

1 State of New Hampshire Banking Department

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3 In re the Matter of:)Case No.: 08-207
)
 4 State of New Hampshire Banking)
)Order to Show Cause and Cease and
 5 Department,)Desist
)
 6 Petitioner,)
)Motion to Dismiss
 7 and)
)
 8 Capital City Automotive, LLC, Paul J.)
)
 9 Morandi, and Frank M. Fowle,)
)
 10 Respondents)
)

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12 MOTION TO DISMISS

13 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above
14 captioned case, and moves to dismiss the penalties in the Order to Show Cause
15 ("Order") in this matter and states as follows:

- 16 1. The above Respondents were properly served with the Order in this
17 matter on or about May 17, 2011.
- 18 2. Since the issuance of the Order, the above named Respondents have
19 provided the Department with evidence that Respondents are operating a
20 cash only business and are not offering financing through a bank or
21 through Respondents nor do Respondents locate any type of financing
22 for customers which served as the underlying allegations of the Order.
- 23 3. Based on the above factors and as a sign of good faith and
24 administrative efficiency, the Petitioner now wishes to dismiss the
25 penalties within the Staff Petition that initiated the Order.

1 WHEREFORE, Petitioner respectfully prays

2 A. The Commissioner dismiss the penalties in the Order to Show Cause in
3 this case; and

4 B. Grant such further relief as is just and in the public interest.

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6 Respectfully submitted by:

7
8 _____ /s/
Maryam Torben Desfosses
9 Hearings Examiner

08/17/11
Date

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11 **ORDER**

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13 Finding it in the public interest, the requested relief is hereby **GRANTED**.
14 The penalties in the Order to Show Cause in 08-207 are hereby **DISMISSED** this
15 17th day of August, 2011.

16 _____ /s/
17 RONALD A. WILBUR
BANK COMMISSIONER

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