The back retail seller license fee owed from 2009 totals \$50.00. RSA 361-A:2, IV.

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| 1  | b. Littleton Imports shall pay to the Department \$5,000.00 in             |
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| 2  | administrative penalties for unlicensed activity in 2009 and               |
| 3  | 2010, payable contemporaneously with Littleton Imports' signing            |
| 4  | of this Consent Order; and   |
| 5  | c. All checks shall be certified check or guaranteed funds and made        |
| 6  | payable to "State of New Hampshire".                                       |
| 7  | 17. This Consent Order may be revoked and the Department may pursue any    |
| 8  | and all remedies available under law, if the Department later finds        |
| 9  | that Littleton Imports knowingly or willfully withheld information         |
| 10 | used and relied upon in this Consent Order.                                |
| 11 | 18. This Consent Order is binding on all heirs, assigns, and/or successors |
| 12 | in interest.   |
| 13 | 19. This Consent Order shall become effective upon the date the            |
| 14 | Commissioner signs this Consent Order.                                     |
| 15 | 20. Once this Consent Order is effective, the Department agrees not to     |
| 16 | seek further reimbursement, refunds, penalties, fines, costs, or fees      |
| 17 | regarding the facts, allegations, or findings of violations contained      |
| 18 | herein.  |
| 19 | WHEREFORE, based on the foregoing, we have set our hands to this Consent   |
| 20 | Order, upon its execution by Robert A. Fleury, Deputy Bank Commissioner.   |
| 21 |  |
| 22 | Recommended this <u>6th</u> day of <u>January</u> , 2011 by                |
| 23 |  |
| 24 | Maryam Torben Desfosses, Hearings Examiner, Banking Department             |
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| 1  | Executed this <u>14th</u> day of <u>January</u> , 2011 by     |
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| 2  | /s/   |
| 3  | John Loschiavo, on behalf of Respondent Littleton Imports LLC |
| 4  | SO ORDERED.   |
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| 6  | /s/ Dated: January 19, 2011 Robert A. Fleury,                 |
| 7  | Deputy Bank Commissioner                                      |
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