

**Adopt Ban 2401, previously effective 8-10-95 (Doc #6076), and expired 8/10/03, cited and to read as follows:**

CHAPTER Ban 2400 GENERAL REQUIREMENTS: LICENSEES

Statutory Authority: RSA 383:9, II; 361-A:5, II; 397-A:20, II; 399-A:16, II; and 399-D:25, II.

PART Ban 2401 ANNUAL REPORTS

Ban 2401.01 Record Retention; Workpapers.

(a) Each licensee or former licensee required to file an annual report with the commissioner pursuant to RSA 361-A, RSA 397-A, RSA 399-A, or 399-D shall retain, and make available to banking department examiners during any regular or special examination or investigation, all supporting documentation used by the licensee in completing its annual report.

(b) Supporting documentation shall include but shall not be limited to papers, files, electronically stored data, accounting records and workpapers.

(c) Licensees shall retain all such supporting documentation for at least 3 years after filing an annual report.

**Adopt Ban 2402, previously effective 11-27-97, (Document #6636) and expired 11-27-05, to read as follows:**

PART Ban 2402 INCOMPLETE LICENSE APPLICATIONS

Ban 2402.01 Definitions.

(a) "Financial services" or "financial services-related" means securities, commodities, banking, insurance, consumer lending, or real estate services including, but not limited to, acting as or being associated with a bank or savings association, credit union, mortgage lender or mortgage broker, closing agent/title company/escrow company services.

(b) "Department" means the New Hampshire banking department.

(c) "Publicly Traded Company" means a company that is subject to public reporting under Sections 12 or 15(d) of the Securities Exchange Act of 1934.

Ban 2402.02 License Applications.

(a) License applications filed with the department shall be complete with all information required by the application form.

(b) License applications filed with the department that do not contain all information required by the application form shall be deemed incomplete.

(c) The department shall send an incomplete application notice to the applicant with a list of deficiencies or omissions.

(d) An application shall have 60 days from the date of an incomplete application notice to file the information specified in the notice.

**Readopt with amendments Ban 2403, effective 11-22-01 (Doc #7601), to read as follows:**

PART Ban 2403 CRIMINAL CONVICTIONS

Ban 2403.01 Definitions.

(a) "Independent contractor" means an individual who acts on behalf of a licensee, who is not paid wages as an employee of the licensee, but who is paid sums or other compensation by the licensee on a commission, contracted fee, or other basis to perform any licensed activity as an agent of the licensee.

(b) "Licensee" means an individual, partnership, corporation or other entity, however organized, that is licensed pursuant to any of the following New Hampshire statutes:

(1) RSA 361-A;

(2) RSA 397-A;

(3) RSA 399-A; or

(4) RSA 399-D.

(c) "Management level employee" means any officer of record, assistant vice president or higher, office or branch manager, director of operations, or other position, the responsibilities of which provide such employee with the discretion and/or ability to set policy and/or manage or direct affairs of the licensee as a whole, or of any division or department or unit of the licensee.

(d) "Sentence" means any criminal sanction imposed by a court of competent jurisdiction for any criminal conviction. The term includes, but is not limited to, conditional discharge, probation, parole, restitution, fines and/or imprisonment.

Ban 2403.02 Felony Convictions.

(a) No person who has been convicted of a felony, or pled guilty or nolo contendere ("no contest") to a felony charge, for dishonesty, fraud, false statements or omissions,

deception, theft wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion or similar crime, or a conspiracy to commit any of these offenses, in any jurisdiction, shall serve as a principal of a licensee.

(b) No person barred by (a) above shall provide services related to a licensee's licensed lending activity as an independent contractor if the duties performed in that capacity, or expected to be performed, would otherwise be performed by a management level employee.

(c) Licensees or applicants shall disclose to the department in writing at the time of application for a license the name, title and job description of any individual convicted of a felony as set forth in Ban 2403.02(a) who serves as:

- (1) A principal of the licensee; or
- (2) An independent contractor of the licensee.

(d) Licensees or applicants shall disclose to the department, in writing, the name, title and job description of any individual convicted of a felony as set forth in Ban 2403.02(a) who, at any time after an application for a license is filed with or a license is issued by the department:

- (1) Is elected or appointed as a principal of the licensee; or
- (2) Serves as an independent contractor of the licensee.

