

1 State of New Hampshire Banking Department

2

3 In re the Matter of: ) Case No.: 07-009  
 )  
 4 State of New Hampshire Banking ) Order To Show Cause  
 )  
 5 Department, )  
 )  
 6 Petitioner, )  
 )  
 7 and )  
 )  
 8 Moneygram International, )  
 )  
 9 Respondent )  
 )

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10  
11 NOTICE OF ORDER

12 This Order commences an adjudicative proceeding under the provisions of  
13 RSA 541A:31, RSA 399-G, and BAN 204.03.

14 LEGAL AUTHORITY AND JURISDICTION

15 Pursuant to RSA 399-G:18, the Commissioner of the New Hampshire Banking  
16 Department (hereinafter "the Department") may issue an Order to Show Cause  
17 why a license should not be revoked, suspended, or penalties imposed or both.  
18 RSA 399-G:18 states that the Department may issue such Order when a licensee  
19 engages in any practice which violates the Chapter. RSA 399-G:21 states the  
20 Commissioner may impose penalties of up to \$2,500 per violation of the  
chapter.

21 Pursuant to RSA 383:10-d the Commissioner shall investigate conduct that  
22 is or may be an unfair or deceptive act or practice under RSA 358-A and exempt  
23 under RSA 358-A:3, I or that may violate any of the provisions of Titles XXXV  
24 and XXXVI and administrative rules adopted thereunder. The commissioner may  
25 hold hearings relative to such conduct and may order restitution for a person

1 or persons adversely affected by such conduct. The Commissioner may utilize  
2 all remedies available under the Act.

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

4 The above named respondent has the right to request a hearing on this  
5 Order to Show Cause, as well as the right to be represented by counsel. Any  
6 such request for a hearing shall be in writing, and signed by the respondent  
7 or by the duly authorized agent of the above named respondent, and shall be  
8 delivered either by hand or certified mail, return receipt request, to the  
9 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH  
03301.

10 If respondent fails to request a hearing or respond to the show cause  
11 order within 30 calendar days of receipt of this order, respondent shall be  
12 deemed in default, and the penalties requested will be imposed.

13  
14 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

15 The Staff Petition dated January 9, 2007 (a copy of which is attached  
16 hereto) are incorporated by reference hereto.

17 **ORDER**

18 WHEREAS, finding it necessary and appropriate and in the public  
19 interest, and consistent with the intent and purposes of the New Hampshire  
20 banking laws, and

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

23 It is hereby ORDERED, that:

- 24 1. The Respondent shall show cause why penalties for their  
25 activity prior to licensure should not be imposed; and
2. Failure to request a hearing within 30 days of the date of  
receipt of this Order shall result in a default judgment being





1 members, partners, trustees, and beneficiaries provided on Schedules A&  
2 B of this form." See exhibit 1.

3 7. Schedule A further requires the submission of information on "each  
4 corporate officer, director, executive officer, senior manager..."

5 8. Despite this clear language Moneygram International communicated to the  
6 Department it was not required to submit any Schedule A's to the  
7 Department.

8 9. As a result of Respondent's dilatory tactics the license was not ready  
9 for issuance until December 15, 2006.

10 10. Respondent admitted that between August 18, 2006 and November 1, 2006  
11 they engaged in over 130,000 transactions with New Hampshire consumers.

12 11. Upon information and belief Respondent engaged in additional  
13 transactions between November 1, 2006 and their license ready date of  
14 December 15, 2006.

15 II. The staff of the Banking Department, State of New Hampshire alleges the  
16 following issues of law:

17 1. The Banking Department ("Department"), has jurisdiction over the  
18 licensing and regulation of persons engaged in Money Transmission  
19 business pursuant to NH RSA 399-G:2.

20 2. RSA 399-G:21 IV provides that any person who, either knowingly or  
21 negligently, violates any provision of RSA 399-G, may upon hearing, and  
22 in addition to any other penalty provided for by law, be subject to  
23 suspension, revocation, or denial of any registration or license, or an  
24 administrative fine not to exceed \$2,500, or both. Each of the acts  
25 specified shall constitute a separate violation, and such  
administrative action or fine may be imposed in addition to any  
criminal penalties or civil liabilities imposed by New Hampshire

