

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 06-109
)
 3 State of New Hampshire Banking)
)
 4 Department,) Order to Show Cause
)
 5 Petitioner,)
)
 6 and)
)
 7 Consumer Disclosure Inc, and Stephen)
)
 8 Snyder,)
)
 9 Respondents)

10 NOTICE OF ORDER

11 This Order commences an adjudicative proceeding under the provisions
12 of RSA 397-A and RSA 541-A.

13 LEGAL AUTHORITY AND JURISDICTION

14 Pursuant to RSA 397-A:17, the Banking Department of the State of New
15 Hampshire (hereinafter the "Department") has the authority to issue an order
16 to show cause why license revocation and penalties for violations of New
17 Hampshire Banking laws should not be imposed.

18 Pursuant to RSA 397-A:18, the Department has the authority to issue a
19 complaint setting forth charges whenever the Department is of the opinion
20 that the licensee or person over whom the Department has jurisdiction is
21 violating or has violated any provision of RSA Chapter 397-A, or any rule or
22 order thereunder.

23 Pursuant to RSA 397-A:20,IV, the Commissioner may issue, amend, or
24 rescind such orders as are reasonably necessary to comply with the
25 provisions of the Chapter.

1 Pursuant to RSA 397-A:21, the Commissioner has the authority to
2 suspend, revoke or deny any license and to impose administrative penalties
3 of up to \$2,500.00 for each violation of New Hampshire banking law and
4 rules.

5 Pursuant to RSA 383:10-d, the Commissioner shall investigate conduct
6 that is or may be an unfair or deceptive act or practice under RSA 358-A and
7 exempt under RSA 358-A:3,I or that may violate any of the provisions of
8 Titles XXXV and XXXVI and administrative rules adopted thereunder. The
9 Commissioner may hold hearings relative to such conduct and may order
10 restitution for a person or persons adversely affected by such conduct.

11 **NOTICE OF RIGHT TO REQUEST A HEARING**

12 The above named Respondents have the right to request a hearing on
13 this Order to Show Cause, as well as the right to be represented by counsel
14 at each Respondent's own expense. All hearings shall comply with RSA 541-A.
15 Any such request for a hearing shall be in writing, and signed by the
16 Respondent or the duly authorized agent of the above named Respondent, and
17 shall be delivered either by hand or certified mail, return receipt
18 requested, to the Banking Department, State of New Hampshire, 53 Regional
19 Drive, Suite 200, Concord, NH 03301. Such hearings will be scheduled within
20 10 days of the Department's receipt of the request. If the Respondent fails
21 to appear at the hearing after being duly notified, such person shall be
22 deemed in default, and the proceeding may be determined against the Respondent
23 upon consideration of the Order to Show Cause, the allegations of which may be
24 deemed to be true.

25 If any of the above named Respondents fails to request a hearing within

1 30 calendar days of receipt of such order or reach a formal written and
2 executed settlement with the Department within that time frame, then such
3 person shall likewise be deemed in default, and the orders shall, on the
4 thirty-first day, become permanent, and shall remain in full force and effect
5 until and unless later modified or vacated by the Commissioner, for good cause
6 shown.

7 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

8 The Staff Petition dated July 1, 2009 (a copy of which is attached
9 hereto) is incorporated by reference hereto.

10 **ORDER**

11 WHEREAS, finding it necessary and appropriate and in the public
12 interest, and consistent with the intent and purposes of the New Hampshire
13 banking laws; and

14 WHEREAS, finding that the allegations contained in the Staff Petition,
15 if proved true and correct, form the legal basis of the relief requested;

16 It is hereby ORDERED, that:

- 17 1. Respondent Consumer Disclosure Inc ("Respondent Consumer
18 Disclosure") shall show cause why penalties in the amount of
19 \$2,500.00 should not be imposed against it;
- 20 2. Respondent Stephen Snyder ("Respondent Snyder") shall show
21 cause why penalties in the amount of \$2,500.00 should not be
22 imposed against him;
- 23 3. The above named Respondents shall show cause why, in addition
24 to the penalties listed in Paragraphs 1 through 2 above, the
25 fine for \$1,550.00 for the late filing of the 2005 annual

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report should not be paid to the Department;

4. The above named Respondents shall be jointly and severally liable for the above amounts alleged in Paragraphs 1 through 3 above;

5. The above named Respondents shall show cause why, in addition to the penalties listed in Paragraphs 1 through 4 above, Respondent Consumer Disclosure’s license should not be revoked.

It is hereby further ORDERED that:

6. Along with the administrative penalties listed for the above named Respondents, the outstanding sum of \$1,550.00 shall be immediately paid; and

7. Failure to request a hearing within 30 days of the date of receipt or valid delivery of this Order shall result in a default judgment being rendered and administrative penalties imposed upon the defaulting Respondent(s).