(e) Failure to disclose such convictions of principals or independent contractors in accordance with Ban 2403.02(c) and Ban 2403.02(d) shall result in the commencement of license revocation proceedings in accordance with applicable licensing statutes, RSA 541-A and Ban 200.

#### Ban 2403.03 Misdemeanor Convictions.

(a) No person who has been convicted of a misdemeanor or pled guilty or nolo contendere ("no contest") to a misdemeanor charge involving financial services or a financial services-related business for dishonesty, fraud, false statements or omissions, deception, theft, or wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion or similar crime, or a conspiracy to commit any of these offenses, in any jurisdiction, shall serve as a principal of a licensee for the following durations, whichever is later:

- (1) A period of 5 years following such conviction;
- (2) A period of 5 years following the completion of any sentence and/or parole;
- (3) A period of 5 years following payment of any fine or restitution ordered by the court in connection with such conviction; or

(4) A period of 5 years following full compliance with any civil penalty ordered by the court in connection with any such conviction.

(b) No person barred by (a) above shall provide services related to a licensee's licensed lending activity as an independent contractor, in accordance with the time frames established in Ban 2403.03(a)(1) through (4), if the duties performed in that capacity, or expected to be performed, would otherwise be performed by a management level employee.

(c) Licensees and applicants shall disclose to the department, in writing, at the time of application for a license, the name, title and job description of any individual convicted of a misdemeanor described in Ban 2403.03(a), who serves as:

(1) A principal; or

(2) An independent contractor of the licensee.

(d) Licensees and applicants shall disclose to the department, in writing, the name, title and job description of any individual convicted of a misdemeanor described in Ban 2403.03(a) and (b) who, at any time after an application for a license is filed with or a license is issued by the department:

(1) Is elected or appointed as a principal, of the licensee; or

(2) Serves as an independent contractor of the licensee.

(e) The written notice required by Ban 2403.03(d) shall be provided to the banking department within 5 business days of such election, appointment, hire or retention of services.

(f) Failure to disclose such principals or independent contractors in accordance with Ban 2403.03(c), Ban 2403.03(d), Ban 2403.03(e), and Ban 2403.03(f) shall result in the commencement of license revocation proceedings in accordance with applicable licensing statutes, RSA 541-A and Ban 200.

PART Ban 2404 – Reserved

**Adopt Ban 2405, previously effective 8-3-96 (Doc #6313), and expired 8-3-04, to read as follows:**

PART Ban 2405 CONSUMER COMPLAINTS AGAINST LICENSEES

Ban 2405.01 Procedures.

(a) Consumers shall address their complaints concerning licensees of the department in writing on a form which may be obtained from the office of the bank commissioner, 64B

Old Suncook Road, Concord, New Hampshire, 03301 or via the department web site at [www.nh.gov/banking](http://www.nh.gov/banking).

- (b) Completed forms shall be returned to the office of the bank commissioner.
- (c) The form shall contain the following, when available:
  - (1) Name, address, home and business phone numbers of the complainant;
  - (2) Name, address, and phone number of the licensee against whom the complaint is made, including the name of the individual with whom the complainant has dealt;
  - (3) Whether the subject of the complaint is a deposit, loan, rate, points, term, application, tax escrow, or other;
  - (4) Whether a note or contract was signed, including the date;
  - (5) Type of deposit or loan;
  - (6) The rate, amount, and term stated in the good faith estimate or contract;
  - (7) The rate, amount, and term stated in any counter-offer;
  - (8) Whether the loan or service was advertised on television, on the radio, in the newspaper or by other means, including a copy of the advertisement, if available;
  - (9) If a complaint has been made directly to the licensee, the date, the name of the person the complaint was addressed to, and whether the complaint was made in writing, by telephone, or in person;
  - (10) Whether the licensee has started foreclosure proceedings;
  - (11) Whether the licensee has repossessed a motor vehicle, or other personality;
  - (12) Whether an attorney has been hired by the complainant and the name of the attorney;
  - (13) A narrative description of the facts of the complaint, including dates of transactions, claims the licensee may have against the complainant, and the preferred remedy;
  - (14) Copies of any documents relevant to the complaint; and
  - (15) The dated signature of the complainant.

**Adopt Ban 2406, previously effective 8-6-97 (Doc #6555), and expired 8-6-05, to read as follows:**

PART Ban 2406 FEES

Ban 2406.01 Fees for Providing Documents and Other Information.

