

1 State of New Hampshire Banking Department

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3 In re the Matter of: )Case No.: 08-BD-006  
 )  
 4 State of New Hampshire Banking )  
 )  
 5 Department, )Motion to Vacate  
 )  
 6 Petitioner, )  
 )  
 7 and )Motion To Vacate Only as to  
 )Respondents Kenneth Michael and  
 )Catherine Michael  
 8 "328 Milton Street, Cincinnati, Ohio )  
 )  
 9 45202-0926", Clarissa A. Kin, Brent E. )  
 )  
 10 Niese, Kenneth Michael, Catherine )  
 )  
 11 Michael, DOES INDIVIDUALS 1-100, and )  
 )  
 12 DOES COMPANIES 1-100, )  
 )  
 13 Respondents )

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14  
15 NOTICE OF CEASE AND DESIST ORDER

16 Now comes Maryam Torben Desfosses, Petitioner in the above captioned cause  
17 and moves to vacate the Cease and Desist Order in this matter and for cause  
18 states as follows:

- 19 1. Respondents "328 Milton Street, Cincinnati, Ohio 45202-0926,  
 20 Clarissa A. Kin, Brent E. Niese, Kenneth Michael, Catherine Michael,  
 21 DOES INDIVIDUALS 1-100, and DOES COMPANIES 1-100 were properly  
 22 served on or about September 2, 2008.
- 23 2. On September 12, 2008, Respondents Kenneth Michael and Catherine  
 24 Michael contacted the department to inform the department that they  
 25 are not affiliated with Respondents' "328 Milton Street, Cincinnati,

1 Ohio 45202-0926", Clarissa A. Kin, Brent E. Niese, DOES INDIVIDUALS  
2 1-100, and DOES COMPANIES 1-100.

3 3. Respondents Kenneth Michael and Catherine Michael are not affiliated  
4 with Respondents "328 Milton Street, Cincinnati, Ohio 45202-0926",  
5 Clarissa A. Kin, Brent E. Niese, DOES INDIVIDUALS 1-100, and DOES  
6 COMPANIES 1-100.

7 4. Therefore, the Department's receipt of this additional information  
8 has rendered Respondents Kenneth Michael and Catherine Michael  
9 liability in this matter moot since they are not affiliated with the  
10 company, "328 Milton Street, Cincinnati, Ohio 45202-0926", Clarissa  
11 A. Kin, Brent E. Niese, DOES INDIVIDUALS 1-100, and DOES COMPANIES  
12 1-100.

13 5. Based on the above factors, the Petitioner now wishes to withdraw  
14 the Staff Petition, only as to Respondents Kenneth Michael and  
15 Catherine Michael, that initiated the Cease and Desist Order against  
16 Respondents "328 Milton Street, Cincinnati, Ohio 45202-0926",  
17 Clarissa A. Kin, Brent E. Niese, Kenneth Michael, Catherine Michael,  
18 DOES INDIVIDUALS 1-100, and DOES COMPANIES 1-100.

19 6. All other Respondents are heretofore still named Respondents and the  
20 Cease and Desist Order is still valid as to those named Respondents.

21  
22 Wherefore, Petitioner respectfully prays:

23 A. The Commissioner vacate the Cease and Desist Order only as to  
24 Respondents Kenneth Michael and Catherine Michael in this matter;  
25 and

1           B. Grant such other relief as is just and in the public interest.

2  
3 Respectfully submitted by:

4                     /S/            
Maryam Torben Desfosses

9/16/08  
Date

5  
6  
7   ORDER

8 Finding it in the public interest, the requested relief is hereby **GRANTED**.  
9 The Cease and Desist Order in 08-BD-004 as to Respondent Domains by Proxy  
only is hereby **VACATED** this 16<sup>th</sup> day of September, 2008.

10   /S/            
11 Peter C. Hildreth  
Bank Commissioner