

1 State of New Hampshire Banking Department

)Case No.: 09-092

2 In re the Matter of: )

3 State of New Hampshire Banking )

4 Department, )

5 Petitioner, )

6 and )

7 AMS Mortgage Corp, and Marietta R. )

8 Camara, )

9 Respondents )

10 NOTICE OF ORDER

11 This Order to Show Cause commences an adjudicative proceeding under  
12 the provisions of RSA Chapter 397-A and RSA Chapter 541-A.

13 LEGAL AUTHORITY AND JURISDICTION

14 Pursuant to RSA 397-A:17, the Banking Department of the State of New  
15 Hampshire (hereinafter the "Department") has the authority to issue an order  
16 to show cause why license revocation and penalties for violations of New  
17 Hampshire Banking laws should not be imposed.

18 Pursuant to RSA 397-A:18, the Department has the authority to issue a  
19 complaint setting forth charges whenever the Department is of the opinion  
20 that the licensee or person over whom the Department has jurisdiction is  
21 violating or has violated any provision of RSA Chapter 397-A, or any rule or  
22 order thereunder.

23 Pursuant to RSA 397-A:20,IV, the Commissioner may issue, amend, or  
24 rescind such orders as are reasonably necessary to comply with the  
25 provisions of the Chapter.

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

5 Pursuant to RSA 383:10-d, the Commissioner shall investigate conduct  
6 that is or may be an unfair or deceptive act or practice under RSA Chapter  
7 358-A and exempt under RSA 358-A:3,I or that may violate any of the  
8 provisions of Titles XXXV and XXXVI and administrative rules adopted  
9 thereunder. The Commissioner may hold hearings relative to such conduct and  
10 may order restitution for a person or persons adversely affected by such  
11 conduct.

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

13 The above named Respondents have the right to request a hearing on  
14 this Order to Show Cause, as well as the right to be represented by counsel  
15 at each Respondent's own expense. All hearings shall comply with RSA Chapter  
16 541-A. Any such request for a hearing shall be in writing, and signed by the  
17 Respondent or the duly authorized agent of the above named Respondent, and  
18 shall be delivered either by hand or certified mail, return receipt  
19 requested, to the Banking Department, State of New Hampshire, 53 Regional  
20 Drive, Suite 200, Concord, NH 03301. Such hearings will be scheduled within  
21 10 days of the Department's receipt of the request. If a Respondent fails to  
22 appear at the hearing after being duly notified, such person shall be deemed  
23 in default, and the proceeding may be determined against the Respondent upon  
24 consideration of the Order to Show Cause, the allegations of which may be  
25 deemed to be true.



1 remaining unpaid \$250.00 of the examination fee should not be  
2 paid to the Department;

3 4. Respondents shall be jointly and severally liable for the  
4 above amounts alleged in Paragraphs 1 through 3 above;

5 5. The above named Respondents shall show cause why, in addition  
6 to the penalties listed in Paragraphs 1 through 4 above,  
7 Respondent AMS Mortgage's license should not be revoked.

8 It is hereby further ORDERED that:

9 6. Along with the administrative penalties listed for the above  
10 named Respondents, the outstanding sum of \$250.00 shall be  
11 immediately paid; and

12 7. Failure to request a hearing within 30 days of the date of  
13 receipt or valid delivery of this Order shall result in a  
14 default judgment being rendered and administrative penalties  
15 imposed upon the defaulting Respondent(s).

16  
17 SIGNED,

18  
19 Dated: 01/28/10

\_\_\_\_\_  
20 /s/  
PETER C. HILDRETH  
BANK COMMISSIONER

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 09-092  
 )  
 3 State of New Hampshire Banking )  
 )  
 4 Department, ) Staff Petition  
 )  
 5 Petitioner, ) January 22, 2010  
 )  
 6 and )  
 )  
 7 AMS Mortgage Corp, and Marietta R. )  
 )  
 8 Camara, )  
 )  
 9 Respondents )

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10 I. STATEMENT OF ALLEGATIONS

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

13 Facts Common on All Counts:

- 14 1. Respondent AMS Mortgage Corp (hereinafter "Respondent AMS  
15 Mortgage") was licensed as a Mortgage Broker from at least April  
16 14, 2004 until its license expired on December 31, 2008.
- 17 2. Respondent Marietta R. Camara (hereinafter "Respondent Camara")  
18 was the 100% owner and President of Respondent AMS Mortgage, when  
19 licensed by the Department.