(a) Information or documents that are required by statute or rule to be disclosed or provided to a borrower or loan applicant shall be provided by the licensee, or any successor thereto, without charge, regardless of whether such charge for the information or documents is characterized as a document preparation, transmission or other charge, unless a charge or fee is specifically authorized by statute or rule.

(b) A licensee shall not enter any agreement with a borrower or loan applicant which contains a provision waiving the borrower's or applicant's right to receive documents or information free of charge as provided in Ban 2406.01(a).

Ban 2406.02 Application Fees. A licensee shall not collect a loan application fee from a potential borrower subsequent to the time a written loan application has been submitted to the licensee for processing, unless the loan application fee was disclosed at or before the time a written loan application was made to the licensee and before a credit decision to deny or grant the loan was made.

**Adopt Ban 2407, previously effective 2-26-97 (Doc. #6463) and expired 2-26-05, to read as follows:**

PART Ban 2407 NOTIFICATION AND REPORTING REQUIREMENTS

Ban 2407.01 Notice of Significant Events.

(a) Licensees shall notify the banking department in writing within 5 business days, of the occurrence of any of the following significant events:

- (1) Filing for bankruptcy or reorganization of the licensee;
- (2) The filing of an information accusing the licensee of a crime or the indictment of a licensee for a crime any way related to the lending, brokering, debt adjustment, sales finance, retail seller or mortgage servicer activities of a licensee, including, but not limited to, the handling and/or reporting of moneys received and/or instruments sold;
- (3) Receiving notification of a license denial, cease and desist, suspension or revocation, or any other formal administrative action in any state against the licensee based on lending, brokering, debt adjustment, sales finance, retail seller or mortgage servicer activities, and the reasons thereof;

- (4) Receiving notification of any enforcement action or investigation by the attorney general of the state of New Hampshire or of any other state pursuant to any consumer protection statute, and the reasons thereof, except routine investigations of consumer complaints;
- (5) Expiration, termination or default, technical or otherwise, of any existing line of credit, or warehouse credit agreement;
- (6) Suspension or termination of the licensee's status as an approved seller or seller/servicer by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, or Government National Mortgage Association;
- (7) Entering into a consent agreement, settlement agreement, memorandum of understanding, or similar agreement with any regulatory body pertaining to the licensee's lending practices;
- (8) Exercise of recourse rights by investors or subsequent assignees of mortgage or other consumer loans if such loans, in the aggregate, exceed the licensee's net worth exclusive of real property and fixed assets; or
- (9) Initiation of trustee process or any other form of attachment on any of the licensee's assets;

(b) A licensee shall notify the banking department immediately, and in writing within 5 business days, of the occurrence of any of the following significant events:

- (1) Filing for bankruptcy or reorganization of any of a licensee's principals;
- (2) Criminal felony indictment or conviction of any of a licensee's principals; or
- (3) Filing of a civil suit, except small claims actions, naming a licensee as defendant which is related in any way to the mortgage lending, brokering, debt adjustment, sales finance, retail seller or mortgage servicer activities of a licensee, including, but not limited to, the handling and/or reporting of moneys received and/or instruments sold.

**Readopt with amendment Ban 2408.01, effective 12-4-98 (Doc #6900), to read as follows:**

PART Ban 2408 INTEREST CALCULATION METHOD

Ban 2408.01 Definitions.

- (a) "Consumer loans" means loans subject to the provisions of RSA 358-K.

(b) "Licensed lender" means a sales finance company licensed pursuant to RSA 361-A, a mortgage banker licensed pursuant to RSA 397-A, or a small loan company licensed pursuant to RSA 399-A.

(c) "U.S. rule method" means the method used in Section 226.22(a)(1) and Appendix J(a)(3) of Federal Reserve Board Regulation Z, 12 CFR 226, under which, at the end of each payment period, the unpaid balance of the amount financed is increased by the finance charge earned during that payment period and is decreased by the payment made at the end of that payment period. If the payment is less than the finance charge earned, the adjustment of the unpaid balance of the amount financed is postponed until the end of the next payment period. If at that time the sum of the two payments is still less than the total earned finance charge for the two payment periods, the adjustment of the unpaid balance of the amount financed is postponed still another payment period, and so forth.

