

1 State of New Hampshire Banking Department

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3 In re the Matter of:) Case No.: 07-093
)
 4 State of New Hampshire Banking) Notice of Hearing - Motion to Impose
)
 5 Department,)
)
 6 Petitioner,)
)
 7 and)
)
 8 Mortgages Unlimited Corporation,)
)
 9 Respondent)
)

11 NOTICE OF HEARING

12 Pursuant to an Order in this cause dated April 7, 2008, the
13 Commissioner ordered a hearing on the following issue:

14 **Issue 1:** Failure to pay administrative fine in accordance with the
15 Commissioner's Order dated August 8, 2007.

16 Accordingly, an adjudicative proceeding shall be commenced pursuant to
17 541-A:31 and Chapter 200 of the Department's rules (NH Code of Administrative
18 Rules BAN 200) for the purpose of permitting the Respondent to show
19 compliance with RSA 397-A.

20 Each party has the right to have an attorney present to represent the
21 party at the party's expense, or may represent itself. Each party has the
22 right to have the Department provide a certified shorthand court reporter at
23 the requesting party's expense. Any such request must be submitted in
24 writing to the Department at least 10 days prior to a scheduled hearing date.

25 THEREFORE, IT IS ORDERED, that the Respondent appear before the New
Hampshire Banking Department on **May 6, 2008 at 11:30 am**, at the **New Hampshire
Bar Association, 2 Pillsbury Street, Concord, New Hampshire**, for the purpose

1 of participating in an adjudicative proceeding, at which time the Respondent
2 will have the opportunity to address why the Motion to Impose should not be
3 granted; and

4 IT IS FURTHER ORDERED, that if the Respondent elects to be represented
5 by Counsel, said Counsel shall file notice of appearance at the earliest
6 possible date; and

7 IT IS FURTHER ORDERED, that James Shepard, Staff Attorney, New
8 Hampshire Banking Department is designated as Hearing Counsel in this matter
9 with authority to represent the public interest within the scope of the
10 Department's authority. Hearing Counsel shall have the status of a party to
11 this proceeding; and

12 IT IS FURTHER ORDERED, that Maryam Torben-Desfosses shall serve as the
13 Presiding Officer in this proceeding and shall issue a RECOMMENDED DECISION
14 in this matter which shall be reviewed and approved, disapproved or modified
15 by the Bank Commissioner; and

16 IT IS FURTHER ORDERED, that any proposed exhibits shall be pre-marked,
17 for identification only, and filed with the Department and provided to the
18 opposing party by **May 1, 2008**. Hearing Counsel shall pre-mark the
19 Department's exhibits with Arabic numbers. **The Respondents shall pre-mark**
20 **exhibits with capital letters.** An index/list of exhibits providing a brief
21 description of each exhibit with its corresponding pre-marked number or
22 letter shall be filed by both parties simultaneous with the filing of
23 exhibits; and

24 IT IS FURTHER ORDERED, that the parties shall exchange a list of all
25 exhibits and witnesses to be called at the hearing with a brief summary prior
to **May 1, 2008**, and shall at the same time file a copy of their respective
witness lists with the Presiding Officer; and

IT IS FURTHER ORDERED, that all periods referenced in this notice shall
be calendar days. If the last day of the period so computed falls on a

1 Saturday, Sunday, or legal holiday, then the time period shall be extended to
2 include the first business day that is not a Saturday, Sunday, or legal
3 holiday; and

4 IT IS FURTHER ORDERED, that the Department shall have the burden of
5 setting forth a *prima facie* case, then the Respondent shall have the burden
6 of showing compliance with applicable law by a preponderance of the evidence;

7 IT IS FURTHER ORDERED, that Respondents' failure to appear at the time,
8 date, and place specified may result in the hearing being held *in absentia*
9 and/or default ruling in favor of the Department, without further notice or
10 opportunity to be heard; and

11 IT IS FURTHER ORDERED, that the entirety of all oral proceedings shall
12 be recorded verbatim by the Banking Department. Upon request of any party,
13 or upon the Presiding Officer's own initiative, such record shall be
14 transcribed by a certified court reporter designated by the Presiding
15 Officer, and that all costs shall be borne solely by the requesting party.
16 Any such request shall be submitted in writing to the Presiding Officer prior
17 to hearing.

18 IT IS FURTHER ORDERED, that all documents shall be filed with the
19 Presiding Officer in the form of an original and one (1) copy and shall bear
20 a certification that a copy is being delivered to Hearing Counsel and any
21 other parties to this matter in accordance with NH Code of Administrative
22 Rules Ban 204.08. All documents shall be filed by mailing or delivering them
23 to the New Hampshire Banking Department, ATTN: Presiding Officer 07-093, 64B
24 Old Suncook Road, Concord, NH 03301. Filing by facsimile or electronic
25 transmission shall not be accepted; and

IT IS FURTHER ORDERED, that the parties may submit Proposed Orders,
which shall include findings of fact and conclusions of law, separately
stated, no later than ten (10) days following conclusion of the hearing(s) in
this matter; and

