

1 State of New Hampshire Banking Department

2 In re the Matter of:)
)
 3 New Hampshire Banking Department,) Case No.: No. 09-126
)
 4 Petitioner,)
) Amended Order for Default Judgment
 5 and)
)
 6 Auto Exchange Inc (d/b/a Auto)
)
 7 Exchange), Donald F. Reis, and John)
)
 8 Murphy,)
)
 9 Respondents)
)

10 Amended Default Judgment

11 The Commissioner of the New Hampshire Banking Department
 12 ("Department") issued an Order to Show Cause and Cease and Desist Order
 13 ("Order") against Respondent Auto Exchange Inc (d/b/a Auto Exchange)
 14 ("Respondent Auto Exchange"), Respondent Donald F. Reis ("Respondent Reis")
 15 and Respondent John Murphy ("Respondent Murphy") (collectively hereinafter
 16 "Respondents") on November 30, 2009 via U.S. Certified Mail Return Receipt
 17 requested. The Respondents received and signed for the Order on December 2,
 18 2009. The Respondents had thirty (30) days from December 2, 2009 to request
 19 a hearing or reach a settlement with the Department. The Respondents failed
 20 to request a hearing or reach a settlement with the Department on or before
 21 January 1, 2010 (which is thirty days from December 2, 2009) as required to
 22 avoid Default.

23 It is hereby ORDERED, that:

- 24 1. By operation of law, a default judgment was entered against
 25 Respondents on January 2, 2010;

- 1 2. The allegations contained in the November 30, 2009 Order to Show Cause
2 and Cease and Desist Order are hereby deemed true;
- 3 3. Respondent Auto Exchange shall immediately pay to the Department an
4 administrative fine for thirty-two (32) violations of RSA Chapter 361-
5 A in the amount of \$80,000.00;
- 6 4. Respondent Reis shall immediately pay to the Department an
7 administrative fine for thirty-two (32) violations of RSA Chapter 361-
8 A in the amount of \$80,000.00;
- 9 5. Respondent Murphy shall immediately pay to the Department an
10 administrative fine for thirty-two (32) violations of RSA 361-A in the
11 amount of \$80,000.00;
- 12 6. Respondent Auto Exchange shall immediately pay to the Department the
13 accrued penalty of \$25,300.00 for failing to respond to the Consumer A
14 complaint;
- 15 7. Respondent Auto Exchange shall immediately pay to the Department the
16 accrued penalty of \$14,550.00 for failing to respond to the Consumer B
17 complaint;
- 18 8. Respondent Auto Exchange shall immediately reimburse the Department
19 \$11.88 for UPS charges to mail the Consumer B complaint;
- 20 9. Respondent Auto Exchange shall immediately pay the \$11,000.00 pay-off
21 amount for Consumer A's trade-in vehicle, plus any and all
22 fees/charges incurred as a result of failing to properly pay-off said
23 trade-in;
- 24 10. Respondent Auto Exchange shall immediately pay the \$7,600.00 pay-off
25 amount for Consumer B's trade-in vehicle, plus any and all

1 fees/charges incurred as a result of failing to properly pay-off said
2 trade-in;

3 11. Respondent Auto Exchange shall immediately send to the credit bureaus
4 and lenders correspondence explaining the late payments regarding
5 Consumer A and Consumer B;

6 12. Respondent Auto Exchange shall immediately pay any and all costs
7 incurred to remove any and all negative reporting from all three
8 credit bureaus concerning Consumer A and Consumer B;

9 13. Respondent Auto Exchange shall immediately reimburse Consumer A and
10 Consumer B \$75.00 each as a result of an illegal administration fee
11 charged on the Retail Installment Contract;

12 14. Respondent Reis shall be immediately barred from licensure;

13 15. Respondent Murphy shall be immediately barred from licensure;

14 16. Each of the above named Respondents shall be jointly and severally
15 liable; and

16 17. Respondent Auto Exchange's license is hereby revoked.
17

18 SIGNED,

19
20 Dated: 04/06/10

/s/
PETER C. HILDRETH
BANK COMMISSIONER