**Readopt Ban 2408.02 effective 12-4-98 (Doc #6900), to read as follows:**

Ban 2408.02 Interest Calculation. All licensed lenders shall calculate the annual percentage rate and apply the interest on closed-end loans using the U.S. rule method.

**Readopt with amendment Ban 2408.03, effective 6-20-02 (Doc #7709), to read as follows:**

Ban 2408.03 Daily Simple Interest Disclosures.

(a) A mortgage banker or broker who offers daily simple interest loans shall provide a separate written disclosure statement at the time of application.

(b) The disclosure statement shall be printed in at least 12 point bold type in the following form:

**“NOTICE**

The interest calculation method on the loan you are applying for is ‘daily simple interest.’ This loan does not provide a grace period for late payments. Unless every payment is received by the lender exactly on the payment due date you may incur additional interest costs. This means less of your monthly payment will be applied to the outstanding balance on the loan. This will prevent your loan from being paid in full at maturity. That means you may have a large payment due at the end of the loan term. If available from this lender, automatic withdrawals from your bank account is one way to make sure this type of loan is paid in full on the scheduled maturity date.”

(c) Receipt of the disclosure shall be acknowledged on the disclosure form by dated signature of the applicant.

(d) A mortgage banker or broker who offers a daily simple interest loan as a counter offer shall provide the disclosure statement of Ban 2408.03 (b) as part of the counter offer.

**Repeal Ban 2409, effective 6-5-02 (Doc. #7695), and reserve as follows:**

PART Ban 2409 - Reserved

**Adopt Ban 2410, previously effective 8-26-97 (Doc. #6571), and expired 8-26-05, to read as follows:**

PART Ban 2410 BANKING DEPARTMENT LICENSEE FILINGS

Ban 2410.01 Background and Criminal Records Check.

(a) Applicants, licensees and their principals, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, shall authorize the banking department to request and receive reports of convictions for felonies and/or misdemeanors from any and all law enforcement officials and to request and receive other third party investigative information including, but not limited to, credit and Office of Foreign Asset Control information.

(b) Applicants, licensees and their principals, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, shall provide the following:

- (1) Name of applicant, licensee and principal, if applicable;
- (2) Date of birth;
- (3) Social security number;
- (4) City and state of residence;
- (5) Title;
- (6) Signature and date; and
- (7) An acknowledgment signed under penalty of unsworn falsification pursuant to NH RSA 641:3.

Ban 2410.02 Disclosure Statement.

(a) License applicants and licensees, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, required to submit Disclosure Statements for the applicant or for their principals, including direct owners of 10% or more

and indirect owners of 25% or more of the applicant or licensee, shall provide the following information:

- (1) Name of license applicant;
- (2) Indication of license type(s);
- (3) Name of principal, or direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, if applicable;
- (4) Tax Identification Number or Social Security Number;
- (5) Other names by which company or person has been known;
- (6) Residential address of principals, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, which shall include:
  - a. Street address;
  - b. Apartment number, if applicable; and
  - c. City, state, and zip code.
- (7) Date of birth and State or Province and Country of birth of principals, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee;
- (8) Gender of principals, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee;
- (9) Address of the office of employment of principals, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee;
- (10) Business telephone number, facsimile line number, cellular telephone number and e-mail address of company or principal, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee;
- (11) Principals, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, residential history starting with the principal's, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, current address and working backwards in time for the past 10 years;
- (12) A description of any other business, as a proprietor, partner, officer, director, employee, trustee, agent or otherwise that the principal, including direct

owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, is currently engaged in;

(13) Principals, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, work or employment history beginning with current employment and working backwards in time for the past 10 years; provide complete information accounting for all time including full and part-time employments, self employment, military service and homemaking; also include periods such as unemployed, full-time student, extended travel; include the following information:

- a. Name and address of business/employer;
- b. Job title;
- c. Dates of association from and to; and
- d. Identification of all financial service-related business;

(14) A statement as to whether the applicant has ever applied for or been issued a license for lending or loan brokering by any other state;

(15) A statement as to whether the applicant is currently engaged in lending or loan brokering activities in any other state;

(16) If the answers to (14) or (15) above are affirmative, the following information shall be provided:

- a. License number(s);
- b. Name of state licensing authority;
- c. Dates during which lending or brokering activity occurred; and
- d. Dates the license was held;

