

1 RIGHT TO REQUEST A HEARING

2 5. Respondent SSM has a right to request a hearing on this Order. A
3 hearing shall be held not later than ten (10) days after the Commissioner
4 receives the Respondent SSM's written request for a hearing. Respondent SSM
5 may request a hearing and waive the ten (10) day hearing requirement. The
6 hearing shall comply with RSA Chapter 541-A, RSA 399-A:7, RSA 399-A:8, and
7 Administrative Rule JUS Chapter 800.

8 6. If any person fails to request a hearing within thirty (30) days of
9 receiving this Order, then such person shall be deemed in default, and the
10 Order shall, on the thirty-first (31st) day, become permanent, all
11 allegations may be deemed true, and shall remain in full force and effect
12 until modified or vacated by the Commissioner for good cause shown. RSA
13 399-A:7 and RSA 399-A:8.

14 7. A default may result in administrative fines as described in Paragraph
15 2 above.

16 STATEMENT OF ALLEGATIONS

17 8. On September 29, 2010, the Department received a complaint from a New
18 Hampshire consumer ("Consumer A") against Respondent SSM concerning a payday
19 or small loan.

20 9. On June 7, 2010, Respondent SSM issued Consumer A the payday or small
21 loan in the amount of \$250.00 (without Consumer A's request), in violation
22 of RSA 399-A:2,I.

23 10. Respondent SSM deducted \$600.00 from Consumer A's bank account over
24 the course of four (4) months in violation of RSA 399-A:11,XI and RSA 399-
25 A:13,I. Consumer A should be entitled to a refund of the full \$600.00, since

1 Consumer A never requested a payday loan from Respondent SSM.

2 11. On May 24, 2011, the Department sent a letter via U.S. Certified Mail
3 return receipt requested and facsimile to Respondent SSM at the Shawnee
4 Mission, Kansas address instructing it to apply for a license with the
5 Department, requesting documentation regarding a New Hampshire loan list,
6 and requesting a response to the consumer complaint that had been filed.
7 The correspondence was returned by the U.S. Post Office on June 3, 2011
8 stating "Return to Sender, Not Deliverable as Addressed, Unable to Forward."

9 12. To date, Consumer A has not received any refund.

10
11 _____ /s/
12 Maryam Torben Desfosses
13 Hearings Examiner

2/21/12
Date

13 **ORDER**

14 13. **I hereby find as follows:**

15 a. Pursuant to RSA 399-A:2 and RSA 399-A:2,I, the facts as alleged
16 above, if true, show Respondent SSM is operating or has operated in
17 violation of RSA Chapter 399-A and form the legal basis for this Order;

18 b. Pursuant to 399-A:16,VI, this Order is necessary and appropriate
19 to the public interest and for the protection of consumers and consistent
20 with the purpose and intent of New Hampshire banking laws;

21 c. The Department finds pursuant to RSA 399-A:8,I, reasonable cause
22 to issue an order to cease and desist; and

23 d. Pursuant to RSA 399-A:8,I, if Respondent SSM fails to respond to
24 this Order and/or defaults then all facts as alleged herein may be deemed as
25 true.

1 14. **Accordingly, it is hereby ORDERED that:**

2 a. Respondent SSM shall cease and desist from violating RSA Chapter
3 399-A and rules or orders thereunder;

4 b. Respondent SSM shall immediately provide the Department a list
5 of all New Hampshire consumers for whom Respondent SSM has given payday or
6 small loans and a status of those accounts. This list must include the names
7 and contact information of the New Hampshire consumers, along with monies
8 charged, collected and/or waived (if applicable). The list shall also be
9 accompanied by all contracts, checks to and from the consumer and any other
10 documents in the New Hampshire consumers' files;

11 c. Respondent SSM shall be hereby ordered to rescind, provide
12 restitution or disgorge profits;

13 d. Respondent SSM shall hereby be administratively fined a maximum
14 of \$2,500.00 per violation (as stated in Counts below) as follows:
15 administrative fine of up to a maximum of \$2,500.00 per violation (as stated
16 Counts below), pursuant to RSA 399-A:18,V as follows:

17 (1). Respondent SSM:

18 #1: Unlicensed payday or small loan activity (RSA 399-
19 A:2,I) - 1 Count;

20 #2: Charging additional fees on a loan (RSA 399-A:11,XI)
21 - 1 Count;

22 #3: Charging additional fees on a loan (RSA 399-A:13,I) -
23 1 Count;

24 e. Nothing in this Order:

25 (1). shall prevent the Department from taking any further

1 administrative and legal action as necessary under New Hampshire law; and

2 (2). shall prevent the New Hampshire Office of the Attorney
3 General from bringing an action against the above named Respondent in any
4 New Hampshire superior court, with or without prior administrative action by
5 the Commissioner.

6
7 **SO ORDERED.**

8 _____ /s/
9 RONALD A. WILBUR
10 BANK COMMISSIONER

Dated: 2/21/12