1	State of New Hampshire Banking Department		
2	In re the Matter of:	) Case No.: 07-092	
3	State of New Hampshire Banking	) ) Order to Show Cause	
4	Department,	)	
5	Petitioner,	)	
6	and	)	
7	First Mortgage of America, Inc.,	)	
8	Respondent	)	
9		)	
10	NOTICE OF ORDER		
11	This Order commences an adjudicative proceeding under the provisions of		
12	RSA 397-A:17, RSA 541-A and BAN 200.		
13	LEGAL AUTHORITY	AND JURISDICTION	
14	Pursuant to RSA 397-A:17, the Ba	nking Department of the State of New	
15	Hampshire (hereinafter the "Department	") has the authority to issue an order	
	to show cause why license revocation p	enalties for violations of New	
16	Hampshire Banking laws should not be i	mposed.	
17	Pursuant to RSA 397-A:21, the Co	mmissioner has the authority to	
18	suspend, revoke or deny any license an	d to impose administrative penalties of	
19	up to \$2,500.00 for each violation of	New Hampshire banking law and rules.	
20	NOTICE OF RIGHT T	O REQUEST A HEARING	
21		he right to request a hearing on this	
22		ght to be represented by counsel at the	
23		gs shall comply with RSA 541-A. Any such	
24	request for a hearing shall be in writ		
25	the duly authorized agent of the above	-	
	delivered either by hand or certified	mail, return receipt requested, to the	

07-092 Public Documents Page 1 of 7

Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH 03301. Such hearings will be scheduled within 10 days of the request. If the Respondent fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against the Respondent upon consideration of the Order to Show Cause, the allegations of which may be deemed to be true. Respondents are entitled to at least 30 days' notice regarding the hearing date.

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

STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF

The <u>Staff Petition</u> dated April 26, 2007 (a copy of which is attached hereto) is incorporated by reference hereto.

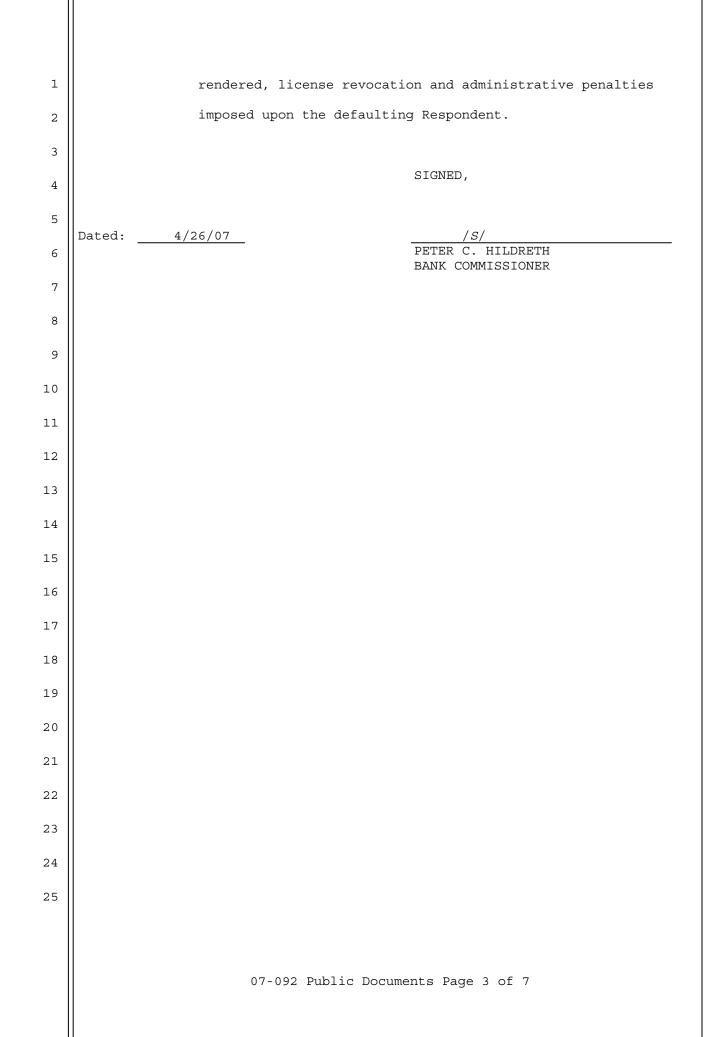
## ORDER

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

WHEREAS, finding that the allegations contained in the Staff Petition, if proved true and correct, form the legal basis of the relief requested, It is hereby ORDERED, that the Respondent shall show cause why:

- Administrative penalties of \$5,000.00 should not be imposed; and
- Respondents license should not be revoked; and
   Failure to request a hearing within 30 days of the date of
  - receipt of this Order shall result in a default judgment being