(17) A statement as to whether the applicant ever had a lending or brokering license revoked, suspended, or denied by any other state licensing authority;

(18) If the answer to (17) above is affirmative, the following information shall be provided:

- a. Dates of suspension or denial;
- b. Name of state licensing authority; and

c. Reason(s) for revocation, suspension, or denial;

(19) A statement as to whether the applicant, licensee or principal, including direct owners of 10% or more and indirect owners and indirect owners of 25% or more of the applicant or licensee, has ever, or whether based upon activities that occurred while the applicant, licensee or principal, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, exercised control over it an organization has ever:

a. Been charged with or convicted of any felony;

b. Been charged with or convicted of misdemeanor involving financial services or a financial services-related business or a misdemeanor involving:

1. Any fraud, false statements or omissions;
2. Theft or wrongful taking of property;
3. Forgery, bribery, perjury, counterfeiting, extortion; or
4. A conspiracy to commit any of the above offenses; or

c. Had an action taken by any domestic or foreign court in connection with any financial services-related activity resulting in the applicant, licensee or principal, including direct owners of 10% or more and indirect owners and indirect owners of 25% or more of the applicant or licensee :

1. Being enjoined in connection with any financial services-related activity;
2. Being found to be involved in a violation of any financial services-related statute(s) or regulation(s);
3. Having a financial services-related civil action brought by a State, federal, or foreign financial regulatory authority dismissed pursuant to a settlement agreement; or
4. Has been named in any pending financial services-related civil action that could result in a yes answer (a) to (19) b; or

d. Had an action taken by any state or federal regulatory agency or foreign financial regulatory authority where the applicant, licensee or principal, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, was:

1. Found to have made a false statement or omission or been dishonest, unfair or unethical;
  2. Found to have been involved in a violation of financial services-related regulation(s) or statute(s);
  3. Found to have been the cause of a financial services-related business have its authorization to do business denied, suspended, revoked or restricted;
  4. Had an order entered against it, him or her in connection with a financial services-related activity;
  5. Disciplined by, or by order prevented from associating with a financial services-related business or had its license or registration denied, suspended, or revoked, or otherwise restricted in its, his or her activities;
  6. Barred from association with an entity regulated by such state, federal or foreign regulatory authority;
  7. Issued a final order based on violations of any law or regulation that prohibits fraudulent, manipulative or deceptive conduct;
  8. Denied ability to act as an attorney, accountant, or had a State or federal contact revoked or suspended; or
  9. Has the applicant been named in any pending regulatory proceeding that could result in a yes answer (a) to (19) (c);
- e.. Been named as a respondent/defendant in a financial services-related consumer initiated arbitration or civil litigation which:
1. Is still pending;
  2. Resulted in an arbitration award or civil judgment against it, him or her regardless of the amount, or that required corrective action; or
  3. Was settled for any amount;
- f. Been discharged, permitted to resign or voluntarily resigned after allegations were made that accused the applicant, licensee or principal, including direct owners of 10% or more and indirect owners of 25% or more of the applicant or licensee, of:

1. Violating statute(s), regulation(s), rules, or industry standards of conduct; or

2. Fraud, dishonesty, theft, or the wrongful taking of property;

g. Within the past 10 years filed a personal bankruptcy petition or been the subject of an involuntary bankruptcy;

h. Had a bonding company deny, pay out on, or revoke a bond; or

i. Had any unsatisfied judgments or liens that are still outstanding;

(20) If the answer to (a) (19) above, in any part, is affirmative, complete details of all events or proceedings to include, the following information:

a. Type of offense or judgment;

b. Name and address of court where case was heard;

c. Docket number of case;

d. Date of conviction or judgment;

e. The sentence, penalty, or award ordered; and

f. A summary of the pertinent facts of the case;

(21) Affirmations sworn and signed by a duly authorized principal of the applicant or licensee and sworn and signed by the principal to whom the form relates that the statements made on the personal disclosure statement, including statements made in any accompanying papers, are true, correct, and complete.

(b) The affirmation in (a) (21) above shall include the title of the individual completing the Disclosure Statement and shall be dated and signed under penalty of unsworn falsification pursuant to NH RSA 641:3.

**Readopt with amendments Ban 2411, effective 1-27-01 (Doc. #7437), to read as follows:**

PART Ban 2411 LICENSE SURRENDER

Ban 2411.01 Definitions.

