

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-052
))
3 State of New Hampshire Banking) Order to Show Cause
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4 Department,)
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5 Petitioner,)
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6 and)
))
7 Lighthouse Mortgage Service Co.,)
))
8 Inc.,)
))
9 Respondent

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11 NOTICE OF ORDER

12 This Order commences an adjudicative proceeding under the provisions of
13 RSA 397-A:17, RSA 541-A and BAN 200.

14 LEGAL AUTHORITY AND JURISDICTION

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

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

22 NOTICE OF RIGHT TO REQUEST A HEARING

23 The above named respondent has the right to request a hearing on this
24 Order to Show Cause, as well as the right to be represented by counsel at the
25 Respondent's own expense. All hearings shall comply with RSA 541-A. Any such
request for a hearing shall be in writing, and signed by the respondent or
the duly authorized agent of the above named respondent, and shall be

1 delivered either by hand or certified mail, return receipt requested, to the
2 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH
3 03301. Such hearings will be scheduled within 10 days of the request. If the
4 Respondent fails to appear at the hearing after being duly notified, such
5 person shall be deemed in default, and the proceeding may be determined against
6 the Respondent upon consideration of the Order to Show Cause, the allegations
7 of which may be deemed to be true. Respondents are entitled to at least 30
8 days' notice regarding the hearing date.

9 If the Respondent fails to request a hearing within 30 calendar days of
10 receipt of such order or reach formal settlement with the Department within
11 that time frame, then such person shall likewise be deemed in default, and the
12 orders shall, on the thirty-first day, become permanent, and shall remain in
13 full force and effect until and unless later modified or vacated by the
14 commissioner, for good cause shown.

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

16 The Staff Petition dated April 24, 2007 (a copy of which is attached
17 hereto) is incorporated by reference hereto.

18 **ORDER**

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

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

24 It is hereby ORDERED, that the Respondent shall show cause why:

25 1. Administrative penalties of \$2,500.00 should not be imposed;

and

2. Respondents license should not be revoked; and

It is hereby ORDERED that:

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3. Respondent shall pay the overdue \$505.20 in examination fees immediately; and

4. Failure to request a hearing within 30 days of the date of receipt of this Order shall result in a default judgment being rendered, license revocation and administrative penalties imposed upon the defaulting Respondent.

SIGNED,

Dated: 4/25/07

/s/
PETER C. HILDRETH
BANK COMMISSIONER

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State of New Hampshire Banking Department

In re the Matter of:)	Case No.: 07-052
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State of New Hampshire Banking)	Staff Petition
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Department,)	
)	
Petitioner,)	April 24, 2007
)	
and)	
)	
Lighthouse Mortgage Service Co.,)	
)	
Inc.,)	
)	
Respondent)	

STATEMENT OF ALLEGATIONS

I. The Staff of the Banking Department, State of New Hampshire (hereinafter referred to as the "Department") alleges the following facts:

1. On or about March 20, 2006 the Department began conducting an examination of Lighthouse Mortgage Service Co., Inc. (hereinafter "Respondent").
2. Respondent was licensed as a Mortgage Banker and at all times relevant to this action held a Department license since at least 2004.
3. The Department sent an invoice for the cost of the exam in the amount of \$505.20 to the Respondent via US Certified Mail on May 25, 2006 (mail piece number: 7002 2030 0000 9676 8787). The

1 Respondent received and signed for the mail piece on or about May
2 31, 2006.

3 4. A second invoice was sent to the Respondent on June 29, 2006.

4 5. A third invoice was sent to the Respondent on August 1, 2006.

5 6. On September 6, 2006 the Department sent a warning letter to the
6 Respondent via US Certified Mail (mail piece number: 7002 2030
7 0000 9677 1862). The Respondent received and signed for the
8 letter on September 8, 2006.

9 7. On March 15, 2007 the Department sent the Respondent via US
10 Certified Mail (mail piece number: 7006 2760 0002 2477 0378) a
11 final notice to pay the outstanding exam fee by April 15, 2007.
12 The Respondent received and signed for the letter on March 19,
13 2007.

14 8. To date, the Respondent has not paid the outstanding invoice for
15 the examination.

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17 **ISSUES OF LAW**

18 II. The staff of the Department, alleges the following issues of law:

19 1. The Department realleges the above stated facts in paragraphs 1
20 through 7.

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

24 3. Pursuant to New Hampshire Banking law, RSA 397-A:12 the
25 Department may examine the business affairs of any licensee or
any other person, whether licensed or not, as it deems necessary

1 to determine compliance with this Chapter and the rules adopted
2 pursuant to it and with the Consumer Credit Protection Act, as
3 amended (15 U.S.C. 1601 et seq.).

4 4. RSA 397-A:12 provides that licensees are to pay the costs of
5 examinations.

6 5. RSA 397-A:21 IV provides that any person who, either knowingly
7 or negligently, violates any provision of Chapter 397-A, may
8 upon hearing, and in addition to any other penalty provided for
9 by law, be subject to an administrative fine not to exceed
10 \$2,500, revocation of their license or both. Each of the acts
11 specified shall constitute a separate violation, and such
12 administrative action or fine may be imposed in addition to any
13 criminal penalties or civil liabilities imposed by New Hampshire
14 Banking laws.

15 **RELIEF REQUESTED**

16 III. The staff of the Department requests the Commissioner take the
17 following Action:

- 18 1. Find as fact the allegations contained in section I of this
19 petition;
- 20 2. Make conclusions of law relative to the allegations contained
21 in section II of the this petition;
- 22 3. Order Respondent to Show Cause why its license should not be
23 revoked;
- 24 4. Assess fines and administrative penalties in accordance with
25 RSA 397-A:21, for violations of Chapter 397-A, in the number

