1	State of New Hampshire Banking Department			
2	In re the Matter of:) Case No.: 08-053			
3) State of New Hampshire Banking) Order to Show Cause			
4	Department,)			
5) Petitioner,)			
6	and)			
7) Civic Mortgage Group 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			
	to show cause why license revocation penalties for violations of New			
16	Hampshire Banking laws should not be imposed.			
17	Pursuant to RSA 397-A:21, the Commissioner has the authority to			
18	suspend, revoke or deny any license and to impose administrative penalties of			
19	up to \$2,500.00 for each violation of New Hampshire banking law and rules.			
20	NOTICE OF RIGHT TO REQUEST A HEARING			
21	The above named respondent has the right to request a hearing on this			
22	Order to Show Cause, as well as the right to be represented by counsel at			
23	each Respondent's own expense. All hearings shall comply with RSA 541-A. Any			
	such request for a hearing shall be in writing, and signed by the respondent			
24	or the duly authorized agent of the above named respondent, and shall be			
25	delivered either by hand or certified mail, return receipt requested, to the			

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 <u>Staff Petition</u> dated April 4, 2008 (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:

- Administrative penalties of \$2,500.00 should not be imposed against the Respondent; and
 - Invoice number 4075 in the amount of \$3,900.00 should not be paid; and
- 3. Additional fees of \$8.00 and \$25.00 for the handling of the returned check should not be paid; and

4. Respondent's license should not be revoked; and

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3	It is hereby ORDERED that:		
4	5. Failure to request a hearing within 30 days of the date of		
5	receipt of this Order shall result in a default judgment being		
6	rendered, license revocation and administrative penalties		
7	imposed upon the defaulting Respondent.		
8	SIGNED,		
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10	Dated: <u>4/4/08</u> PETER C. HILDRETH BANK COMMISSIONER		
11	BANK COMMISSIONER		
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	Order - 3		

1		State of New Hampsh	nire Banking Department
2	In re the	Matter of:) Case No.: 08-053
3	State of N	New Hampshire Banking)) Staff Petition
4	Department	,)
5		Petitioner,)) April 4, 2008
6	and)
7	Civic Mort	gage Group Inc.,)
8		Respondent)
9			
10		STATEMENT	OF ALLEGATIONS
11	The Staff	of the Banking Department,	State of New Hampshire (hereinafter
12	referred t	to as the "Department) alleg	es the following facts:
13	1.	On or about March 6, 200	7, the Department began conducting an
14		examination of Civic	Mortgage Group Inc. (hereinafter
15		"Respondent").	
16	2.	Respondent is or was lice	ensed as a Mortgage Banker and at all
17		times relevant to this act	ion has held a Department license since
18		at least 2006.	
19	3.	The Department sent the Re	eport of Examination and invoice number
20		4075 in the amount of	\$3,900.00 to the Respondent via US
21		Certified Mail on November	r 8, 2007 (mail piece number 7006 3450
22		0000 0612 1872). The Re	espondent received and signed for the
23		notice on or about Novembe:	r 13, 2007.
24	4.	On or about December 12	, 2007 the Department received check
25		number 7873 in the amount of	of \$3,900.00 from the Respondent.
	5.	Subsequently to cashing t	he check, the Department was notified

that the check was returned for insufficient funds. 1 6. The Department sent the Respondent a letter via US Mail on 2 January 8, 2008 advising them that they must submit a certified 3 4 check for the outstanding invoice, plus an additional \$33.00 in fees and penalties for the returned check. 5 To date the Respondent has failed to pay the outstanding invoice. 7. 6 7 8 ISSUES OF LAW The staff of the Department, alleges the following issues of law: 9 1. The Department realleges the above stated facts in paragraphs 1 10 through 7. 11 2. The Department has jurisdiction over the licensing 12 and 13 regulation of persons engaged in mortgage broker activities pursuant to NH RSA 397-A:3. 14 the 15 3. Pursuant to New Hampshire Banking law, RSA 397-A:12 Department may examine the business affairs of any licensee or 16 17 any other person, whether licensed or not, as it deems necessary 18 to determine compliance with this Chapter and the rules adopted pursuant to it and with the Consumer Credit Protection Act, as 19 20 amended (15 U.S.C. 1601 et seq.). 4. RSA 397-A:12 V provides that the expense of such examination 21 shall be chargeable to and paid by the licensee pursuant to the 22 provisions of RSA 383:11. 23 5. RSA 383:11 III provides that payments shall be made within 60 24 25 days of receipt of the notice thereof. The Respondent violated this provision by failing to pay the invoice.

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6. RSA 397-A:21 IV provides that any person who, either knowingly 1 or negligently, violates any provision of Chapter 397-A, may 2 upon hearing, and in addition to any other penalty provided for 3 4 by law, be subject to an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a 5 separate violation, and such administrative action or fine may 6 7 be imposed in addition to any criminal penalties or civil liabilities imposed by New Hampshire Banking laws. 8 9 10 RELIEF REQUESTED The staff of the Department requests the Commissioner take the following 11 Action: 12 13 1. Find as fact the allegations contained in section I of this petition; 2. Make conclusions of law relative to the allegations contained in 14 15 section II of the this petition; 3. Order the Respondent to Show Cause why its license should not be 16 17 revoked; 18 4. Assess fines and administrative penalties in accordance with RSA 397-A:21, for violations of Chapter 397-A, in the number and amount equal 19 20 to the violations set forth in section II of this petition; and 5. Take such other administrative and legal actions as necessary for 21 22 enforcement of the New Hampshire Banking Laws, the protection of New Hampshire citizens, and to provide other equitable relief. 23 RIGHT TO AMEND 24 25 The Department reserves the right to amend this Staff Petition and to request that the Commissioner take additional administrative action.

1	Nothing herein shall preclude the Department from bringing additional
2	enforcement action under RSA 397-A or the regulations thereunder.
3	Respectfully submitted by:
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5	/S/ 4/4/08 James Shepard Date
6	Staff Attorney
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