(a) "Commissioner" means the bank commissioner appointed under the provisions of RSA 383:1.

(b) "Department" means the New Hampshire banking department.

(c) "Licensee" means a person, partnership, corporation, or any other legal or commercial entity, however organized, duly licensed by the bank commissioner pursuant to the provisions of RSA 397-A.

Ban 2411.02 License Surrender.

(a) Any licensee that ceases to engage in business in New Hampshire for any cause, including bankruptcy, license revocation, or voluntary dissolution, during a license year shall surrender its license to the commissioner within 15 calendar days after the date of cessation.

(b) A licensee that ceases to conduct business under (a) above shall submit with its license the following information:

- (1) A statement of the reason(s) for the license surrender;
- (2) A list of all pending loan applications that includes the:
  - a. Loan applicant's:
    1. Name(s);
    2. Address; and
    3. Telephone number;
  - b. Date of application;
  - c. Status of application;
  - d. Proposed loan amount; and
  - e. Amounts paid by applicants for loan application fees;
- (3) If loan application files are transferred to other licensees, for each application the following:
  - a. Name of loan applicant(s);
  - b. Name and address of other licensee;
  - c. Date of transfer; and
  - d. Amount of applicant funds transferred; and

(4) The name, address, and telephone number of a contact person for the licensee responsible for providing the information in (2) and (3) above.

(c) The date a licensee ceases to conduct business shall be determined as follows:

(1) For bankruptcy, as of the date of filing of a bankruptcy petition that terminates the continued operation of the licensee's business;

(2) For license revocation, as of the latest of:

a. The date of a final order issued by the department;

b. The expiration of the last date to file an appeal from a final order of the department; or

c. The date of a decision by an appellate court having jurisdiction, if the decision affirms a license revocation by the department;

(3) For a voluntary dissolution, as of:

a. The date of filing with the office of the secretary of state documentation necessary to effectuate the dissolution;

b. The date of recording at a county registry of deeds documentation necessary to effectuate the dissolution; or

c. The date of any agreement, resolution, or other documentation reflecting a voluntary dissolution of the licensee's business that is not required to be filed with the office of the secretary of state or county registry of deeds to effectuate the dissolution; and

(4) For any other reason, as of the date:

a. The date the licensee has complied with Ban 2411.02 and 2411.;

b. The licensee closes its office(s) listed on the licensee's most recent license application, except as a result of relocation of its office(s) during the license year; or

c. An on-site examination by the department reveals the licensee is not engaged in business;

(d) A licensee shall surrender its license:

(1) By hand delivery to the department; or

(2) By registered or certified mail to the department.

Ban 2411.03 Notice of License Surrender.

(a) A licensee that surrenders its license under Ban 2411.02(a) shall publish notice in a newspaper of general circulation in the licensee's market area.

(b) The Union Leader or New Hampshire Sunday News, published in Manchester, New Hampshire, shall be deemed a newspaper of general circulation under (a) above for all market areas in New Hampshire.

(c) The notice under (a) above shall be published once per week for 2 consecutive weeks within 20 days after the date a license is surrendered.

(d) The date of license surrender for purposes of (c) above shall be:

- (1) The date a license is delivered to the department; or
- (2) The postmark date for a license that is mailed to the department;

(e) The notice under (a) above shall include the following:

- (1) The name of the licensee;
- (2) The principal place of business of the licensee;
- (3) The licensee's license number;
- (4) The type of license; and
- (5) The name, address, and telephone number of a contact person for the licensee;

(f) The notice under (a) above shall be in the following form:

" Public Notice

\_\_\_\_\_ (name of licensee), with a principal place of business at \_\_\_\_\_, hereby gives notice that as of \_\_\_\_\_ (date) it has ceased conducting business as a \_\_\_\_\_ (specify type of license) in New Hampshire and has surrendered its license(s) to the New Hampshire Bank Commissioner.

For information about pending loan applications and/or loan applicant funds, contact:

\_\_\_\_\_ (name of contact person for licensee) at \_\_\_\_\_ (address) or \_\_\_\_\_ (phone number)."

(g) A licensee shall send or deliver to the department copies of the notices published within 30 days of the last date of publication.

(h) Failure to comply with the provisions of Ban 2411.03 shall constitute a violation under RSA 397-A.

