

**In re Miller, Randy d/b/a Onyx Preowned, Licensee,
and Randy Dean Miller, Owner.**

Docket No. 15-186a¹

NOTICE OF HEARING

Pursuant to RSA 361-A, RSA 541-A, and JUS chapter 800, the hearing in the above-captioned matter shall commence on **Wednesday, October 26, 2016 at 9:30 AM** at the offices of the New Hampshire Banking Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire.

Issues Presented

At the hearing, the following issues outlined in the Department's Order to Show Cause shall be considered:

1. "Pursuant to RSA 361-A:3-a, I, Respondents shall cease and desist from further violations of RSA Chapter 361-A;"
2. "Respondents shall show cause why Respondent Onyx Preowned's New Hampshire Retail Seller license should not be revoked for violating RSA 361-A:2, XII and RSA 361-A:3, I-a(c), (h) and (i);"
3. "Respondents shall show cause why Respondents should not be barred from licensure for violating RSA 361-A:3, I-a(c), (h) and (i);" and

¹ Pursuant to JUS Rule 807.02, this matter will be docketed as Docket No. 15-186a. The underlying Notice of Order to Show Cause alleges, among other items, violation(s) of a Consent Order between the Banking Department and the respondents in this matter. That Consent Order resolved the matter of In the Matter of Randy Dean Miller (d/b/a Onyx Preowned), Case No. 15-186. The above-captioned matter, In re Miller, Randy d/b/a Onyx Preowned, Licensee, and Randy Dean Miller, Owner, appears to be a separate and distinct matter from In the Matter of Randy Dean Miller (d/b/a Onyx Preowned) with the only connection between the two actions being a violation of the Consent Order resolving the earlier matter. Therefore, in the interest of clarifying the record, the above-captioned matter will be docketed as Docket No. 15-186a to distinguish it from Case No. 15-186.

4. "Respondents shall each show cause why an administrative fine of \$70,000 for knowingly violating RSA 361-A:2, XII and RSA 361-A:3, I-a(c), (h) and (i) should not be imposed pursuant to RSA 361-A:11, V and VII."

Right to Attorney

The respondents have a right to have an attorney represent them at their own expense. RSA 541-A:31, III(e). If the respondents elect to obtain counsel, the attorney shall file a notice of appearance with the Presiding Officer at the earliest possible date pursuant to JUS Rule 807.04.

Right to Court Reporter

Each party has the right to have the Banking Department provide a certified shorthand court reporter at the party's expense. JUS R. 807.03(a)(5). A request for such a court reporter shall be submitted in writing at least 10 days prior to the hearing. Id.

Prehearing Conference

Pursuant to JUS Rule 807.05, the parties shall attend a prehearing conference on **Wednesday, October 12, 2016 at 9:30 AM** at the offices of the New Hampshire Banking Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire.

SO NOTICED.

Emelia Galdieri

Emelia A.S. Galdieri
Presiding Officer
New Hampshire Banking Department

9/28/16

Date

In re Miller, Randy d/b/a Onyx Preowned, Licensee,
and Randy Dean Miller, Owner.
Docket No. 15-186a

CERTIFICATE OF SERVICE

I, Doreen F. Sheppard, hereby certify that on September 28, 2016, a copy of the attached Notice of Hearing in the matter of In Re Miller, Randy d/b/a Onyx Preowned, Licensee and Randy Dean Miller, Owner, Docket No. 15-186a, was sent to the following parties:

VIA US MAIL AND EMAIL


jim@moirlaw.com

James H. Moir, Esquire
5 Green Street
Concord, NH 03301

VIA HAND DELIVERY AND EMAIL

Maryam.TorbenDesfosses@banking.nh.gov

Maryam Torben Desfosses
New Hampshire Banking Department
Consumer Credit Division
53 Regional Drive
Concord, NH 03301



Doreen F. Sheppard, Paralegal
Banking Division
State of New Hampshire Banking Department