

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 09-096  
 )  
 3 State of New Hampshire Banking )  
 )  
 4 Department, ) Order to Show Cause  
 )  
 5 Petitioner, )  
 )  
 6 and )  
 )  
 7 Mortgage Resource Professionals Inc )  
 )  
 8 (d/b/a Mortgage Resource Professionals )  
 )  
 9 of New England), Lynn Claire Gaulin, )  
 )  
 10 and Michael D. Gaulin, )  
 )  
 11 Respondents )

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12 NOTICE OF ORDER

13 This Order commences an adjudicative proceeding under the provisions  
14 of RSA Chapter 397-A and RSA Chapter 541-A.

15 LEGAL AUTHORITY AND JURISDICTION

16 Pursuant to RSA 397-A:17, the Commissioner of the New Hampshire  
17 Banking Department (hereinafter the "Department") has the authority to issue  
18 an order to show cause why license revocation and penalties for violations  
19 of New Hampshire Banking laws should not be imposed.

20 Pursuant to RSA 397-A:18, the Department has the authority to issue a  
21 complaint setting forth charges whenever the Department is of the opinion  
22 that the licensee or person over whom the Department has jurisdiction is  
23 violating or has violated any provision of RSA Chapter 397-A, or any rule or  
24 order thereunder.

25 Pursuant to RSA 397-A:20,IV, the Commissioner may issue, amend, or

1 rescind such orders as are reasonably necessary to comply with the  
2 provisions of the Chapter.

3 Pursuant to RSA 397-A:21, the Commissioner has the authority to  
4 suspend, revoke or deny any license and to impose administrative penalties  
5 of up to \$2,500.00 for each violation of New Hampshire banking law and  
6 rules.

7 Pursuant to RSA 383:10-d, the Commissioner shall investigate conduct  
8 that is or may be an unfair or deceptive act or practice under RSA Chapter  
9 358-A and exempt under RSA 358-A:3,I or that may violate any of the  
10 provisions of Titles XXXV and XXXVI and administrative rules adopted  
11 thereunder. The Commissioner may hold hearings relative to such conduct and  
12 may order restitution for a person or persons adversely affected by such  
13 conduct.

14 **NOTICE OF RIGHT TO REQUEST A HEARING**

15 The above named Respondents have the right to request a hearing on  
16 this Order to Show Cause, as well as the right to be represented by counsel  
17 at each Respondent's own expense. All hearings shall comply with RSA Chapter  
18 541-A. Any such request for a hearing shall be in writing, and signed by the  
19 Respondent or the duly authorized agent of the above named Respondent, and  
20 shall be delivered either by hand or certified mail, return receipt  
21 requested, to the Banking Department, State of New Hampshire, 53 Regional  
22 Drive, Suite 200, Concord, NH 03301. Such hearings will be scheduled within  
23 10 days of the Department's receipt of the request. If a Respondent fails to  
24 appear at the hearing after being duly notified, such person shall be deemed  
25 in default, and the proceeding may be determined against the Respondent upon

1 consideration of this Order to Show Cause, the allegations of which may be  
2 deemed to be true.

3 If any of the above named Respondents fails to request a hearing within  
4 30 calendar days of receipt of such order or reach a formal written and  
5 executed settlement with the Department within that time frame, then such  
6 person shall likewise be deemed in default, and the orders shall, on the  
7 thirty-first day, become permanent, and shall remain in full force and effect  
8 until and unless later modified or vacated by the Commissioner, for good cause  
9 shown.

10 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

11 The Staff Petition dated April 30, 2010 (a copy of which is attached  
12 hereto) is incorporated by reference hereto.

13 **ORDER**

14 WHEREAS, finding it necessary and appropriate and in the public  
15 interest, and consistent with the intent and purposes of the New Hampshire  
16 banking laws; and

17 WHEREAS, finding that the allegations contained in the Staff Petition,  
18 if proved true and correct, form the legal basis of the relief requested;

19 It is hereby ORDERED, that:

- 20 1. Respondent Mortgage Resource Professionals Inc (d/b/a  
21 Mortgage Resource Professionals of New England) ("Respondent  
22 Mortgage Resource Professionals") shall show cause why  
23 penalties in the amount of \$2,500.00 should not be imposed  
24 against it;

- 25 2. Respondent Lynn Claire Gaulin ("Respondent L.C. Gaulin")

1 shall show cause why penalties in the amount of \$5,000.00  
2 should not be imposed against her;

3 3. Respondent Michael D. Gaulin ("Respondent M.D. Gaulin") shall  
4 show cause why penalties in the amount of \$5,000.00 should  
5 not be imposed against him;

6 4. The above named Respondents shall show cause why, in addition  
7 to the penalties listed in Paragraphs 1 through 3 above, the  
8 \$500.00 examination fee should not be paid to the Department;

9 5. The above named Respondents shall be jointly and severally  
10 liable for the above amounts alleged in Paragraphs 1 through  
11 4 above;

12 It is hereby further ORDERED that:

13 6. Along with the administrative penalties listed for the above  
14 named Respondents, the outstanding sum of \$500.00 shall be  
15 immediately paid; and

16 7. Failure to request a hearing within 30 days of the date of  
17 receipt or valid delivery of this Order to Show Cause shall  
18 result in a default judgment being rendered and  
19 administrative penalties imposed upon the defaulting  
20 Respondent(s).