SIGNED,

Dated: 07/01/09

/s/
PETER C. HILDRETH
BANK COMMISSIONER

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 06-109
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 3 State of New Hampshire Banking)
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 4 Department,) Staff Petition
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 5 Petitioner,) July 1, 2009
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 6 and)
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 7 Consumer Disclosure Inc, and Stephen)
)
 8 Snyder,)
)
 9 Respondents)

10 I. STATEMENT OF ALLEGATIONS

11 The Staff of the Banking Department, State of New Hampshire (hereinafter
12 "Department") alleges the following facts:

13 Facts Common on All Counts:

- 14 1. Respondent Consumer Disclosure Inc (hereinafter "Respondent
15 Consumer Disclosure") was licensed as a Mortgage Broker from at
16 least March 25, 2002 until its license expired on December 31,
17 2005.
- 18 2. Respondent Stephen Snyder (hereinafter "Respondent Snyder") was
19 the President of Respondent Consumer Disclosure, when licensed
20 by the Department.

21 Violation of RSA 397-A:13,IV Failure to Pay Late Penalty Owed for Late

22 Filing of Annual Report (1 Count):

- 23 3. Paragraphs 1 through 2 are hereby realleged as fully set forth
24 herein.
- 25 4. Respondent Consumer Disclosure was licensed in 2005 and therefore,

1 subject to the filing of the 2005 annual report of business.

2 5. Respondent Consumer Disclosure's 2005 annual report was due on or
3 before February 1, 2006.

4 6. Respondent Consumer Disclosure filed its 2005 annual report on
5 April 4, 2006 (62 days late), generating a fine of \$1,550.00
6 (\$25.00 a day x 62 days).

7 7. The Department sent the above named Respondents invoices on April
8 6, 2006, May 7, 2006 and a third and final notice on June 13,
9 2006.

10 8. With no response from the above named Respondents, the Department
11 sent a final letter on June 15, 2006, to which the above named
12 Respondents have failed to respond.

13 9. To date, Respondent Consumer Disclosure has failed to pay the
14 \$1,550.00 late filing of the 2005 annual report fee.

15 **II. ISSUES OF LAW**

16 The staff of the Department, alleges the following issues of law:

17 1. The Department realleges the above stated facts in Paragraphs 1
18 through 9 as fully set forth herein.

19 2. The Department has jurisdiction over the licensing and regulation
20 of persons engaged in mortgage banker or broker activities
21 pursuant to NH RSA 397-A:2 and RSA 397-A:3.

22 3. RSA 397-A:13,IV provides that any mortgage banker or mortgage
23 broker failing to file either the annual report or the financial
24 statement required by RSA Chapter 397-A within the time
25 prescribed may be required to pay to the Department a penalty of

1 \$25.00 for each calendar day the annual report or financial
2 statement is overdue, up to a maximum penalty of \$2,500.00 per
3 report or statement. Each of the above named Respondents violated
4 this provision on at least one occasion as alleged above. The
5 above named Respondents filed an annual report that was 62 days
6 late, and incurred a penalty of \$1,550.00.

7 4. RSA 397-A:17,I provides in part that the Commissioner may by
8 order, upon due notice and opportunity for hearing, assess
9 penalties or deny, suspend, or revoke a license or application if
10 it is in the public interest and the applicant, respondent, or
11 licensee, any partner, officer, member, or director, any person
12 occupying a similar status or performing similar functions, or
13 any person directly or indirectly controlling the applicant,
14 respondent, or licensee: (a) has violated any provision of RSA
15 Chapter 397-A or rules thereunder, or (b) has not met the
16 standards established in RSA Chapter 397-A.

17 5. RSA 397-A:18,I provides that the Department may issue a complaint
18 setting forth charges whenever the Department is of the opinion
19 that the licensee or person over whom the Department has
20 jurisdiction, has violated any provision of RSA Chapter 397-A or
21 orders thereunder.

22 6. RSA 397-A:21,IV provides that any person who, either knowingly or
23 negligently, violates any provision of RSA Chapter 397-A, may
24 upon hearing, and in addition to any other penalty provided for
25 by law, be subject to an administrative fine not to exceed

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2. Make conclusions of law relative to the allegations contained in section II of this Staff Petition;
3. Pursuant to RSA 397-A:17, order each of the above named Respondents to show cause why their license should not be revoked;
4. Assess fines and administrative penalties in accordance with RSA 397-A:21, for violations of Chapter 397-A, in the number and amount equal to the violations set forth in section II of this Staff Petition; and
5. Take such other administrative and legal actions as necessary for enforcement of the New Hampshire Banking Laws, the protection of New Hampshire citizens, and to provide other equitable relief.

IV. RIGHT TO AMEND

The Department reserves the right to amend this Staff Petition and to request that the Commissioner take additional administrative action. Nothing herein shall preclude the Department from bringing additional enforcement action under RSA 397-A or the regulations thereunder.

Respectfully submitted by:

_____/s/_____
Maryam Torben Desfosses
Hearings Examiner

07/01/09
Date