Ban 2411.04 Office Closing.

(a) The provisions of Ban 2411.02 and 2411.03 shall not apply to a licensee that is not closing its principal office and is not ceasing operations in NH but shall apply to a licensee that:

- (1) Proposes to close an office or offices located in New Hampshire; and
- (2) Proposes to continue in business at a licensed office located in or outside of New Hampshire.

(b) A licensee that proposes to close an office or offices under (a) above shall submit written notification to the department at least 10 days in advance of the closing date, which provides the following information:

- (1) For the office(s) to be closed:
  - a. The address;
  - b. Telephone number;
  - c. Fax number;
  - d. Name of manager; ~~and~~
  - e. Effective date of office closing; and
  - f. The name of a contact person for and the address of the place that will retain and preserve the office records.
- (2) A list stating for each active\_account transferred:
  - a. The name(s) and addresses\_of the NH consumer(s);
  - b. The account number(s); and
  - c. The office to which the account(s) is to be transferred;

(c) In addition to (b) above, a licensee shall post notice of the proposed office closing on the premises of the office(s) to be closed at least 10 days in advance of the closing date.

(d) The notice shall include the following information:

- (1) A statement describing the proposed office closing;
- (2) The effective date of the proposed office closing;
- (3) The licensee's office(s) to which accounts from the closed office will be transferred:
  - a. The address;
  - b. Telephone number;
  - c. Fax number; and
  - d. Name of manager.

Ban 2411.05 Office Relocation.

(a) The provisions of Ban 2411.02 and Ban 2411.03 shall not apply to the relocation of a New Hampshire licensed office within New Hampshire by a licensee provided that a licensee:

- (1) Submits written notification to the department at least 10 days in advance of the proposed office relocation date, which provides the following information for the new office location:
  - a. The old address and the new address;
  - b. Telephone number;
  - c. Fax number;
  - d. Name of manager; and
  - e. Effective date of relocation; and
- (2) Posts notice of the proposed office relocation on the premises of the offices to be relocated at least 10 days in advance of the office relocation date, which provides the following information for the new office location:
  - a. The new NH office\_address;

- b. The new office telephone number;
- c. The new fax number;
- d. Name and telephone number of manager at the new location; and
- e. Effective date of relocation.

**Readopt with amendments Ban 2412, effective 8-21-02 (Doc. # 7755) to read as follows:**

PART Ban 2412 EXAMINATIONS

Ban 2412.01 Access to Files during Examination.

(a) Each person or entity, engaging or formerly engaging within the past 3 years in the business of making or brokering loans or adjusting debt subject to regulation under RSA 361-A, RSA 397-A, RSA 399-A, RSA 399-D or other applicable law, shall make available to banking department examiners during any regular or special examination or investigation, all books, accounts, records, files, documents and internal audit reports whether electronically stored or otherwise upon request of the department.

(b) Banking department examiners shall review all books, accounts, records, files, documents and internal audit reports, whether electronically stored or otherwise, and records of New Hampshire loans.

## APPENDIX

## Proposed Ban 2400

<u>Provision of Proposed Rule</u>	<u>State or Federal Regulation the Rule is Intended to Implement</u>
Ban 2401	RSA 361-A:2-b, I(a); 397-A:13, I; 399-A:6, I(a); 399-D:28, I(a)
Ban 2402	RSA 361-A:2; 397-A:5; 399-A:3; 399-D:5
Ban 2403.01	RSA 541-A:7
Ban 2403.02, 2403.03	RSA 383:9, I
Ban 2405	RSA 361-A:4-a; 397-A:15-a; 397-B:7; 399-A:9; 399-D:19
Ban 2406	RSA 397-A:15; 397-A:16
Ban 2407	RSA 361-A:2, XII; 397-A:10; 399-A:4, VII; 399-D:15, VII
Ban 2408.01	RSA 361-A:8; 397-A:14; 399-A:11, IV
Ban 2408.02	RSA 361-A:8; 397-A:14; 399-A:11, IV
Ban 2408.03	RSA 397-A:14, III
Ban 2409	Repealed
Ban 2410	RSA 361-A:2, II(a); 397-A:5, I-II 399-A:3, I-II; 399-D:5, I-II
Ban 2411	RSA 397-A:10-a
Ban 2412	RSA 361-A:6-a; 397-A:12; 399-A:10; 399-D:22