07-092 Public Documents Page 2 of 7



1	State of New Hampshire Banking Department	
2	In re the Matter of: ) Case No.: 07-092	
3	State of New Hampshire Banking ) Staff Petition	
4	Department, )	
5	Petitioner, ) April 26, 2007	
6	and )	
7	First Mortgage of America, Inc., )	
8	Respondent )	
9	,	
10	STATEMENT OF ALLEGATIONS	
11	I. The Staff of the Banking Department, State of New Hampshire	
12	(hereinafter referred to as the "Department) alleges the following	
13	facts:	
14	1. On or about August 7, 2006 the Department was scheduled to begin	
15	an examination of First Mortgage of America, Inc. (hereinafter	
16	"Respondent").	
17	2. Respondent was licensed as a Mortgage Banker and at all times	
18	relevant to this action held a Department license since at least	
19	2005.	
20	3. The Department sent a notice of an upcoming examination to the	
21	Respondent via US Certified Mail on July 5, 2006 (mail piece	
22	number: 7006 0100 0000 7310 6762). The Respondent received and	
23	signed for the mail piece on or about July 18, 2006.	
24	4. The Respondent failed to submit any loan files or other exam	
25	materials as requested in the notice.	

07-092 Public Documents Page 4 of 7

1	5. On August 28, 2006 the Department sent the Respondent via US	
2	Certified Mail a second letter (mail piece number: 7002 2030 0000	
3	9676 9968) referencing the first letter and requesting the	
4	information. The Respondent received and signed for the mail	
5	piece on or about September 1, 2006.	
6	6. On November 17, 2006 the Department sent a third and final notice	
7	to the Respondent via facsimile. The fax was transmitted	
8	successfully at 1:36 pm.	
9	7. To date, the Respondent has failed to provide any exam materials	
10	to the Department.	
11		
12	ISSUES OF LAW	
13	II. The staff of the Department, alleges the following issues of law:	
14	1. The Department realleges the above stated facts in paragraphs 1	
15	through 7.	
16	2. The Department has jurisdiction over the licensing and	
17	regulation of persons engaged in mortgage banker activities	
18	pursuant to NH RSA 397-A:3.	
19	3. Pursuant to New Hampshire Banking law, RSA 397-A:12 the	
20	Department may examine the business affairs of any licensee or	
21	any other person, whether licensed or not, as it deems necessary	
22	to determine compliance with this Chapter and the rules adopted	
23	pursuant to it and with the Consumer Credit Protection Act, as	
24	amended (15 U.S.C. 1601 et seq.). In determining compliance,	
25	the Department may examine the books, accounts, records, files,	
	and other documents or matters of any licensee or person. RSA	

07-092 Public Documents Page 5 of 7

397-A:12 further requires every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or his examiners, the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination. The Respondent violated this provision by failing to provide the examination materials as required in the First Day Letter.

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- 4. RSA 397-A:11 requires licensees to submit a list of loans within 7 days of the Department's request. That statute further requires requested files be provided to the Department within 14 days of the request. The Respondent failed to submit a list of loans within 7 days of request.
  - 5. RSA 397-A:17 II allows the Department to immediately suspend a license for 30 days pending the investigation of that licensee.
    6. RSA 397-A:21 IV provides that any person who, either knowingly or negligently, violates any provision of Chapter 397-A, may upon hearing, and in addition to any other penalty provided for by law, be subject to an administrative fine not to exceed \$2,500, or both. Each of the acts 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 Banking laws.

## RELIEF REQUESTED

07-092 Public Documents Page 6 of 7

1	III.	The staff of the Department requests the Commissioner take the
2		following Action:
3		1. Find as fact the allegations contained in section I of this
4		petition;
5		2. Make conclusions of law relative to the allegations contained
6		in section II of the this petition;
7		3. Assess fines and administrative penalties in accordance with
8		RSA 397-A:21, for violations of Chapter 397-A, in the number
9		and amount equal to the violations set forth in section II of
10		this petition; and
11		4. Take such other administrative and legal actions as necessary
12		for enforcement of the New Hampshire Banking Laws, the
13		protection of New Hampshire citizens, and to provide other
14		equitable relief.
15		RIGHT TO AMEND
16	IV.	The Department reserves the right to amend this Staff Petition and
17		to request that the Commissioner take additional administrative
18		action. Nothing herein shall preclude the Department from bringing
19		additional enforcement action under RSA 397-A or the regulations
20		thereunder.
21		
22	Respectfully submitted by:	
23		/ <i>S</i> / 4/26/07
24		Shepard Date Date
25		
		07-092 Public Documents Page 7 of 7
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