

**State of New Hampshire
Banking Department**

In re:) **Case No.: 13-001**
)
Justin M. Burgess,)
) **Motion to Vacate Order to Show**
Respondent.) **Cause**
)
)
_____)

Now comes the State of New Hampshire Banking Department (the “Department”), respectfully requesting that the Commissioner of the Banking Department vacate the Order to Show Cause in the above-captioned matter. In support thereof, the Department states as follows:

1. On January 17, 2013, the Commissioner issued an Order to Show cause in the above-captioned matter.
2. Subsequently, Mr. Burgess’ legal counsel contacted the Department and expressed Mr. Burgess’ desire to cooperate fully with the Department.
3. The Department and Mr. Burgess entered into negotiations to settle this matter amicably with the cooperation of all parties.
4. The Department and Mr. Burgess agreed to resolve this matter with a Consent Order entered into on April 8, 2013.
5. The Department submits this Motion with the consent of Mr. Burgess.

Wherefore, the Department respectfully requests that the Commissioner of the Banking Department:

- A. Vacate the Order to Show Cause in the above-captioned matter; and
- B. Grant any other just and proper relief.

Respectfully submitted,

/s/
Emelia A.S. Galdieri
N.H. Bar #19840
Hearings Examiner
State of New Hampshire Banking Department

CERTIFICATE OF SERVICE

I, Emelia A.S. Galdieri, hereby certify that on 9th April 2013, a copy of this Motion to Vacate Order to Show Cause was sent to the following parties via U.S. Certified Mail First Class:

Justin Burgess
10 Hemlock Road
North Reading, MA 01864

Mark P. DiFonte, Esq.
DiFonte & Panagiotidis, LLC
11 Pleasant Street, Ste. 10
Worcester, MA 01609

/s/

Emelia A.S. Galdieri
N.H. Bar #19840
Hearings Examiner
State of New Hampshire Banking Department

**State of New Hampshire
Banking Department**

In re:)	Case No.: 13-001
)	
Justin M. Burgess,)	
)	
Respondent.)	Proposed Order to Vacate Order to
)	Show Cause
)	

The New Hampshire Banking Department's Motion to Vacate Order to Show Cause in the above-captioned matter is GRANTED for the reasons stated within the Department's Motion.

SO ORDERED.

04/09/13
Date

/s/
Glenn A. Perlow
State of New Hampshire
Bank Commissioner