

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 08-357  
) )  
3 State of New Hampshire Banking )  
) )  
4 Department, ) Order to Show Cause  
) )  
5 Petitioner, ) and  
) )  
6 and ) Cease and Desist Order  
) )  
7 Intercontinental Capital Group, Inc., )  
) )  
8 and Richard Steinberg, )  
) )  
9 Respondents

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11 NOTICE OF ORDER

12 This Order commences an adjudicative proceeding under the provisions of  
13 RSA 397-A:18, RSA 541-A, BAN 200 and JUS 800.

14 LEGAL AUTHORITY AND JURISDICTION

15 Pursuant to RSA 397-A:18, the Banking Department of the State of New  
16 Hampshire (hereinafter the "Department") has the authority to issue a  
17 complaint setting forth charges whenever the Department is of the opinion  
18 that the licensee or person over whom the Department has jurisdiction is  
19 violating or has violated any provision of RSA Chapter 397-A, rule or order  
thereunder.

20 Pursuant to RSA 397-A:18 II, the Banking Department of the State of New  
21 Hampshire (hereinafter the "Department") has the authority to issue and cause  
22 to be served an order requiring any person engaged in any act or practice  
23 constituting a violation of RSA 397-A or any rule or order thereunder, to  
24 cease and desist from violations of RSA 397-A.  
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1 Pursuant to RSA 397-A:20, the Commissioner may issue, amend, or rescind  
2 such orders as are reasonably necessary to comply with the provisions of the  
3 Chapter.

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

7 **NOTICE OF RIGHT TO REQUEST A HEARING**

8 The above named Respondents have the right to request a hearing on this  
9 Order to Show Cause and Cease and Desist Order, as well as the right to be  
10 represented by counsel at each Respondent's own expense. All hearings shall  
11 comply with RSA 541-A. Any such request for a hearing shall be in writing, and  
12 signed by the Respondent or the duly authorized agent of the above named  
13 Respondent, and shall be delivered either by hand or certified mail, return  
14 receipt requested, to the Banking Department, State of New Hampshire, 53  
15 Regional Drive, Suite 200, Concord, NH 03301. Such hearings will be scheduled  
16 within 10 days of the request. If the Respondent fails to appear at the  
17 hearing after being duly notified, such person shall be deemed in default, and  
18 the proceeding may be determined against the Respondents upon consideration of  
19 the Order to Show Cause and Cease and Desist Order, the allegations of which  
20 may be deemed to be true.

21 If any of the above named Respondents fails to request a hearing within  
22 30 calendar days of receipt of such order or reach formal settlement with the  
23 Department within that time frame, then such person shall likewise be deemed in  
24 default, and the orders shall, on the thirty-first day, become permanent, and  
25 shall remain in full force and effect until and unless later modified or  
vacated by the commissioner, for good cause shown.

**STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

The Staff Petition dated August 18, 2008 (a copy of which is attached  
hereto) is incorporated by reference hereto.



1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 08-357  
) )  
3 State of New Hampshire Banking ) Staff Petition  
) )  
4 Department, ) )  
) )  
5 Petitioner, ) August 18, 2008  
) )  
6 and ) )  
) )  
7 Intercontinental Capital Group, Inc., ) )  
) )  
8 and Richard Steinberg, ) )  
) )  
9 Respondents

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11 I. STATEMENT OF ALLEGATIONS

12 The Staff of the Banking Department, State of New Hampshire (hereinafter  
13 "Department") alleges the following facts:

- 14 1. On or about December 31, 2007, Respondent Intercontinental  
15 Capital Group, Inc. (hereinafter "Respondent ICG") allowed its  
16 license to expire.
- 17 2. Respondent ICG's annual report was due at the New Hampshire  
18 Banking Department (hereinafter "Department") on or before  
19 February 1, 2008.
- 20 3. The Department received the annual report on February 21, 2008,  
21 generating a fine of \$25 a day, for a total of \$500.
- 22 4. The Department sent three invoices: March 2008, May 2008 and June  
23 24, 2008 and received no payment.
- 24 5. On July 8, 2008, an additional letter from the Department's  
25 Licensing Supervisor was sent regarding this penalty, with no  
response from either Respondent.



- 1           3. RSA 397-A:13, I-a provides that a person who surrenders,  
2           withdraws, or does not renew a license shall file the annual  
3           report as required in paragraph 1 of RSA 397-A:13,  
4           notwithstanding the fact that he or she is not licensed on the  
5           date that the report is due.
- 6           4. RSA 397-A:13, IV provides that any mortgage banker or broker  
7           failing to file the annual report within the time prescribed may  
8           be required to pay to the Department a penalty of \$25.00 per  
9           calendar day for each day the annual report is overdue, for a  
10          maximum of \$2,500.00.
- 11          5. RSA 397-A:18, I provides that the Department may issue a complaint  
12          setting forth charges whenever the Department is of the opinion  
13          that the licensee or person over whom the Department has  
14          jurisdiction, has violated any provision of RSA 397-A or orders  
15          thereunder.
- 16          6. RSA 397-A:21 IV provides that any person who, either knowingly or  
17          negligently, violates any provision of Chapter 397-A, may upon  
18          hearing, and in addition to any other penalty provided for by  
19          law, be subject to an administrative fine not to exceed \$2,500,  
20          or both. Each of the acts specified shall constitute a separate  
21          violation, and such administrative action or fine may be imposed  
22          in addition to any criminal penalties or civil liabilities  
23          imposed by New Hampshire Banking laws.
- 24          7. RSA 397-A:21 V provides that every person who directly or  
25          indirectly controls a person liable under this section, every  
        partner, principal executive officer or director of such person,

1 every person occupying a similar status or performing a similar  
2 function, every employee of such person who materially aids in the  
3 act constituting the violation, and every licensee or person  
4 acting as a common law agent who materially aids in the acts  
5 constituting the violation, either knowingly or negligently, may,  
6 upon notice and opportunity for hearing, and in addition to any  
7 other penalty provided for by law, be subject to suspension,  
8 revocation, or denial of any registration or license, including  
9 the forfeiture of any application fee, or the imposition of an  
10 administrative fine not to exceed \$2,500, or both. Each of the  
11 acts specified shall constitute a separate violation, and such  
12 administrative action or fine may be imposed in addition to any  
13 criminal or civil penalties imposed.

14 **RELIEF REQUESTED**

15 The staff of the Department requests the Commissioner take the following

16 Action:

- 17 1. Find as fact the allegations contained in section I of this Staff  
18 Petition;
- 19 2. Make conclusions of law relative to the allegations contained in  
20 section II of the this petition;
- 21 3. Pursuant to RSA 397-A:18, order Respondents to immediately Cease and  
22 Desist from violations of this chapter;
- 23 4. Assess fines and administrative penalties in accordance with RSA 397-  
24 A:21, for violations of Chapter 397-A, in the number and amount equal  
25 to the violations set forth in section II of this Staff Petition; and
5. Take such other administrative and legal actions as necessary for

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enforcement of the New Hampshire Banking Laws, the protection of New Hampshire citizens, and to provide other equitable relief.

**RIGHT TO AMEND**

The Department reserves the right to amend this Staff Petition and to request that the Commissioner take additional administrative action. Nothing herein shall preclude the Department from bringing additional enforcement action under RSA 397-A or the regulations thereunder.

Respectfully submitted by:

                  / S /                    
Maryam Torben Desfosses  
Staff Attorney

  August 18, 2008    
Date