

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 10-163
)
 3 State of New Hampshire Banking)
)
 4 Department,)
) *Sua Sponte Order to Continue Hearing*
 5 Petitioner,)
)
 6 And)
)
 7 Mortgage Resource Solutions, LLC, and)
)
 8 James Khoury,)
)
 9 Respondents)
)

10 SUA SPONTE ORDER TO CONTINUE HEARING

11 ORDER

- 12 1. A Motion to Continue was granted on May 16, 2012 ("Order") and the hearing
 13 was continued to Thursday, June 28, 2012 at 10:00 a.m. at the New Hampshire
 14 Banking Department, 53 Regional Drive, Suite 200, Concord, New Hampshire.
- 15 2. Under the Order, proposed exhibits were to be filed with the Department
 16 and provided to the opposing party no later than Thursday, June 21, 2012.
- 17 3. A list of all exhibits and witnesses to be called at the hearing with a
 18 brief summary were to be exchanged by the parties and also filed with the
 19 Presiding Officer by Thursday, June 21, 2012.
- 20 4. The other provisions in the October 7, 2011 Notice of Hearing remained in
 21 effect.
- 22 5. The Presiding Officer has realized that he has a schedule conflict on
 23 June 28, 2012 and will be out of state.
- 24 6. I have also had an opportunity to examine the statutory authority and the
 25 JUS Rules that govern this hearing.

1 7. In light of that review I have identified a number of procedural issues
2 in the Notice of Hearing. I will briefly address these issues in this
3 order. Any party that has a question about the process is invited to file a
4 pleading and I will provide further analysis.

5
6 IT IS HEREBY ORDERED that:

7 8. The June 28, 2012 hearing shall be continued to and the parties shall
8 appear on Thursday, July 12, 2012 at 10:00 am, at the New Hampshire Banking
9 Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire
10 03301, for the purpose of participating in an adjudicative proceeding, at
11 which time Petitioner will have the burden of persuasion and the burden of
12 production. The Petitioner must establish a *prima facie* case then the burden
13 of production will shift to the Respondent. The standard of proof will be by
14 preponderance of the evidence. The purpose of the hearing will be to make
15 such disposition of the matter as the facts require. RSA 397-A:17, I; RSA
16 397-A:18, II.

17 9. The reference to RSA 541-A:30, III in paragraph 3 of the Notice of
18 Hearing is stricken because the Respondent is not a licensee.

19 10. Paragraphs 7 and 14 of the Notice of hearing are amended to conform with
20 Paragraph 8 of this order.

21 11. Unless otherwise amended herein, the provisions within the Notice of
22 Hearing remain in effect.

23 12. Any proposed exhibits shall be pre-marked, for identification only, and
24 filed with the Presiding Officer and provided to the opposing party by
25 Thursday July 5, 2012. The Hearings Examiner shall pre-mark the Department's
exhibits with Arabic numbers. Respondent shall pre-mark exhibits with

