

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No. 10-149
)
 3 State of New Hampshire Banking)
)
 4 Department,)
) Notice of Hearing -
 5 Petitioner,)
)
 6 and)
)
 7 Financial Freedom of America, Inc. (now)
)
 8 known as Financial Freedom Processing,)
)
 9 Inc.), Corey Butcher and [REDACTED])
)
 10 Respondents)
)

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12 NOTICE OF HEARING ORDER

13 1. The State of New Hampshire Banking Department ("Department") issued to
 14 Financial Freedom of America, Inc. (now known as Financial Freedom
 15 Processing, Inc.), Corey Butcher and [REDACTED] ("Respondents") an Order
 16 to Show Cause and Cease and Desist ("Order") on April 14, 2011. RSA Chapter
 17 541-A and RSA Chapter 399-D require the Respondents to request a hearing
 18 within 30 calendar days of receipt of such order. Upon receipt of such
 19 request, the Department must schedule a hearing on such matter within ten
 20 (10) days unless otherwise waived by the Respondents. Respondents filed a
 21 timely request for hearing and waived their right to a ten (10) day hearing
 22 on May 5, 2011.

23 IT IS HEREBY ORDERED that:

24 2. Respondent shall appear before the Department on Thursday, November 21,
 25 2013 at 10 a.m., at the New Hampshire Banking Department located at 53

1 Regional Drive, Suite 200, Concord, New Hampshire 03301, for the purpose of
2 participating in an adjudicative proceeding. The Department shall bear the
3 burden of proving the truth of the legal and factual allegations in the
4 Order by a preponderance of the evidence.

5 3. Pursuant to RSA 541-A:31,III(b), the legal authorities under which the
6 hearing is to be held are: RSA 541-A:30,III, and RSA 399-D:23,II.

7 4. Each party has the right to have an attorney present to represent the
8 party at the party's expense, or may represent itself or himself. If the
9 Respondents elect to be represented by Counsel, said Counsel shall file a
10 notice of appearance at the earliest possible date with the Presiding
11 Officer's Clerk.

12 5. The Commissioner of the Department has designated a Presiding Officer in
13 this matter with authority to represent the public interest within the scope
14 of the Department's authority. The Presiding Officer shall have the
15 authority to preside over the proceeding and issue a final decision. RSA
16 383:7-a; RSA 541-A:1, XIV.

17 6. The designated Presiding Officer is Stephen J. Judge, Esq. partner in the
18 firm of Wadleigh, Starr & Peters, PLLC, Manchester, NH.

19 7. Two copies of proposed exhibits shall be pre-marked, for identification
20 only, and filed with the of the Presiding Officer's Clerk and a single
21 copy of exhibits provided to the opposing party by Tuesday, November 12,
22 2013. The Department shall pre-mark its exhibits with Arabic numbers. The
23 Respondents shall pre-mark exhibits with capital letters. An index/list of
24 exhibits providing a brief description of each exhibit with its
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1 corresponding pre-marked number or letter shall be filed by both parties
2 simultaneous with the filing of exhibits.

3 8. On the date identified in paragraph 7 above, the parties shall also
4 exchange a list of all witnesses to be called at the hearing, a brief
5 summary of the anticipated testimony, and shall, at the same time, file two
6 copies of their respective lists with the Presiding Officer's Clerk.

7 9. All periods referenced in this notice shall be calendar days. If the last
8 day of the period so computed falls on a Saturday, Sunday, or legal holiday,
9 then the time period shall be extended to include the first business day
10 that is not a Saturday, Sunday, or legal holiday.

11 10. Respondents' failure to appear at the time, date, and place
12 specified may result in the hearing being held *in absentia* and/or a default
13 ruling in favor of the Department, without further notice or opportunity to
14 be heard.

15 11. The entirety of all verbal proceedings shall be recorded verbatim by the
16 Department. Upon request of any party, such record shall be transcribed by a
17 certified court reporter designated by the Presiding Officer, with all costs
18 borne solely by the requesting party. The Presiding Officer has discretion
19 to order transcription of the record and to determine how the costs shall be
20 borne.

21 12. Each party has the right to have the Department provide a certified
22 shorthand court reporter at the requesting party's expense. Any such request
23 shall be submitted in writing to the Presiding Officer at least 10 days
24 prior to the hearing.

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1 13. All documents shall be filed with the Presiding Officer's Clerk in the
2 form of an original and one (1) copy and shall bear a certification that a
3 copy is being delivered to Hearings Examiner and any other parties to this
4 matter in accordance with applicable laws. All documents shall be filed by
5 mailing or delivering them to the New Hampshire Banking Department, ATTN:
6 Presiding Officer Dkt # 10-149, 53 Regional Drive, Suite 200, Concord, NH
7 03301. Filing by facsimile or electronic transmission shall not be accepted.

8 14. The parties may submit Proposed Orders, which shall include findings of
9 fact and conclusions of law, separately stated, no later than ten (10) days
10 following conclusion of the hearing(s) in this matter or at a time set by the
11 Presiding Officer.

12 15. Routine procedural inquiries may be made by telephoning the
13 Presiding Officer's Clerk at (603)271-3561 or email at
14 gail.bartlett@banking.state.nh.us. All other communications with the
15 Presiding Officer and with the Department shall be in writing and shall be
16 filed as provided above. *Ex parte* communications are forbidden by statute.

1 16. A copy of this Notice of Hearing shall be mailed to the named
2 Respondents by delivery to Respondents Financial Freedom of America, Inc.
3 (now known as Financial Freedom Processing, Inc.), Corey Butcher and [REDACTED]
4 [REDACTED] and a copy shall also be delivered to the Department.

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7 SO ORDERED,

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_____/s/
Stephen J. Judge
Presiding Officer

Date 10/24/13

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