

In re: Nelson S. Haws, Jr.

Case No.: 14-334

CONSENT ORDER

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

**Respondent**

1. Nelson S. Haws, Jr. ("Respondent") was the 100% direct owner, President and control person of Act Lending Corporation, a former Department-licensed Mortgage Banker. Respondent is now the President and a control person for another Department-licensee.

**Jurisdiction**

2. The Department is authorized to regulate mortgage bankers and its principals pursuant to RSA Chapter 397-A. *RSA 397-A:2, I and III, and RSA 397-A:3, I.*
3. The Commissioner has jurisdiction to issue orders against Respondent to cease and desist from violations under RSA Chapter 397-A. *RSA 397-A:17 and RSA 397-A:21.*
4. The Department may assess Respondent administrative fines not to exceed \$2,500.00 for each violation of RSA Chapter 397-A. *RSA 397-A:21, IV and V.*
5. The Department may require Respondent to provide

In re: Nelson S. Haws, Jr.

Docket #14-334

Consent Order - 1

payment for administrative and statutory fines and fees Act Lending Corporation accrued pre- and post-licensure. RSA 397-A:13,I, II and IV, and RSA 397-A:17.

#### **Facts**

6. On September 17, 2007, the Department entered an administrative order against Act Lending Corporation for the failure to file the financial statement and for the failure to maintain a continuous surety bond. Respondent, however, failed to resolve this matter. Pursuant to RSA 397-A:17, Act Lending Corporation defaulted by operation of law on or about October 24, 2007, with \$5,000.00 in administrative fines and \$2,500.00 in statutory fines.
7. Thereafter, Act Lending Corporation failed to file its 2007 annual report (RSA 397-A:13,I), failed to facilitate an exam (RSA 397-A:12,VII), failed to properly surrender its license (RSA 397-A:10-a) and failed to pay the \$500.00 examination fee (RSA 397-A:12,V).

#### ***Respondent's Cooperation:***

8. During the request for information, Respondent fully cooperated with the Department.

### **Respondent's Consents and Acknowledgments**

9. Respondent hereby acknowledges that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that Respondent violated RSA Chapter 397-A.
10. Respondent has voluntarily entered into this Consent Order without reliance upon any discussions between the Department and Respondent, 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. Respondent further acknowledges his understanding of the nature of the allegations set forth in this action, including the potential penalties provided by law.
11. Respondent hereby acknowledges, understands, and agrees that he has the right to notice and hearing and hereby waives said rights. Respondent hereby further acknowledges he waives the filing of any civil actions related to this matter.

### **Order**

12. **Whereas pursuant to RSA 397-A:20,VI,** this Consent Order is 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. Respondent shall pay to the Department \$10,500.00 in administrative fines.

13. The Consent Order finally and completely concludes this matter against Respondent. This Consent Order may still be revoked and the Department may pursue any and all remedies available under law, if the Department later finds that Respondent knowingly or willfully withheld information used and relied upon in this Consent Order.
14. This Consent Order is binding on all heirs, assigns, and/or successors in interest.
15. This Consent Order shall become effective upon the date the Commissioner signs this Consent Order, providing the Department has confirmed the payment referenced in Paragraph 12.a. herein.
16. 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.

