

1 State of New Hampshire Banking Department

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3 In re the Matter of: ) Case No.: 08-BD-009  
 )  
 4 State of New Hampshire Banking )  
 )  
 5 Department, )  
 )  
 6 Petitioner, ) Cease and Desist Order  
 )  
 7 and )  
 )  
 8 Globe Life Insurance Company (d/b/a )  
 )  
 9 Globe Life, d/b/a Globe Life and )  
 )  
 10 Accident Insurance Company, d/b/a Globe )  
 )  
 11 Life Center, and d/b/a Home Mortgage )  
 )  
 12 Group), )  
 )  
 13 Respondent )  
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15 **NOTICE OF CEASE AND DESIST ORDER**

16 This Cease and Desist Order (hereinafter "Order") commences an  
17 adjudicative proceeding under the provisions of RSA 384:12-a, RSA 384:67 and  
18 RSA 384:68 in conformity with RSA 541-A:31 through RSA 541-A:36.

19 **LEGAL AUTHORITY AND JURISDICTION**

20 Pursuant to RSA 383:9 ("Duties"), banks shall be under the control and  
21 supervision of the Bank Commissioner (hereinafter "the Commissioner"). Many  
22 of the powers now vested in the Commissioner are listed in RSA Chapter 384,  
23 entitled "General Provisions As To Savings Banks, Trust Companies, And  
24 Depositories".

25 Pursuant to RSA 384:12-a ("Cease and Desist Order"), IV, if, in the  
opinion of the Commissioner, an individual or business entity is engaging in  
or has engaged in any act or conduct in violation of RSA 384:67, the

1 Commissioner may issue and serve an order upon the individual or business  
2 entity requiring the individual or business entity to cease and desist from  
3 such act or conduct.

4 Pursuant to RSA 384:68 ("Enforcement"), the Commissioner may issue a  
5 cease and desist order, as provided in RSA 384:12-a, IV, against any  
6 individual or business entity which engages in any act or conduct in  
7 violation of RSA 384:67 involving a financial institution under the  
8 jurisdiction of the Commissioner and may bring legal action to enforce the  
9 order.

10 Pursuant to RSA 383:10-d ("Consumer Complaints and Restitution"), the  
11 Commissioner shall have exclusive authority and jurisdiction to investigate  
12 conduct that is or may be an unfair or deceptive act or practice that may  
13 violate any of the provisions of Titles XXXV and XXXVI and administrative  
14 rules adopted thereunder. The Commissioner may hold hearings relative to  
15 such conduct and may order restitution for a person or persons adversely  
16 affected by such conduct.

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

18 The above named Respondent has, or any interested party has, the right  
19 to petition for a hearing on this Cease and Desist Order (hereinafter  
20 "Order"), as well as the right to be represented by counsel. If the above  
21 named Respondent to whom this Order is issued, or any interested party, fails  
22 to request a hearing within 30 calendar days of receipt of such Order, then  
23 such person shall be deemed in default, and the Order shall, on the thirty-  
24 first day, become permanent and shall remain in full force and effect until and  
25 unless later modified or vacated by the Commissioner, for good cause shown.  
Any such request for a hearing shall be in writing, signed by the Respondent  
or by the duly authorized agent of the above named Respondent, and shall be  
delivered either by hand or certified mail, return receipt request, to the

1 Banking Department, State of New Hampshire, 53 Regional Drive, Suite 200,  
2 Concord, NH 03301.

3 A hearing shall be held not later than 10 days after the petition for  
4 such hearing is received by the Commissioner. Within 20 days of the date of any  
5 such hearing the Commissioner shall issue a further order either vacating this  
6 Order or making it permanent as the facts require. All hearings shall comply  
7 with RSA 541-A. If the person to whom this Order is issued fails to appear at  
8 the petitioned hearing after being duly notified of the date and time, such  
9 financial institution shall be deemed in default, and the proceeding may be  
10 determined against it upon consideration of this Order, the allegations of  
11 which may be deemed to be true.

11 **STATEMENT OF ALLEGATIONS, APPLICABLE LAW, AND RELIEF REQUESTED**

12 The Staff Petition dated September 16, 2008 (a copy of which is attached  
13 hereto) is incorporated by reference herein.

14 **ORDER**

15 WHEREAS, finding it necessary and appropriate and in the public  
16 interest, and consistent with the intent and purposes of the New Hampshire  
17 banking laws, and

18 WHEREAS, finding that the allegations contained herein, if proved true  
19 and correct, form the legal basis of the relief requested,

20 It is hereby ORDERED, that:

- 21 1. The Respondent shall immediately cease and desist from the  
22 unauthorized and deceptive use of the full or abbreviated  
23 name, trade name, service mark, or trademark of any financial  
24 institution in any written, electronic, or oral advertisement  
25 or solicitation for products or services;
2. The Respondent shall immediately cease and desist from  
including loan information relative to a specifically  
identified consumer that is publicly available in:

