

1 State of New Hampshire Banking Department

2

3 In re the Matter of:) Case No.: 07-066
)
 4 State of New Hampshire Banking) Order To Show Cause
)
 5 Department,)
)
 6 Petitioner,)
)
 7 and)
)
 8 Omnex Group, Inc.,)
)
 9 Respondent)
)

10
11 NOTICE OF ORDER

12 This Order commences an adjudicative proceeding under the provisions of
13 RSA 541-A: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 March 26, 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

rendered and administrative penalties being imposed upon the
defaulting Respondent.

SIGNED,

Dated: 3/26/07

/s/
PETER C. HILDRETH
BANK COMMISSIONER

1 6. Respondent admitted that they earned a gross revenue from the New
2 Hampshire transactions in the amount of \$22,000.00

3
4 II. The staff of the Banking Department, State of New Hampshire alleges the
5 following issues of law:

- 6 1. The Banking Department ("Department"), has jurisdiction over the
7 licensing and regulation of persons engaged in Money Transmission
8 business pursuant to NH RSA 399-G:2.
- 9 2. RSA 399-G:21 IV provides that any person who, either knowingly or
10 negligently, violates any provision of RSA 399-G, may upon hearing, and
11 in addition to any other penalty provided for by law, be subject to
12 suspension, revocation, or denial of any registration or license, or an
13 administrative fine not to exceed \$2,500, or both. Each of the acts
14 specified shall constitute a separate violation, and such
15 administrative action or fine may be imposed in addition to any
16 criminal penalties or civil liabilities imposed by New Hampshire
17 banking laws. Respondent is subject to revocation and/or
18 administrative fines for violations of RSA 399-G.

17 **RELIEF REQUESTED**

18 The staff of the Banking Department requests the Commissioner take the
19 following action:

- 20 1. Find as fact the allegations contained in section I of the Statement of
21 Allegations of this petition.
- 22 2. Make conclusions of law relative to the allegations contained in section
23 II of the Statement of Allegations of this petition.
- 24 3. Assess fines and administrative penalties in accordance RSA 397-A:21, for
25 violations of the New Hampshire Banking Laws, in the number and amount
equal to the violations set forth in section I of the Statement of

