

In re: Absolute Sales & Services, Inc., Janet L.
Hutchinson, and Kevin Hutchinson
Respondents

Case No.: 15-065

NOTICE OF ORDER TO CEASE AND DESIST

("ORDER")

1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 361-A (including RSA 361-A:3-a,I and II, RSA 361-A:5,IV, and RSA 361-A:11,I through VIII) and RSA Chapter 541-A.
2. The Commissioner may impose administrative penalties against each Respondent of up to \$2,500 for each violation of RSA Chapter 361-A. RSA 361-A:11, VII and VIII.
3. The Commissioner may also impose restitution against Respondents as a result of Respondents' unlicensed sales finance company activities. RSA 361-A:11, III.
4. The Department reserves its right pursuant to RSA 361-A:5,IV to amend this Order or issue or rescind such orders as are reasonably necessary to carry out the provisions of RSA Chapter 361-A.

RESPONDENTS

5. Absolute Sales & Services, Inc. ("Respondent Absolute Sales") was a corporation duly formed in the State of

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New Hampshire on December 14, 2011 with a principal office location in Belmont, New Hampshire. Respondent Absolute Sales was administratively dissolved on August 29, 2014 and never held a Sales Finance Company license with the Department. Respondent Absolute Sales is a Sale Finance Company and a Person. RSA 361-A:1, VIII and XIII.

6. Janet L. Hutchinson ("Respondent J. Hutchinson") was the direct owner and control person of Respondent Absolute Sales. Respondent J. Hutchinson is a Control person (RSA 361-A:1,III-b), a Direct Owner (RSA 361-A:1,III-d), a Principal (RSA 361-A:1,VIII-a), and a Person (RSA 361-A:1,VIII).
7. Kevin Hutchinson ("Respondent K. Hutchinson") was the control person of Respondent Absolute Sales. Respondent K. Hutchinson is a Control person (RSA 361-A:1,III-b) and a Person (RSA 361-A:1,VIII).
8. The above-named Respondents are hereinafter collectively known as "Respondents."

RIGHT TO REQUEST A HEARING

9. Respondents each have a right to request a hearing on this Order. A hearing, if requested, shall be held not later than ten (10) calendar days after the Commissioner receives a Respondent's written request

for a hearing. RSA 361-A:3-a, I. If the Respondents fail to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the Commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the Commissioner, for good cause shown. Id.

10. If any person fails to appear at the hearing, such person shall be deemed in default, and the Order shall become permanent, all allegations may be deemed true, and shall remain in full force and effect until modified or vacated by the Commissioner for good cause shown. RSA 361-A:3-a, I, 541-A:31,V(a) and JUS 810.02.
11. A default herein may result in administrative fines and restitution.

STATEMENT OF ALLEGATIONS

12. From 2012 until 2013, Respondents conducted unlicensed sales finance company activity by entering into buy here/pay here retail installment contracts with sixteen (16) of the seventeen (17) consumers with whom they conducted business.
 - a. Of the 16 consumers, three (3) consumers do not

ORDER

16. **I hereby find as follows:**

- a. Pursuant to RSA 361-A:3-a, I, the facts as alleged above, if true, show Respondents are operating and have operated in violation of RSA Chapter 361-A and form the legal basis for this Order;
- b. Pursuant to 361-A:5,VI, this Order is necessary and appropriate to the public interest and for the protection of consumers and consistent with the purpose and intent of New Hampshire banking laws;
- c. Pursuant to RSA 361-A:3-a, I, if any Respondent fails to respond to this Order and/or defaults then all facts as alleged herein are deemed as true.

17. **Accordingly, it is hereby ORDERED that:**

- a. Respondents shall cease and desist from violating RSA Chapter 361-A and rules or orders thereunder;
- b. Pursuant to RSA 361-A:11, II, Respondents shall be required to provide a total of \$23,085 in restitution to 13 New Hampshire consumers as set out in Paragraph 14 above;

CERTIFICATE OF SERVICE

I, Maryam Torben Desfosses, hereby certify that on 11/23/15, a copy of this Notice of Order to Cease and Desist was sent to the following parties via U.S. Certified Mail First Class:

Absolute Sales & Services, Inc.
P.O. Box 745
Winnisquam NH 03289

Janet L. Hutchinson
Owner
Absolute Sales & Services, Inc.
P.O. Box 745
Winnisquam NH 03289

Kevin Hutchinson
Control Person
Absolute Sales & Services, Inc.
P.O. Box 745
Winnisquam NH 03289

/s/
Maryam Torben Desfosses
Hearings Examiner, Consumer Credit Division
State of New Hampshire Banking Department