

State of New Hampshire Banking Department)
)Case No.: 12-314
In re the Matter of:)
)
State of New Hampshire Banking)
)
Department,)
)Consent Order
Petitioner,)
)
and)
)
Lewis Motor Sales LLC,)
)
Respondent)
)
)
)

CONSENT ORDER

The State of New Hampshire Banking Department (the "Department") finds and Orders as follows:

Respondent

1. Lewis Motor Sales LLC ("Lewis Motor") is a limited liability company registered with the New Hampshire Secretary of State since December 6, 2011 with a principal office location in Brentwood, New Hampshire. Lewis Motor's New Hampshire Sales Finance Company license is pending execution of this Consent Order.

Jurisdiction

2. The Department is authorized to regulate sales finance companies pursuant to RSA Chapter 361-A. RSA 361-A:2.
3. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter

361-A and to assess penalties pursuant to RSA Chapter 361-A. *RSA 361-A:3,I, RSA 361-A:3,I-a, RSA 361-A:3-a and RSA 361-A:11.*

4. Lewis Motor may be assessed an administrative fine not to exceed \$2,500.00 for each violation of RSA Chapter 361-A. *RSA 361-A:11, VII and VIII.*

Facts

5. On or about August 24, 2012, the Department conducted an onsite investigation and determined that Lewis Motor did conduct "buy here/pay here" activity by both selling the motor vehicle to consumers and financing it for those consumers. Only five (5) liens were registered with the New Hampshire Department of Safety, Title Bureau.
6. Of the five (5) registered liens, only two (2) consumers require a total reimbursement of \$2,084.00 from Lewis Motor pursuant to RSA 361-A:11,III as follows:
 - Consumer A: \$994.00; and
 - Consumer B: \$1,090.00.

Violation(s) of Law and Penalties

7. Respondent has conducted unlicensed sales finance company activity for New Hampshire consumers without a valid Sales Finance Company license, in violation of

RSA 361-A:2,I.

Respondent's Consent

8. Lewis Motor hereby acknowledges that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that Lewis Motor violated RSA Chapter 361-A.
9. Lewis Motor has voluntarily entered into this Consent Order without reliance upon any discussions between the Department and Lewis Motor, without promise of a benefit of any kind (other than concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind. Lewis Motor further acknowledges its understanding of the nature of the allegations set forth in this action, including the potential penalties provided by law.
10. Lewis Motor hereby acknowledges, understands, and agrees that it has the right to notice, hearing, and/or a civil action and hereby waives said rights.

Order

11. **Whereas pursuant to RSA 361-A:5,VI** finding this Consent Order necessary, appropriate and in the public interest and consistent with the intent and purposes of New Hampshire banking laws, the Department Orders as follows:

- a. Pursuant to RSA 361-A:3,I, RSA 361-A:3,I-a, and RSA 361-A:3-a, Lewis Motor shall not violate RSA Chapter 361-A and any rules or orders thereunder;
- b. Lewis Motor shall reimburse Consumers A and B the fees charged as described in Paragraph 6 above, payable contemporaneously with the effective date of this Consent Order, which is upon the Commissioner's signature. These consumer checks shall be bank check or guaranteed funds and made payable to each individual consumer and submitted directly to each consumer via first class mail by Lewis Motor.

(1). Each check shall be accompanied by written correspondence containing only the following language: "This refund check is being sent to you pursuant to a public consent order that Lewis Motor entered into with the New Hampshire Banking Department. You may find a copy of the public consent order on the Banking Department's website at www.nh.gov/banking/orders/enforcement/index.htm by searching for Docket #12-314. For further questions, please contact the New Hampshire Banking Department at (603) 271-3561;"

(2). Any verbal communications with consumers about the restitution shall be limited to the language found in the written correspondence, and Lewis Motor shall refer the consumer to the Department for further information;

(3). Lewis Motor shall also forward to the Department copies of both cancelled checks or copies of both cancelled check images;

(4). Lewis Motor shall make a second attempt to locate the consumer, if the address to which the restitution check is mailed is no longer valid. Such attempt shall be documented and reported to the Department;

(5). Lewis Motor shall follow up at least once with any consumer who does not cash the check within three months of receipt. Such follow up shall be documented and reported to the Department; and

(6). If, after six months, a consumer has failed to cash or deposit the restitution check, Lewis Motor shall begin the process to escheat the funds to the New Hampshire State Treasurer's Abandoned Property division. Such process shall be documented and reported to the

Department. The process of escheatment may begin prior to six months, if so approved or directed by the Department; and

c. Lewis Motor shall pay to the Department \$1,500.00 in administrative penalties, payable contemporaneously with Lewis Motor's signing of this Consent Order. The check shall be bank check or guaranteed funds and made payable to "State of New Hampshire."

12. This Consent Order may be revoked and the Department may pursue any and all remedies available under law, if the Department later finds that Lewis Motor knowingly or willfully withheld information used and relied upon in this Consent Order or violates this Consent Order.
13. This Consent Order is binding on all heirs, assigns, and/or successors in interest.
14. This Consent Order shall become effective upon the date the Commissioner signs this Consent Order.
15. Once this Consent Order is effective, the Department agrees not to seek further reimbursement, refunds, penalties, fines, costs, or fees regarding the facts, allegations, or findings of violations contained herein.

WHEREFORE, based on the foregoing, we have set our hands to this Consent Order, effective upon its execution by Ronald A. Wilbur, Bank Commissioner.

Recommended this 18th day of January, 2013 by

/s/

Maryam Torben Desfosses,
Hearings Examiner, Banking Department

Executed this 30th day of January, 2013 by

/s/

Garry A. Lewis, as owner of and on behalf of Lewis Motor Sales LLC

SO ORDERED.

/s/
Ronald A. Wilbur,
Bank Commissioner

Dated: 1/31/13