In re: Southern Auto Plus, LLC, Mark Leroy, and Patrick S. Broderick, Respondents

Case No.: 15-184

NOTICE OF ORDER TO SHOW CAUSE FOR LICENSE SUSPENSION OF

RESPONDENT SOUTHERN AUTO PLUS, LLC'S

NEW HAMPSHIRE RETAIL SELLER LICENSE

("ORDER")

- 1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 361-A (including RSA 361-A:3,I through IV, RSA 361-A:5,IV, and RSA 361-A:11,I through VIII) and RSA Chapter 541-A.
- 2. The Commissioner may issue an order requiring Respondents to show cause why the license should not be suspended. RSA 361-A:3,I and I-a(e).
- 3. 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

4. Southern Auto Plus, LLC ("Respondent Southern Auto") is a limited liability company duly formed in the State of New Hampshire on July 28, 2014 with a principal office location in Manchester, New In re: Southern Auto Plus, LLC, et al.

Case No. 15-184 Order to Show Cause - 1 Hampshire. Southern Auto has been licensed with the New Hampshire Banking Department ("Department") as a New Hampshire Retail Seller since August 27, 2014. Respondent Southern Auto is a Retail Seller and a Person. RSA 361-A:1, VIII and XII.

- 5. Mark Leroy ("Respondent Leroy") is the 50% direct owner, control person and Member of Respondent Southern Auto. Respondent Leroy 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).
- 6. Patrick S. Broderick ("Respondent Broderick") is the 50% direct owner, control person and Member of Respondent Southern Auto. Respondent Broderick 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. The above-named Respondents are hereinafter collectively known as "Respondents."

RIGHT TO REQUEST A HEARING

8. Respondents each have a right to request a hearing on this Order. "A hearing, if requested shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the

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commissioner. . . . " RSA 361-A:3,I and I-a. 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 shall, thirty-first order on the 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.

- 9. 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,I, 541-A:31,V(a) and JUS 810.02.
- 10. A default herein may result in suspension of Respondents' New Hampshire Retail Seller license.

STATEMENT OF ALLEGATIONS

11. On July 15, 2015, the State of New Hampshire Department of Safety, Division of Motor Vehicles ("DMV"), indefinitely suspended Respondent Southern Auto's New Hampshire Dealer license for failing to file title applications and supporting documents on twenty-five (25) motor vehicles within ten (10) days of the date of

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sale.

- 12. RSA 361-A:3,I-a(e) states the commissioner may, by order, suspend Respondents' New Hampshire Retail Seller license if Respondents are the subject of an order entered within the past 5 years by the State of New Hampshire which suspended Respondents' license.
- 13. Pursuant to RSA 361-A:3,I-a(e), the Department commences this Order as a result of the DMV's order suspending Respondent Southern Auto's Dealer license.

Respectfully submitted by:

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Maryam Torben Desfosses Hearings Examiner

ORDER

14. I hereby find as follows:

- a. Pursuant to RSA 361-A:3,I through IV, 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 both RSA 361-A:3,I-a(e) and 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

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intent of New Hampshire banking laws;

c. Pursuant to RSA 361-A:3,I through IV, if any Respondent fails to respond to this Order and/or defaults then all facts as alleged herein are deemed as true.

15. Accordingly, it is hereby ORDERED that:

a. Pursuant to RSA 361-A:3,I(e), Respondents shall show cause why Respondent Southern Auto's New Hampshire Retail Seller license should not be suspended;

b. Nothing in this Order:

- (1). shall prevent the Department from taking any further administrative and legal action as necessary under New Hampshire law; and
- (2). shall prevent the New Hampshire Office of the Attorney General from bringing an action against the above named Respondents in any New Hampshire superior court, with or without prior administrative action by the Commissioner.

SO ORDERED.

/s/ Dated:10/01/15

Ingrid E. White
Deputy Bank Commissioner

CERTIFICATE OF SERVICE

I, Maryam Torben Desfosses, hereby certify that on <u>Oct 1, 2015</u>, a copy of this Notice of Order to Show Cause for License Suspension of Respondent Southern Auto Plus, LLC's New Hampshire Retail Seller License was sent to the following parties via U.S. Certified Mail First Class:

Southern Auto Plus, LLC 2150 Candia Road Manchester NH 03109

Mark Leroy Owner Southern Auto Plus, LLC 2150 Candia Road Manchester NH 03109

Patrick S. Broderick Owner Southern Auto Plus, LLC 2150 Candia Road Manchester NH 03109

/s/

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