1 STATE of NEW HAMPSHIRE **BANKING DEPARTMENT** 2 53 Regional Drive, Suite 200 Concord, NH 03301 3 4 In re the Matter of: 5 State of New Hampshire Banking 6 Department, Case No.: 07-216 7 Complainant, 8 Order and 9 American Home Mortgage Corp., 10 Michael J. Strauss, Stephen A. Hozie, 11 Alan B. Horn, and 12 American Home Mortgage Holdings, Inc., 13 Respondent 14 15 16 Order 17 I. WHEREAS, the New Hampshire Supreme Court accepted an Appeal Pursuant to 18 Rule 10 filed by Respondent American Home Mortgage Corp., Respondent 19 American Home Mortgage Holdings, Inc., Respondent Michael J. Strauss, 20 Respondent Stephen A. Hozie, and Respondent Alan B. Horn (collectively, 21 "Respondents") regarding this matter (NH Sup Ct. Case No. 2008-0352); 22 II. WHEREAS, Respondents and the State of New Hampshire Banking Department 23 ("Department") executed a Stipulation of Settlement; 24 25

- III. WHEREAS, the New Hampshire Supreme Court granted the joint request of the parties for a voluntary remand to the Department for the limited purpose of effectuating the terms of the stipulation;
- IV. WHEREAS, one of the terms of the stipulation was for the Department to issue an Order upon certain conditions being met, namely the payment of \$5,000 to the Department for two (2) violations of RSA 397-A:14-b in connection with the two (2) instances of failure to fund loans at closing and for the payment of restitution to the consumers harmed in those instances; and
- V. WHEREAS, said conditions have been met.
- V. Now, therefore, be it **ORDERED** that:
 - All findings made against Respondent Michael J. Strauss, Respondent Stephen A. Hozie and Respondent Alan B. Horn, in the March 5, 2008, Adjudicative Decision: Order to Pay Fine and for Revocation of License as Result of Violation of RSA 387-A:14-b ("Order") and in the August 2, 2007, Cease and Desist Order ("Cease and Desist") are dismissed;
 - The Department will not use the Order or the Cease and Desist as a basis to object to Respondent Stephen A. Hozie's acting as an officer for American Home Mortgage Servicing, Inc.; and
 - 3. The Department will not use the Order or the Cease and Desist as the basis to deny any future applications made to the Department by Respondent Stephen A. Hozie, Respondent Michael J. Strauss, or Respondent Alan B. Horn for licensing in the mortgage banking business.

This Order does not apply to facts not known by the Department or not otherwise provided by Respondents to the Department as of the date of this Order nor to actions for restitution under RSA 383:10-d, or any possible actions related to an examination. Such facts would include, but not be limited to, any consumer harm from the actions of Respondents. The Department expressly reserves its right to pursue any administrative, civil or criminal action or remedy

available to it should Respondents (1) in the future violate any applicable law, rules, regulations or orders promulgated by the Department; and/or (2) has committed past violations not addressed by this Order. SO ORDERED, Entered this 9th day of April, 2009. Peter C. Hildreth, **Bank Commissioner**