STATE OF NEW HAMPSHIRE Banking Department 53 Regional Drive, Suite 200 Concord NH 03301

In the Matter of:

Docket No. 08-366

Post Road Funding Inc, Ward W. Weizel, and Paul T. Hatidani, (the "Respondents")

## OBJECTION TO MOTION TO CONTINUE BY RESPONDENT WARD W. WEIZEL ONLY

Hearing Counsel for the NH Banking Department objects to Respondent Ward W. Weizel's ("Respondent") Motion to Continue the October 7, 2008 adjudicative hearing at the New Hampshire Banking Department, located at 53 Regional Drive, Suite 200, Concord, NH 03301, and in support thereof states:

Respondent's Motion should be denied.

1. Respondent Post Road Funding is listed as an active licensee with the Department (absent the immediate suspension) and has been operating without a surety bond since February 17, 2008.

2. A surety bond provides New Hampshire consumers with a mechanism to protect their interests.

3. The initial hearing was to take place on September 5, 2008 but based on requests by all Respondents mentioned in this case and as a sign of good faith, the New Hampshire Banking Department's Hearing Counsel agreed to continue the matter for 30 days.

4. However, Respondent has had over 30 days to obtain counsel, even after several recommendations by the Petitioner to obtain counsel and have just obtained counsel on Friday, October 3, 2008 in the late afternoon.

5. Further, Respondent failed to file with the New Hampshire Banking Department, and that were the subject of many of the allegations in this matter, those financial documents, examination fees still outstanding or the proper surrender documentation.

Therefore, Respondent has failed to show any good faith but rather is engaging in delay tactics.

5. The Petitioner has done its due diligence and showed good faith on multiple occasions but cannot assent to a Motion to Continue for 60 days, or otherwise, out of concern for New Hampshire consumers.

6. As to Respondent Weizel specifically, he is listed as a 10% owner, which makes him a principal. The New Hampshire Banking Department is only required to give notice to the address listed with the Department and we sent to multiple addresses as a sign of due diligence.

7. Respondent Weizel is an attorney and also knew via Respondent Hatidani of an action against him.

8. Since Respondent Weizel is an attorney, he is subject to a higher duty and should have contacted the Department.

9. Respondent Weizel submitted his formal request to continue; therefore, implying his receipt of the underlying order and his knowledge thereof.

10. Whether in conversations with the other principal of Respondent Post Road Funding or by direct request to New Hampshire Banking Department, Respondent Weizel had ample opportunity and more than a reasonable amount of time to obtain counsel or prepare his own defense.

WHEREFORE, the Petitioner prays:

- A. Respondent's Motion be denied;
- B. The hearing for October 6, 2008, shall not be continued and shall proceed as scheduled;
- C. And for such other and further relief the Presiding Officer deems equitable and just.

Respectfully submitted,

/s/

<u>10/06/08</u> Date

Maryam Torben Desfosses, Hearing Counsel

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## SO ORDERED

Date: 10/06/08

/s/ Todd Wells Presiding Officer

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