

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In The Matter of: Absolute Sales & Service, Inc. and Kevin Hutchinson
Case No. 15-065

CONSENT ORDER

WHEREAS, pursuant to RSA 361-A, the New Hampshire Banking Department (“Department”) is charged with regulating persons that “engage in the business of a sales finance company” in New Hampshire.

WHEREAS, pursuant to RSA 361-A:6-a, the Department is authorized to examine the business affairs of any licensee or non-licensee sales finance company to determine compliance with the RSA 361-A.

WHEREAS, Absolute Sales & Service, Inc. (“Absolute”) was a New Hampshire corporation, and an unlicensed sales finance company.

WHEREAS, Kevin Hutchinson (“Hutchinson”) was the control person for Absolute.

WHEREAS, Absolute and Hutchinson shall be collectively known as “Absolute”.

WHEREAS, pursuant to its authority under RSA 383:10-d and RSA 361-A:4-a, and RSA 361-A:5, VII, the Department, through the Consumer Credit Division, conducted an investigation of Absolute.

WHEREAS, through its investigation, the Department found that:

1. Absolute conducted unlicensed sales finance company activity from 2012 until 2013 by entering into retail installment contracts with seventeen (17) consumers and collecting on such contracts.

WHEREAS, Absolute makes the following acknowledgements:

1. Absolute hereby acknowledges that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that Absolute violated RSA 361-A.
2. Absolute voluntarily enters into and signs this Consent Order without reliance upon any discussions between the Department and Absolute, without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and without threats, force, intimidation or coercion of any kind.
3. The conduct described above constitutes violations of state law, which could result in penalties pursuant to RSA 361-A:11, VII.
4. Absolute understands the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.
5. Absolute acknowledges, understands, and agrees that it has the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waives those rights. Absolute further acknowledges it waives the filing of any civil actions related to this matter.
6. Absolute understands that its action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
7. Absolute represents and warrants that it has all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
8. Absolute acknowledges that the Department is relying upon Absolute's representations and warranties stated herein in making its determinations in this matter.

9. Absolute acknowledges that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against Absolute if the Department later learns that Absolute knowingly or willfully withheld information from the Department.
10. This Consent Order is binding on all heirs, assigns and successors in interest.

WHEREAS, Absolute consents to the Department imposing the following sanctions:

1. Absolute shall cease and desist from further violations of RSA 361-A.
2. Absolute shall release the seventeen (17) liens through the New Hampshire Department of Safety, Title Bureau and shall provide copies of such releases to the Department.
3. Absolute shall remit a penalty in the amount of \$1,500 by bank check to the “State of New Hampshire” for conducting unlicensed sales finance company activity.
Absolute shall pay \$500 contemporaneously with its execution of this Consent Order.
The remaining payments shall be made as follow:
 - a. \$500 shall be paid by August 1, 2016; and
 - b. \$500 shall be paid by September 1, 2016.
4. Failure by Absolute to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, up to and including license revocation and monetary penalties.

NOW THEREFORE, the Commissioner of the New Hampshire Banking Department enters the following ORDER:

1. The sanctions set forth above are hereby entered;
2. Pursuant to RSA 361-A:5, VI, the Commissioner finds this action necessary or

appropriate to the public interest or the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this title;

3. This Order fully resolves this matter and the Commissioner will not take further action against Absolute for the allegations presented herein, provided that the Department may take enforcement action against Absolute for any violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms of this Order are not being observed or if any representation made by Absolute and reflected herein is subsequently discovered to be untrue;
4. Nothing herein is intended to alter any future statutory or regulatory requirements of licensure and the allegations set forth above may be fully taken into account by the Department in connection with future examinations and enforcement actions; and
5. This Consent Order shall become final when issued.

Recommended by:

/s/
Maryam Torben Desfosses
Hearings Examiner
New Hampshire Banking Department

06/24/16
Date

/s/
Kevin Hutchinson
Manager
Absolute Sales & Service, Inc.

07/14/2016
Date

SO ORDERED.

/s/
Gerald H. Little
Bank Commissioner
New Hampshire Banking Department

07/21/2016
Date