20 Violation of RSA 397-A:12,V Failure to Pay Examination Fee (1 Count):

- 21 3. Paragraphs 1 through 2 are hereby realleged as fully set forth  
22 herein.
- 23 4. The Department conducted an examination of Respondent AMS Mortgage  
24 on January 19, 2009, when still licensed by the Department.
- 25 5. On March 25, 2009, the Department mailed the report of examination

1 and invoice for \$500.00 to Respondent AMS Mortgage, via U.S.  
2 Certified Mail Return Receipt requested, which the Respondents  
3 received on March 31, 2009.

4 6. Respondents requested and received a scheduled payment plan on May  
5 6, 2009.

6 7. The first payment of \$250.00 was paid on the due date of June 1,  
7 2009.

8 8. To date, the above named Respondents still owe the remaining  
9 unpaid examination fee amount of \$250.00 for the one day  
10 examination.

## 11 **II. ISSUES OF LAW**

12 The staff of the Department alleges the following issues of law:

13 1. The Department realleges the above stated facts in Paragraphs 1  
14 through 8 as fully set forth herein.

15 2. The Department has jurisdiction over the licensing and regulation  
16 of persons engaged in mortgage banker or broker activities  
17 pursuant to RSA 397-A:2 and RSA 397-A:3.

18 3. RSA 397-A:12,V provides that the expense of such examination shall  
19 be chargeable to and paid by the licensee. Each of the above  
20 named Respondents violated this provision on at least one occasion  
21 as alleged above. To date, the above named Respondents have  
22 failed to pay the \$250.00 remaining examination invoice.

23 4. RSA 397-A:17,I provides in part that the Commissioner may by  
24 order, upon due notice and opportunity for hearing, assess  
25 penalties or deny, suspend, or revoke a license or application if

1 it is in the public interest and the applicant, respondent, or  
2 licensee, any partner, officer, member, or director, any person  
3 occupying a similar status or performing similar functions, or any  
4 person directly or indirectly controlling the applicant,  
5 respondent, or licensee: (a) has violated any provision of RSA  
6 Chapter 397-A or rules thereunder, or (b) has not met the  
7 standards established in RSA Chapter 397-A.

8 5. RSA 397-A:18,I provides that the Department may issue a complaint  
9 setting forth charges whenever the Department is of the opinion  
10 that the licensee or person over whom the Department has  
11 jurisdiction, has violated any provision of RSA Chapter 397-A or  
12 orders thereunder.

13 6. RSA 397-A:21,IV provides that any person who, either knowingly or  
14 negligently, violates any provision of RSA Chapter 397-A, may upon  
15 hearing, and in addition to any other penalty provided for by law,  
16 be subject to an administrative fine not to exceed \$2,500.00, or  
17 both. Each of the acts specified shall constitute a separate  
18 violation, and such administrative action or fine may be imposed  
19 in addition to any criminal penalties or civil liabilities imposed  
20 by New Hampshire Banking laws.

21 7. RSA 397-A:21,V provides that every person who directly or  
22 indirectly controls a person liable under this section, every  
23 partner, principal executive officer or director of such person,  
24 every person occupying a similar status or performing a similar  
25 function, every employee of such person who materially aids in the

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

### 12 **III. RELIEF REQUESTED**

13 The staff of the Department requests the Commissioner take the following  
14 action:

- 15 1. Find as fact the allegations contained in section I of this Staff  
16 Petition;
- 17 2. Make conclusions of law relative to the allegations contained in  
18 section II of this Staff Petition;
- 19 3. Pursuant to RSA 397-A:17, order each of the above named  
20 Respondents to show cause why their license should not be revoked;
- 21 4. Assess fines and administrative penalties in accordance with RSA  
22 397-A:21, for violations of RSA Chapter 397-A, in the number and  
23 amount equal to the violations set forth in section II of this  
24 Staff Petition; and
- 25 5. Take such other administrative and legal actions as necessary for



