

State of New Hampshire Banking Department

In re the Matter of:)	
)	
State of New Hampshire Banking)	
)	Case No.: 15-163
Department,)	
)	
Petitioner,)	
)	
and)	Notice of Hearing -
)	Order to Show Cause
The Mortgage Specialists Inc., and)	
)	
Michael Gill, Individually and as)	
)	
President of The Mortgage Specialists,)	
)	
Inc.,)	
Respondents		

NOTICE OF HEARING

1. The Department issued to the above named Respondents an Order to Show Cause on August 27, 2015. Pursuant to RSA Chapter 541-A and RSA Chapter 397-A a respondent must file a written request for hearing within 30 days of receipt of an order to show cause. Respondents filed a timely request for hearing.

IT IS HEREBY ORDERED that:

2. Respondents shall appear before the New Hampshire Banking Department on October 23, 2015, at 10:00 am, 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 Respondents will have the opportunity to demonstrate why the relief sought in the Order to Show Cause should not be made permanent.

3. The legal authorities under which the hearing is to be held are: RSA 541-

A, and RSA 397-A.

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

a. Respondents failed to facilitate examination in violation of RSA 397-A:12, VII;

b. Respondent failed to provide evidence of information security program in violation of federal regulations and RSA 397-A:2, III;

c. Respondents failed to provide evidence of anti-money laundering program in violation of federal regulations and RSA 397-A:2.

5. The facts as alleged in the Order to Show Cause are herein incorporated by reference.

6. 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. If the Respondents elect to be represented by Counsel, said Counsel shall file a notice of appearance at the earliest possible date.

7. Rosemary Wiant, Hearings Examiner, New Hampshire Banking Department is designated as Hearings Examiner in this matter with authority to represent the public interest within the scope of the Department's authority. The Hearings Examiner shall have the status of a party to this proceeding.

8. Andrew Eills, Esq., has been delegated to preside over this matter pursuant to RSA 383:7-a, and see also RSA 541-A:1,XV.

9. Any proposed exhibits shall be pre-marked, for identification only, and filed with the Presiding Officer and provided to the opposing party by Friday, October 16, 2015 The Hearings Examiner shall pre-mark the Department's exhibits with Arabic numbers. The 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.

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

11. All periods referenced in this notice shall be calendar days. If the last day of the period so computed falls on a Saturday, Sunday, or legal holiday, then the time period shall be extended to include the first business day that is not a Saturday, Sunday, or legal holiday.

12. The Department shall have the burden of setting forth a *prima facie* case, then the Respondents shall have the burden of showing compliance with applicable law by a preponderance of the evidence.

13. Any Respondent's failure to appear at the time, date, and place specified may result in the hearing being held *in absentia* and/or default ruling in favor of the Department, without further notice or opportunity to be heard.

16. A request has been received from Respondents to have a record of the hearing made by a certified court reporter designated by the Presiding Officer. All costs for the court reporter shall be borne solely by the requesting party.

17. 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 Hearings Examiner 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 15-163, 53 Regional Drive, Suite 200, Concord, NH 03301. Filing by facsimile or electronic transmission shall not be accepted.

18. 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.

19. Routine procedural inquiries may be made by telephoning Rosemary Wiant, Hearings Examiner at (603)271-3561, but all other communications with the Presiding Officer and with the Department shall be in writing and shall be filed as provided above. *Ex parte* communications are forbidden by statute.

20. A copy of this Notice of Hearing shall be mailed to all named Respondents and a copy shall also be delivered to Rosemary Wiant, Hearings Examiner.

SO ORDERED,

/s/
Andrew Eills
Presiding Officer

10/6/2015
Date