

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In re the Matter of:) Docket No.:12-468
)
State of New Hampshire Banking Department,)
Petitioner,) Notice of Hearing
And)
)
Michaud Motors, LLC, North Shore Auto,)
LLC, Kevin P. Michaud as manager of)
Michaud Motors, LLC, Jeffrey J. Chizmas as)
a manager of Michaud Motors, LLC)
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Respondents)
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NOTICE OF HEARING

1. The Department issued to the above named Respondents an Order to Show Cause (“Order”) on July 15, 2013. In the Order, the Commissioner found that the issuance of the Order was in the public interest. RSA 361-A:3, I. The Commissioner did not summararily suspend Respondents license. RSA Chapter 541-A and RSA Chapter 361-A require the Department to schedule a hearing on such a matter within ten (10) calendar days of a written request for hearing unless otherwise waived. On August 7, 2013, Attorney Patrick J. Devine filed a timely request for hearing. On August 9, 2013, the New Hampshire Banking Department filed an Assented-To Motion to Continue the hearing in this docket for 60 days. Implicit in this Motion to Continue is a waiver of the 10 day hearing request. The Motion to Continue was Granted on August 12, 2013.

It is HEREBY ORDERED that:

2. Respondents shall appear on Tuesday, November 12, 2013, at 10 a.m., at the New Hampshire Banking Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire 03301, for the purpose of participating in an adjudicative proceeding at which time the Department shall have the burden of setting forth a *prima facie* case by a preponderance of the evidence why the relief sought in the Order to Show Cause and Response should be granted.

3. The Hearing shall be conducted under the relevant provisions of RSA 541-A, Title XXXV, the Jus 800 rules and all relevant Ban rules.

4. The Department's alleged violations against Respondents are contained in the Order to Show Cause.

5. Each party has the right to have an attorney present to represent the party at the party's expense, or may represent itself or himself.

6. Emelia A. S. Galdeiri, Esq., New Hampshire Banking Department has been designated in this matter to represent the Department with authority to represent the public interest within the scope of the Department's authority. The Department shall have the status of a party to this proceeding.

7. Stephen J. Judge, Esq., has been delegated to preside over this matter pursuant to RSA 383:7 and see also RSA 541-A:1, XV. ("Presiding Officer")

8. Any proposed exhibits shall be pre-marked, for identification only, and filed with the Presiding Officer and provided to the opposing party 10 days before the Hearing. The Department's exhibits shall be pre-marked with Arabic numbers. Respondents shall pre-mark exhibits with capital letters. An index/list of exhibits providing a brief

description of each exhibit with its corresponding pre-marked number or letter shall be filed by both parties simultaneous with the filing of exhibits.

9. The parties shall also exchange a list of all witnesses to be called at the hearing with a brief summary of the anticipated testimony and shall at the same time file a copy of their respective lists with the Presiding Officer.

10. All periods referenced in this notice shall be calendar days. Generally, time is computed forward from a “start date.” In this Order, time periods are set at a date prior to the hearing. If the first day of the period so computed falls on a Saturday, Sunday, or legal holiday, then the time period shall be increased to include the previous business day that is not a Saturday, Sunday, or legal holiday. For example, if the due date for a particular period falls on a Sunday, the material shall be due on the previous Friday.

11. Respondents’ failure to appear at the time, date, and place specified shall result in default and the hearing may be decided against the Respondents with the Department’s allegations deemed to be true.

12. The entirety of all verbal proceedings shall be recorded verbatim by the Department. Upon request of any party, or upon the Presiding Officer’s own initiative, such record shall be transcribed by a certified court reporter designated by the Presiding Officer, and all costs shall be borne solely by the requesting party. In the event the Presiding Officer requests a transcript, the costs shall be borne by the Department.

13. Each party has the right to have the Department provide a certified shorthand court reporter at the requesting party’s expense. Any such request shall be submitted in writing to the Presiding Officer within five (5) business days of the receipt of this Notice.

14. All documents shall be filed with the Presiding Officer in the form of an original and one (1) copy and shall bear a certification that a copy is being delivered to the Department's counsel and any other parties to this matter in accordance with applicable laws. All documents shall be filed by mailing or delivering them to the New Hampshire Banking Department, ATTN: Presiding Officer Judge Dkt # 12-468, 53 Regional Drive, Suite 200, Concord, NH 03301. Filing of a single document by facsimile or electronic transmission shall be accepted. RSA 361-A:13, II. The Presiding Officer can be contacted at gail.bartlett@banking.state.nh.us.

15. Provided that the parties waive the statutory requirement for an order to issue twenty (20) days after the hearing, the parties may submit Proposed Orders, which shall include findings of fact and conclusions of law, separately stated, no later than ten (10) days following conclusion of the hearing(s) in this matter.

16. Routine procedural inquiries may be resolved by agreement of the parties with notice to the Presiding Officer but all other communications with the Presiding Officer and with the Department shall be in writing and be filed as provided above. *Ex parte* communications are forbidden by statute.

17. A copy of the Notice of Hearing shall be sent to all named Respondents and to the Department's counsel.

SO ORDERED.

9/20/13
Date

/S/
Stephen J. Judge, Esq.
Presiding Officer
State of New Hampshire
Banking Department