

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-328
)
 3 State of New Hampshire Banking)
)
 4 Department,) Order to Show Cause
)
 5 Petitioner,)
)
 6 and) Motion to Dismiss
)
 7 eHomeCredit Corp (d/b/a FHB Funding and)
)
 8 d/b/a Fundamental Home Borrowing),)
)
 9 Michael J. Bode, and Philip E.)
)
 10 Zegarelli,)
)
 11 Respondents)
)

12
13 MOTION TO DISMISS

14 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above
15 captioned case, and moves to dismiss the penalties in the Order to Show Cause
16 ("Order") in this matter and states as follows:

17 1. The Department attempted service of the Order on the above named
18 Respondents in this matter via U.S. Certified Mail Return Receipt
19 requested on or about January 15, 2009. The Order was returned as
20 "unclaimed." However, the Department was notified by Respondent
21 Philip E. Zegarelli, who paid the examination fee and late filing of
22 examination materials on behalf of the Respondents.

23 2. Since the advent of the Order, the outstanding invoice for examination
24 and late filing of examination materials have been paid, which served
25 as the underlying allegations of the Order.

1 3. Based on the above factors and as a sign of good faith and
2 administrative efficiency, the Petitioner now wishes to dismiss the
3 penalties within the Staff Petition that initiated the Order.
4

5 WHEREFORE, Petitioner respectfully prays

6 A. The Commissioner dismiss the penalties in the Order to Show Cause in
7 this case; and

8 B. Grant such further relief as is just and in the public interest.
9

10 Respectfully submitted by:

11
12 _____/s/
13 Maryam Torben Desfosses
14 Hearings Examiner

04/01/09
 Date

15
16 ORDER

17 Finding it in the public interest, the requested relief is hereby **GRANTED**.
18 The penalties in the Order to Show Cause in 08-328 are hereby **DISMISSED** this
19 1st day of April, 2009.
20

21 _____/s/
22 PETER C. HILDRETH
23 BANK COMMISSIONER
24
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