

1 State of New Hampshire Banking Department

2

3 In re the Matter of: ) Case No.: 07-314  
 )  
 4 State of New Hampshire Banking ) Notice of Hearing - Order to Show  
 ) Cause  
 5 Department, )  
 )  
 6 Petitioner, )  
 )  
 7 and )  
 )  
 8 Mortgage Results Corporation and )  
 )  
 9 Craig A. Good, )  
 )  
 10 Respondents )

---

11  
12 NOTICE OF HEARING

13 Pursuant to RSA 397-A:17, the Banking 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 penalties for violations of New Hampshire  
16 Banking laws should not be imposed.

17 Pursuant to RSA 397-A:17, the Banking Department of the State of New  
18 Hampshire (hereinafter the "Department") has the authority to issue an order  
19 to show cause why license revocation penalties for violations of New Hampshire  
20 Banking laws should not be imposed.

21 Pursuant to RSA 397-A:21, the Commissioner has the authority to suspend,  
22 revoke or deny any license and to impose administrative penalties of up to  
23 \$2,500.00 for each violation of New Hampshire banking law and rules.

24 Pursuant to RSA 397-A:12, persons being examined shall facilitate the  
25 examination.

The Department issued the Respondents an Order to Show Cause on December  
4, 2007. Respondents filed a timely request for hearing.

1 The Department alleges the following:

2 **Issue 1: Failure to facilitate an examination (RSA 397-A:12).**

3 Accordingly, an adjudicative proceeding shall be commenced pursuant to  
4 541-A:31 and Chapter 200 of the Department's rules (NH Code of Administrative  
5 Rules BAN 200) and Chapter 800 of the Department of Justice's rules (NH Code  
6 of Administrative Rules JUS 800) as applicable for the purpose of permitting  
7 the Respondents to show compliance with RSA 397-A and the Rules adopted  
8 thereunder.

9 Each party has the right to have an attorney present to represent the  
10 party at the party's expense, or may represent itself. Each party has the  
11 right to have the Department provide a certified shorthand court reporter at  
12 the requesting party's expense. Any such request must be submitted in writing  
13 to the Department at least 5 days prior to a scheduled hearing date.

14 THEREFORE, IT IS ORDERED, that the Respondents appear before the New  
15 Hampshire Banking Department on **January 14, 2008 at 1:00 pm**, at the  
16 Department's offices at 64B Old Suncook Road, Concord, New Hampshire, for the  
17 purpose of participating in an adjudicative proceeding, at which time the  
18 Respondents will have the opportunity to demonstrate why the relief sought in  
19 the show cause order should not become permanent; and

20 IT IS FURTHER ORDERED, that James Shepard, Staff Attorney, New Hampshire  
21 Banking Department, is designated as Hearing Counsel in this matter with  
22 authority to represent the public interest within the scope of the  
23 Department's authority. Hearing Counsel shall have the status of a party to  
24 this proceeding; and

25 IT IS FURTHER ORDERED, that the Commissioner designates Maryam Torben-  
Desfosses to serve as the Presiding Officer in this proceeding who shall issue  
a RECOMMENDED DECISION in this matter which shall be reviewed and approved,  
disapproved or modified by the Bank Commissioner; and

1 IT IS FURTHER ORDERED, that any proposed exhibits shall be pre-marked,  
2 for identification only, and filed with the Department and provided to the  
3 opposing party **on or before January 9, 2008**. Hearing Counsel shall pre-mark  
4 the Department's exhibits with Arabic numbers. **The Respondents shall pre-mark**  
5 **exhibits with capital letters**. An index/list of exhibits providing a brief  
6 description of each exhibit with its corresponding pre-marked number or letter  
7 shall be filed by both parties simultaneous with the filing of exhibits; and

8 IT IS FURTHER ORDERED, that the parties shall exchange a list of all  
9 exhibits and witnesses to be called at the hearing with a brief summary at the  
10 hearing, and shall at the same time file a copy of their respective lists with  
11 the Presiding Officer; and

12 IT IS FURTHER ORDERED, that all periods referenced in this notice shall  
13 be calendar days. If the last day of the period so computed falls on a  
14 Saturday, Sunday, or legal holiday, then the time period shall be extended to  
15 include the first business day that is not a Saturday, Sunday, or legal  
16 holiday; and

17 IT IS FURTHER ORDERED, that the Department shall have the burden of  
18 setting forth a *prima facie* case, then the Respondents shall have the burden  
19 of showing compliance with applicable law by a preponderance of the evidence;

20 IT IS FURTHER ORDERED, that Respondents' failure to appear at the time,  
21 date, and place specified may result in the hearing being held *in absentia*  
22 and/or default ruling in favor of the Department, without further notice or  
23 opportunity to be heard; and

24 IT IS FURTHER ORDERED, that all documents shall be filed with the  
25 Presiding Officer in the form of an original and one (1) copy and shall bear a  
certification that a copy is being delivered to Hearing Counsel and any other  
parties to this matter in accordance with NH Code of Administrative Rules Ban  
204.08. All documents shall be filed by mailing or delivering them to the New  
Hampshire Banking Department, ATTN: Presiding Officer 07-314, 64B Old Suncook