21  
22 SIGNED,

23  
24 Dated: 04/30/10

25 \_\_\_\_\_  
/s/  
PETER C. HILDRETH  
BANK COMMISSIONER

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 09-096  
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 3 State of New Hampshire Banking )  
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 4 Department, ) Staff Petition  
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 5 Petitioner, ) April 30, 2010  
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 6 and )  
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 7 Mortgage Resource Professionals Inc )  
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 8 (d/b/a Mortgage Resource Professionals )  
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 9 of New England), Lynn Claire Gaulin, )  
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 10 and Michael D. Gaulin, )  
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 11 Respondents )

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12 I. STATEMENT OF ALLEGATIONS

13 The Staff of the Banking Department, State of New Hampshire (hereinafter  
14 "Department") alleges the following facts:

15 Facts Common on All Counts:

- 16 1. Respondent Mortgage Resource Professionals Inc (d/b/a Mortgage  
17 Resource Professionals of New England) (hereinafter "Respondent  
18 Mortgage Resource Professionals") was licensed as a Mortgage  
19 Broker from at least November 26, 2003 until its license was  
20 revoked on or about March 25, 2008 pursuant to Docket #08-021.
- 21 2. Respondent Lynn Claire Gaulin (hereinafter "Respondent L.C.  
22 Gaulin") was the 50% owner and President of Respondent Mortgage  
23 Resource Professionals, when licensed by the Department.
- 24 3. Respondent Michael D. Gaulin (hereinafter "Respondent M.D.  
25 Gaulin") was the 50% owner and Vice-President of Respondent

1 Mortgage Resource Professionals, when licensed by the Department.

2 Violation of RSA 397-A:12,V Failure to Pay Examination Fee (1 Count):

3 Violation of RSA 397-A:13,VI Failure of Officer and Owner to Respond to  
4 Department Inquiries (1 Count):

5 4. Paragraphs 1 through 3 are hereby realleged as fully set forth  
6 herein.

7 5. The Department conducted an examination of Respondent Mortgage  
8 Resource Professionals on September 24, 2007, while Respondent  
9 Mortgage Resource Professionals was still licensed with the  
10 Department.

11 6. The Department sent Respondents the report of examination and  
12 examination invoice for \$500.00 via U.S. Certified Mail Return  
13 Receipt requested on July 17, 2008, which Respondents received  
14 July 18, 2008.

15 7. The above named Respondents failed to respond to the July 17, 2008  
16 correspondence from the Department.

17 8. The Department, via U.S. mail, mailed Respondents a second notice  
18 on August 20, 2008 and a third notice on September 23, 2008.

19 9. The above named Respondents did not respond to any of the three  
20 notices for payment of the \$500.00 invoice.

21 10. To date, the above named Respondents still owe the \$500.00  
22 examination fee for the one day examination.

23 **II. ISSUES OF LAW**

24 The staff of the Department alleges the following issues of law:

25 1. The Department realleges the above stated facts in Paragraphs 1

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through 10 as fully set forth herein.

2. The Department has jurisdiction over the licensing and regulation of persons engaged in mortgage banker or broker activities pursuant to RSA 397-A:2 and RSA 397-A:3.

3. RSA 397-A:12,V provides that the expense of such examination shall be chargeable to and paid by the licensee. Each of the above named Respondents violated this provision on at least one occasion as alleged above. To date, the above named Respondents have failed to pay the \$500.00 examination invoice.

4. RSA 397-A:13,VI provides that any officer, owner, manager or agent of any licensee shall reply promptly in writing, or other designated form, to any written inquiry from the Department. Respondent L.C. Gaulin and Respondent M.D. Gaulin each violated this provision on at least one occasion as alleged above.

5. RSA 397-A:17,I provides in part that the Commissioner may by order, upon due notice and opportunity for hearing, assess penalties or deny, suspend, or revoke a license or application if it is in the public interest and the applicant, respondent, or licensee, any partner, officer, member, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, respondent, or licensee: (a) has violated any provision of RSA Chapter 397-A or rules thereunder, or (b) has not met the standards established in RSA Chapter 397-A.

6. RSA 397-A:18,I provides that the Department may issue a complaint

1 setting forth charges whenever the Department is of the opinion  
2 that the licensee or person over whom the Department has  
3 jurisdiction, has violated any provision of RSA Chapter 397-A or  
4 orders thereunder.

5 7. RSA 397-A:21,IV provides that any person who, either knowingly or  
6 negligently, violates any provision of Chapter 397-A, may upon  
7 hearing, and in addition to any other penalty provided for by law,  
8 be subject to an administrative fine not to exceed \$2,500.00, or  
9 both. Each of the acts specified shall constitute a separate  
10 violation, and such administrative action or fine may be imposed  
11 in addition to any criminal penalties or civil liabilities imposed  
12 by New Hampshire Banking laws.

13 8. RSA 397-A:21,V provides that every person who directly or  
14 indirectly controls a person liable under this section, every  
15 partner, principal executive officer or director of such person,  
16 every person occupying a similar status or performing a similar  
17 function, every employee of such person who materially aids in the  
18 act constituting the violation, and every licensee or person acting  
19 as a common law agent who materially aids in the acts constituting  
20 the violation, either knowingly or negligently, may, upon notice  
21 and opportunity for hearing, and in addition to any other penalty  
22 provided for by law, be subject to suspension, revocation, or  
23 denial of any registration or license, including the forfeiture of  
24 any application fee, or the imposition of an administrative fine  
25 not to exceed \$2,500, or both. Each of the acts specified shall

