

1 State of New Hampshire Banking Department

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3 In re the Matter of:) Case No.: 07-181
)
 4 State of New Hampshire Banking) Notice of Hearing - Cease and Desist
) Order
 5 Department,)
)
 6 Petitioner,)
)
 7 and)
)
 8 Alwayslending LLC and Michael J.)
)
 9 Throneberry,)
)
 10 Respondents)

11
12 NOTICE OF HEARING

13 Pursuant to RSA 397-A:18 II, the Banking Department of the State of New
14 Hampshire (hereinafter the "Department") has the authority to issue and cause
15 to be served an order requiring any person engaged in any act or practice
16 constituting a violation of RSA 397-A or any rule or order thereunder, to
17 cease and desist from violations of RSA 397-A.

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

21 Pursuant to RSA 383:10-d, the Commissioner shall have exclusive
22 authority and jurisdiction to investigate conduct that is or may be an unfair
23 or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or
24 that may violate any of the provisions of Titles XXXV and XXXVI and
25 administrative rules adopted thereunder. The Commissioner may hold hearings

1 relative to such conduct and may order restitution for a person or persons
2 adversely affected by such conduct.

3 The Department issued the Respondent a Cease and Desist Order on July
4 30, 2007. A timely request for hearing was received in this matter. A
5 hearing was scheduled and a subsequent motion to continue was granted.

6 The Department alleges the following:

7 **Issue 1:** Unlicensed mortgage broker activity for which the Respondent
8 received compensation.

9 THEREFORE, IT IS ORDERED, that the Respondent appear before the New
10 Hampshire Banking Department on **October 18, 2007 at 10:00 am**, at the
11 Department's offices at 64B Old Suncook Road, Concord, New Hampshire, for the
12 purpose of participating in an adjudicative proceeding, at which time the
13 Respondent will have the opportunity to demonstrate why the cease and desist
14 order should not become permanent; and

15 IT IS FURTHER ORDERED, that any proposed exhibits shall be pre-marked,
16 for identification only, and filed with the Department and provided to the
17 opposing party **prior to October 16, 2007**. Hearing Counsel shall pre-mark the
18 Department's exhibits with Arabic numbers. The Respondents shall pre-mark
19 exhibits with capital letters. An index/list of exhibits providing a brief
20 description of each exhibit with its corresponding pre-marked number or
21 letter shall be filed by both parties simultaneous with the filing of
22 exhibits; and

23 IT IS FURTHER ORDERED, that the parties shall exchange a list of all
24 exhibits and witnesses to be called at the hearing with a brief summary **prior**
25 **to October 16, 2007**, and shall at the same time file a copy of their
26 respective lists with the Presiding Officer; and

IT IS FURTHER ORDERED, that all previous orders in this matter are to
remain in full force and effect.

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SO ORDERED,

_____/s/_____
Peter C. Hildreth
Commissioner
State of New Hampshire
Banking Department

9/11/07
Date