

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 10-181
3)
4 State of New Hampshire Banking Department,) Motion to Dismiss the Following
5 Petitioner,) Respondents From the July 25,
6 and) 2011 Order to Show Cause and
7 Prospect Mortgage, LLC, et al.,) Cease and Desist:
8 Respondents) Sterling Capital Partners II,
9) LP;
10) Sterling Capital Partners III,
11) LP; and
12) Sterling PMC, Inc.

10 MOTION TO DISMISS ONLY AS TO PARTICULAR RESPONDENTS

11 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above
12 captioned case, and moves to dismiss the penalties only as to Respondents
13 Sterling Capital Partners, II, LP ("Respondent Sterling II"), Sterling Capital
14 Partners, III, LP ("Respondent Sterling III"), and Sterling PMC, Inc.
15 ("Respondent Sterling PMC") (collectively, "Respondents") in the July 25, 2011
16 Order to Show Cause and Cease and Desist ("Order") in this matter, and states
17 as follows:

- 18 1. The above named Respondents were properly served with the Order on or
19 about August 1, 2011 through August 11, 2011.
- 20 2. On July 24, 2012, the Department entered into a Consent Order
21 ("Consent") with the following Respondents as a final resolution of
22 the allegations set forth in the Order: Prospect Mortgage, LLC,
23 Prospect Holding Company LLC, Prospect Management Services Corp (f/k/a
24 Metrocities Services Corp.), Mark A. Filler, Ronald Lee Bergum,
25 Christina Marie Longo, Derek Joseph "Dutch" Maranhas, Frederick

1 Chapple Allard III, Jeffrey Heidtmann, John Bannister, John L. Cabral,
2 John E. Priest, Kevin Joseph Cuzzo, Sadiki Pierre, Judy A. Weisman,
3 Kevin Robert Clark, Kevin Paul Wentzell, Joseph Scott Gannon, Todd
4 Zukowski, Joe Adamaitis, David Scott Bolton, Robert P. Ward and Keyan
5 Tramane Scott.

6 3. Since the Department has obtained a resolution through the Consent,
7 and as a sign of good faith and administrative efficiency, the
8 Petitioner deems it appropriate to dismiss Respondents Sterling II,
9 Sterling III, and Sterling PMC from the Order.

10 WHEREFORE, Petitioner respectfully requests:

11 A. The Commissioner dismiss the penalties in the Order in this case as to
12 Respondents Sterling II, Sterling III, and Sterling PMC; and

13 B. Grant such further relief as is just and in the public interest.

14 Respectfully submitted by:

15
16 _____/s/
Maryam Torben Desfosses
17 Hearings Examiner

7/26/12
Date

18 **ORDER**

19 Finding it in the public interest, the requested relief is hereby **GRANTED**.
20 The Order to Show Cause and Cease and Desist (Docket #10-181) as to
21 Respondents Sterling Capital Partners, II, LP, Sterling Capital Partners, III,
22 LP, and Sterling PMC, Inc. is hereby **DISMISSED** this 30th day of July, 2012.

23
24 _____/s/
RONALD A. WILBUR,
25 BANK COMMISSIONER