

In re Claremont Ford Lincoln, Inc.,
and Arrien L.C. Schiltkamp, individually
and as President of Claremont Ford Lincoln, Inc.

Case No.: 15-076

SUPPLEMENT TO ORDER TO SHOW CAUSE

Now comes the State of New Hampshire Banking Department (“Department”) and the Bank Commissioner (“Commissioner”) and supplements the Order to Show Cause issued June 26, 2015, ordering as follows:

1. On June 26, 2015, the Department issued an Order to Show Cause why Claremont Ford’s retail seller license should not be revoked for violating RSA 361-A:10-c, I, RSA 361-A:11, V, RSA 361-A:11, VII, RSA 361-A:11, VIII, RSA 361-A:3, I-a (g)-(h) and the Consent Order dated May 21, 2015.

2. Prior to issuing the Order to Show Cause for revocation, on May 21, 2015, Respondents entered into a Consent Order with the Department in which they agreed to pay off all outstanding liens on trade-ins and to pay restitution to customers for monies paid, including any fees or interest, relative to liens on their trade-in vehicles. *See* Consent Order, ¶¶ 7-16.

3. Respondents have failed to comply with the agreed-to terms of the Consent Order, including that they pay off the trade-in liens and make restitution to Claremont Ford’s customers.

4. Consequently, customers continue to be responsible for paying liens on vehicles that they in good faith surrendered to Claremont Ford as partial payment on the new vehicle they purchased. To ensure that customers are made whole as a result of this administrative process,

Respondents must be held to the obligation to pay off the trade-in liens and make restitution to their customers.

5. Respondents are not prejudiced by supplementing the Order to Show Cause as provided herein because Respondents have already agreed to these conditions as part of the Consent Order. In addition, Respondents will have the opportunity to respond to the show cause order at the as yet unscheduled adjudicatory hearing on the matter.

THEREFORE, IT IS ORDERED that, in addition to the orders enumerated in the Order to Show Cause dated June 26, 2015, Respondents shall immediately pay off, in full, all outstanding motor vehicle liens due under RSA 361-A:10-c and provide written proof to the Department that each lien has been fully paid;

IT IS FURTHER ORDERED that Respondents shall pay full restitution to customers for any monies paid, including any fees or interest incurred, by the customer relative to the outstanding trade-in liens and provide to the Department copies of cancelled checks for all restitution paid to customers. All such payments shall be made using bank checks or guaranteed funds and made payable to each consumer and mailed directly to each consumer via first class mail;

IT IS FURTHER ORDERED that Respondents shall follow up at least once with any customer who does not cash his or her restitution check within three months of receipt and provide written documentation of such follow-up to the Department. If, after six months, a customer has not cashed or deposited a restitution check, Respondents shall begin the process of escheating the funds to the New Hampshire State Treasurer's Abandoned Property division; and

IT IS FURTHER ORDERED that, for each customer with an outstanding lien on the trade-in vehicle, Respondents shall provide a letter to each associated lien holder and to each credit reporting agency explaining that any late payments or unpaid fees are solely the fault of Claremont Ford.

SO ORDERED:

08/18/15
Date

/s/
Ingrid E. White
Deputy Bank Commissioner
State of New Hampshire
Banking Department

CERTIFICATE OF SERVICE

I, Rosemary Wiant, hereby certify that on 08-18-15, a copy of this Motion to Amend Order to Show Cause was sent to the following parties via U.S. Certified Mail First Class and electronic mail:

Matthew Johnson, Esquire (counsel for Respondents)
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/s/
Rosemary Wiant
Hearings Examiner
State of New Hampshire
Banking Department