

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-334
)
 3 State of New Hampshire Banking Department,))
)
 4 Petitioner,))
)
 5 and) Consent Order
)
 6 Hampton Bay Mortgage Company Inc, and))
)
 7 Randall L. Pratt,))
)
 8 Respondents))
)

9 CONSENT ORDER

10 For purposes of amicably settling the above-referenced matter, the State of
 11 New Hampshire Banking Department (the "Department") finds and Orders as
 12 follows:

13 **Respondents**

- 14 1. Hampton Bay Mortgage Company Inc ("Hampton Bay") was a corporation
 15 duly formed in the State of New Hampshire on June 26, 2000 with its
 16 principal office location in Wells, Maine. Hampton Bay was
 17 administratively dissolved on September 1, 2010 when it did not file
 18 an annual report for the preceding year with the State of New
 19 Hampshire due to the fact that it had voluntarily terminated its
 20 business operations prior to December 31, 2009. Hampton Bay registered
 21 with the Maine Secretary of State on May 20, 2002 with its foreign
 22 authority revoked on September 28, 2009 for the same failure to file
 23 an annual report due to inactivity.
- 24 2. In New Hampshire, Hampton Bay was licensed as a Mortgage Broker from
 25 January 1, 2000 (with an amended license date of March 3, 2008) until

1 its license expired on November 19, 2008.

2 3. Randall L. Pratt ("Pratt") was the 100% owner and President of Hampton
3 Bay.

4 **Jurisdiction**

5 4. The Department is authorized to regulate mortgage brokers pursuant to
6 RSA Chapter 397-A. RSA 397-A:2.

7 5. The Commissioner has jurisdiction to issue orders to show cause and to
8 cease and desist from violations under RSA Chapter 397-A and to
9 revoke, deny, or suspend a license of a licensee and/or assess
10 penalties pursuant to RSA Chapter 397-A. RSA 397-A:17, RSA 397-A:18
11 and RSA 397-A:21.

12 **Facts**

13 6. On or about April 2007, the Department discovered that Hampton Bay and
14 Pratt conducted net branching activity, without proper licensure of
15 the net branch entities or proper registration of a d/b/a of Hampton
16 Bay or Pratt. Approximately 307 loans were processed between Hampton
17 Bay and the net branches.

18 7. During the request for information, Hampton Bay cooperated and
19 provided the information to show it did conduct net branching
20 activity.

21 **Violation(s) of Law and Penalties**

22 8. Hampton Bay and Pratt are "Persons" as defined by RSA 397-A:1, XVIII.

23 9. Hampton Bay and Pratt may be assessed an administrative fine not to
24 exceed \$2,500.00 for each violation of RSA Chapter 397-A. RSA 397-
25 A:21, IV and V.

1 **Respondents' Consent**

2 10. Hampton Bay and Pratt hereby acknowledge that were an administrative
3 hearing to be held in this matter, the Department would introduce
4 evidence demonstrating that Hampton Bay and Pratt violated RSA Chapter
5 397-A.

6 11. Hampton Bay and Pratt have voluntarily entered into this Consent Order
7 without reliance upon any discussions between the Department and
8 Hampton Bay and Pratt, without promise of a benefit of any kind (other
9 than concessions contained in this Consent Order), and without
10 threats, force, intimidation, or coercion of any kind. Hampton Bay and
11 Pratt further acknowledge their understanding of the nature of the
12 allegations set forth in this action, including the potential
13 penalties provided by law.

14 12. Hampton Bay and Pratt hereby acknowledge, understand, and agree that
15 there is the right to notice, hearing, and/or a civil action and
16 hereby waive said rights.

17 **Order**

18 13. **Whereas pursuant to RSA 397-A:20,VI** this Consent Order is necessary,
19 appropriate and in the public interest and consistent with the intent
20 and purposes of New Hampshire banking laws, the Department Orders as
21 follows:

22 a. Hampton Bay and Pratt shall cease and desist from violating RSA
23 Chapter 397-A in New Hampshire;

24 b. Hampton Bay and Pratt shall pay to the Department a total of
25 \$2,500.00 in administrative penalties, payable contemporaneously

1 with Hampton Bay's and Pratt's signing of this Consent Order;

2 and

3 c. The check shall be bank check or guaranteed funds and made
4 payable to "State of New Hampshire."

5 14. This Consent Order may be revoked and the Department may pursue any
6 and all remedies available under law, if the Department later finds
7 that Hampton Bay and Pratt knowingly or willfully withheld information
8 used and relied upon in this Consent Order.

9 15. This Consent Order is binding on all heirs, assigns, and/or successors
10 in interest.

11 16. This Consent Order shall become effective upon the date the
12 Commissioner signs this Consent Order, providing the Department has
13 confirmed the payment referenced in Paragraph 13.b. herein.

14 17. Once this Consent Order is effective, the Department agrees not to
15 seek further reimbursement, refunds, penalties, fines, costs, or fees
16 regarding the facts, allegations, or findings of violations contained
17 herein.

18
19 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
20 Order, upon its execution by Ronald A. Wilbur, Bank Commissioner.

21
22 Recommended this 5th day of January, 2012 by

23 _____
/s/

24 Maryam Torben Desfosses, Hearings Examiner, Banking Department

1 Executed this 9th day of January, 2012 by

2
3 _____ /s/

4 Alexander J. Walker, Jr., Esq., as legal representative for Hampton Bay
5 Mortgage Company Inc and Randall L. Pratt

6
7
8 **SO ORDERED.**

9
10 _____ /s/
11 Ronald A. Wilbur,
12 Bank Commissioner

Dated: 01/11/2012