1	State of New Hampshi	re Banking Department
2	In re the Matter of:	) Case No.: 07-160
3	State of New Hampshire Banking	) ) Order to Show Cause
4	Department,	
5	Petitioner,	)
6	and	)
7	Robert H. Scatamacchia,	)
8	Respondent	
9	;	)
10	NOTICE	OF ORDER
11		tive proceeding under the provisions of
12	RSA 397-A:17, RSA 541-A and BAN 200.	
13	LEGAL AUTHORITY	AND JURISDICTION
	Pursuant to RSA 397-A:17, the Ba	nking Department of the State of New
14	Hampshire (hereinafter the "Department"	") has the authority to issue an order
15	to show cause why license revocation p	enalties for violations of New
16	Hampshire Banking laws should not be in	mposed.
17	Pursuant to RSA 397-A:21, the Co	mmissioner has the authority to
18	suspend, revoke or deny any license and	d to impose administrative penalties of
19	up to \$2,500.00 for each violation of 1	New Hampshire banking law and rules.
20	NOTICE OF RIGHT TO	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 a	-
	activered eremer by hand of certified i	marr, recarm recerpt requested, to the
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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.

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.

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## STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF

The Staff Petition dated September 10, 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:

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

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:

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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		rendered, license revocation and administrative penalties
2		imposed upon the defaulting Respondent.
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4		SIGNED,
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6	Dated: <u>9/10/07</u>	/S/ PETER C. HILDRETH BANK COMMISSIONER
7		BANK COMMISSIONER
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		Order - 3

1	State of New Hampshire Banking Department
2	In re the Matter of: ) Case No.: 07-160
3	State of New Hampshire Banking ) Staff Petition
4	Department,
5	Petitioner, ) September 10, 2007
6	and )
7	Robert H. Scatamacchia,
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. Robert H. Scatamacchia (hereinafter "Respondent") is licensed as a
15	Mortgage Broker and at all times relevant to this action has held
16	a Department license since at least 1997.
17	2. The Respondent's fiscal year end was December 31, 2006 and the
18	financial statement was due on or before April 2, 2007.
19	3. On April 4, 2007 the Department sent the Respondent a letter
20	advising them that the financial statement had not been received
21	and they had begun to accrue a \$25.00 per day fine for late
22	submission of materials.
23	4. On April 25, 2007 the Department sent the Respondent a second
24	reminder letter regarding the accruing fine.
25	5. To date the Respondent has failed to file the financial statement.

1	6. The Respondent has a history on not submitting required paperwork
2	or paying invoices on time, to wit:
3	a. The Respondent was fined for late submission of a
4	financial statement in 2005. That fine was paid five
5	months late.
6	b. The Respondent was fined for late submission of an
7	annual report in 2004, 2005 and 2007. Each of those
8	invoices was paid late.
9	c. The Respondent paid his 2003 examination bill four
10	months after the sixty day statutory period had expired.
11	d. The Respondent paid his 2004 examination bill four
12	months after the sixty day statutory period had expired.
13	e. The Respondent paid his 2006 examination bill four
14	months after the sixty day statutory period had expired.
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16	ISSUES OF LAW
17	II. The staff of the Department, alleges the following issues of law:
18	1. The Department realleges the above stated facts in paragraphs 1
19	through 5.
20	2. The Department has jurisdiction over the licensing and
21	regulation of persons engaged in mortgage broker activities
22	pursuant to NH RSA 397-A:3.
23	3. RSA 397-A:13 II provides that a licensee shall file its
24	financial statement within 90 days from the date of its fiscal
25	year end. The Respondent violated this provision by failing to
	submit its financial statement.

1	4. RSA 397-A:13 IV provides that any mortgage broker which fails to
2	file its financial statement within the time prescribed may be
3	required to pay to the department a penalty of \$25.00 for each
4	calendar day the statement is overdue up to a maximum penalty of
5	\$2,500.00.
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 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
16 17	III. The staff of the Department requests the Commissioner take the following Action:
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17	following Action:
17 18	following Action: 1. Find as fact the allegations contained in section I of this
17 18 19	following Action: 1. Find as fact the allegations contained in section I of this petition;
17 18 19 20	<pre>following Action: 1. Find as fact the allegations contained in section I of this petition; 2. Make conclusions of law relative to the allegations contained</pre>
17 18 19 20 21	<pre>following Action: 1. Find as fact the allegations contained in section I of this petition; 2. Make conclusions of law relative to the allegations contained in section II of the this petition;</pre>
17 18 19 20 21 22	<pre>following Action: 1. Find as fact the allegations contained in section I of this petition; 2. Make conclusions of law relative to the allegations contained in section II of the this petition; 3. Order Respondent to Show Cause why its license should not be</pre>
17 18 19 20 21 22 23	<pre>following Action: 1. Find as fact the allegations contained in section I of this petition; 2. Make conclusions of law relative to the allegations contained in section II of the this petition; 3. Order Respondent to Show Cause why its license should not be revoked;</pre>

1	and amount equal to the violations set forth in section II of
2	this petition; and
3	5. Take such other administrative and legal actions as necessary
4	for enforcement of the New Hampshire Banking Laws, the
5	protection of New Hampshire citizens, and to provide other
6	equitable relief.
7	RIGHT TO AMEND
8	IV. The Department reserves the right to amend this Staff Petition and
9	to request that the Commissioner take additional administrative
10	action. Nothing herein shall preclude the Department from bringin
11	additional enforcement action under RSA 397-A or the regulations
12	thereunder.
13	Respectfully submitted by:
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15	/S/     9/10/07       James Shepard     Date
16	Staff Attorney
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