

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-156
)
 3 State of New Hampshire Banking) Order to Show Cause
)
 4 Department,)
)
 5 Petitioner,)
)
 6 and)
)
 7 Lyons Enterprises 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, BAN 200 and JUS 800.

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 penalties for violations of New
17 Hampshire Banking laws should not be imposed.

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

21 NOTICE OF RIGHT TO REQUEST A HEARING

22 The above named respondent has the right to request a hearing on this
23 Order to Show Cause, as well as the right to be represented by counsel at the
24 Respondent's own expense. All hearings shall comply with RSA 541-A. Any such
25 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
delivered either by hand or certified mail, return receipt requested, to the

1 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH
2 03301. Such hearings will be scheduled within 10 days of the request. If the
3 Respondent fails to appear at the hearing after being duly notified, such
4 person shall be deemed in default, and the proceeding may be determined against
5 the Respondent upon consideration of the Order to Show Cause, the allegations
6 of which may be deemed to be true.

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

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

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

16 **ORDER**

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

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

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

- 23 1. Administrative penalties of \$5,000.00 should not be imposed;
24 and
- 25 2. Statutory penalties of \$2,500.00 should not be imposed; and
3. Respondent's license should not be revoked; and

It is hereby ORDERED that:

4. Failure to request a hearing within 30 days of the date of
receipt of this Order shall result in a default judgment being

1 licensee's market area a notice of such effect. The Respondent
2 failed to provide proof of such a publication.

3 5. RSA 397-A:10-a II provides that failure to comply with RSA 379-
4 A:10-a I shall be cause for denial of future license
5 applications and the imposition of penalties under RSA 397-A:21.

6 6. 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 suspension or revocation of their license
10 or an administrative fine not to exceed \$2,500.00, or both.

11 Each of the acts specified shall constitute a separate
12 violation, and such administrative action or fine may be imposed
13 in addition to any criminal penalties or civil liabilities
14 imposed by New Hampshire 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

