1	State of New Hampshir	e Banking Department
2	In re the Matter of:	)Case No.: 08-116
3	State of New Hampshire Banking	)
4	Department,	) )Order to Show Cause
5	Petitioner,	)
6	and	) )Motion to Dismiss Remaining
7	Montgomery Mortgage Capital	)Administrative Fines and Penalties )and Strike Default Judgment
8	Corporation, Alex E. Gemici, and Paul	)
9	F. Loiacono,	)
10	Respondents	)
11	MOTION TO DISMISS REMAINING ADM	) INISTRATIVE FINES AND PENALTIES
12	AND STRIKE DEF	AULT JUDGMENT
13	Now comes Maryam Torben Desfosses, or	
14	captioned case, and moves to dismiss th	
15	Show Cause ("Order") and strike the	
16	matter and states as follows:	Deraute Sudgmente ( Deraute / In Chils
		a of the Orden on the choice newed
17		e of the Order on the above named
18		U.S. Certified Mail Return Receipt
19	requested on or about June 9,	2009. The Order was returned as
20	"other."	
21	2. The Commissioner accepted service	of the Order on June 23, 2009.
22	3. A Default Judgment was issued on	November 2, 2009.
23	4. Since the advent of the Order and	d Default, the above named Respondents
24	have paid the outstanding invoic	e for examination, which served as an
25	underlying allegation of the Orde	r.

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1	5. Since the advent of the Order and Default, the above named Respondents
2	have agreed to pay \$1,650.00 for failing to file expanded examination
3	materials, which served as an underlying allegation of the Order.
4	6. A Motion to Dismiss the Remaining Fines and Penalties and Strike the
5	Default Judgment was filed by Respondents.
6	7. Based on the above factors and as a sign of good faith and
7	administrative efficiency, the Petitioner now wishes to dismiss the
8	remaining balance of \$25,500.00 for failing to file expanded
9	examination materials.
10	8. Based on the above factors and as a sign of good faith and
11	administrative efficiency, the Petitioner now wishes to dismiss the
12	penalties within the Staff Petition that initiated the Order.
13	9. Based on the above factors and as a sign of good faith and
14	administrative efficiency, the Petitioner now wishes to strike the
15	Default Judgment.
16	WHEREFORE, Petitioner respectfully prays
17	A. The Commissioner dismiss the remaining administrative fines balance in
18	the Order to Show Cause in this case;
19	B. The Commissioner dismiss the remaining penalties in the Order to Show
20	Cause in this case;
21	C. The Commissioner strike the Default Judgment in this case; and
22	D. Grant such further relief as is just and in the public interest.
23	Respectfully submitted by:
24	/s/ 01/14/10
25	Maryam Torben Desfosses Date   Hearings Examiner Date

1	ORDER
2	
3	Finding it in the public interest, the requested relief is hereby <b>GRANTED</b> . The remaining administrative fines and penalties in the Order to Show Cause in
4	08-122 are hereby <b>DISMISSED</b> and the Default Judgment in 08-122 is hereby
5	STRICKEN this <u>15th</u> day of <u>January</u> , 2010.
6	/s/
7	PETER C. HILDRETH BANK COMMISSIONER
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