

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-359
3 State of New Hampshire Banking)
4 Department,)
5 Petitioner,) Notice of Hearing - Complaint, Order
6 and) to Show Cause and Cease and Desist
7 The Palmer Firm, P.C., and Robert)
8 Palmer, Esq.,)
9 Respondents)

10 NOTICE OF COMPLAINT, ORDER TO SHOW CAUSE AND CEASE AND DESIST HEARING

11 1. The Department issued to the above named Respondents a Complaint, Order
12 to Show Cause and Cease and Desist on August 25, 2011. RSA Chapter 541-A
13 and RSA Chapter 399-D require the Department to schedule a hearing on such
14 matter within ten (10) calendar days of a written request for hearing unless
15 otherwise waived by the Respondents. Respondents filed a timely request for
16 hearing and waived their right to a ten (10) day hearing on September 15,
17 2011.

18 IT IS HEREBY ORDERED that:

19 2. Respondents shall appear before the New Hampshire Banking Department on
20 Thursday, November 17, 2011 at 10:00 am, at the New Hampshire Banking
21 Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire
22 03301, for the purpose of participating in an adjudicative proceeding, at
23 which time the Respondents will have the opportunity to demonstrate why the
24 relief sought in the Complaint, Order to Show Cause and Cease and Desist
25 should not become permanent.

1 3. Pursuant to RSA 541-A:31,III(b), the legal authorities under which the
2 hearing is to be held are: RSA 541-A:30,III, RSA 399-D:13, RSA
3 361-A:18 and RSA 399-D:24.

4 4. The Department's alleged violations against the above named Respondents
5 in the Complaint, Order to Show Cause and Cease and Desist are as follows:

6 a. Respondent The Palmer Firm, P.C.:

7 Violation #1: Unlicensed activity as a debt adjuster (RSA 399-
8 D:3,I) - 1 count;

9 Violation #2: Failure to Provide Documents (RSA 399-D:22,VIII)-
10 1 count;

11 b. Respondent Robert Palmer, Esq.:

12 Violation #1: Unlicensed activity as a debt adjuster (RSA 399-
13 D:3,I) - 1 count;

14 Violation #2: Failure to Provide Documents (RSA 399-D:22,VIII)-
15 1 count;

16 5. The facts as alleged in the Complaint, Order to Show Cause and Cease and
17 Desist are herein incorporated by reference.

18 6. An adjudicative proceeding shall be commenced pursuant to RSA 541-A:31
19 for the purpose of permitting the above named Respondents to show compliance
20 with the stated violations.

21 7. Each party has the right to have an attorney present to represent the
22 party at the party's expense, or may represent itself or himself. If the
23 Respondents elect to be represented by Counsel, said Counsel shall file a
24 notice of appearance at the earliest possible date.

25 8. Ryan McFarland, Hearings Examiner; and Maryam Torben-Desfosses, Hearings

1 Examiner, New Hampshire Banking Department are designated as Hearings
2 Examiners in this matter with authority to represent the public interest
3 within the scope of the Department's authority. The Hearings Examiners
4 shall have the status of a party to this proceeding.

5 9. A Presiding Officer will be delegated to preside over this matter
6 pursuant to RSA 383:7-a and see also RSA 541-A:1,XV.

7 10. Any proposed exhibits shall be pre-marked, for identification only, and
8 filed with the Department and provided to the opposing party by Wednesday,
9 November 9, 2011. The Hearings Examiners shall pre-mark the Department's
10 exhibits with Arabic numbers. The Respondents shall pre-mark exhibits with
11 capital letters. An index/list of exhibits providing a brief description of
12 each exhibit with its corresponding pre-marked number or letter shall be
13 filed by both parties simultaneous with the filing of exhibits.

14 11. The parties shall exchange a list of all exhibits and witnesses to be
15 called at the hearing with a brief summary at the hearing, and shall at the
16 same time file a copy of their respective lists with the Presiding Officer.

17 12. All periods referenced in this notice shall be calendar days. If the
18 last day of the period so computed falls on a Saturday, Sunday, or legal
19 holiday, then the time period shall be extended to include the first
20 business day that is not a Saturday, Sunday, or legal holiday.

21 13. The Department shall have the burden of setting forth a *prima facie*
22 case, then the Respondents shall have the burden of showing compliance with
23 applicable law by a preponderance of the evidence.

24 14. Any Respondent's failure to appear at the time, date, and place
25 specified may result in the hearing being held *in absentia* and/or default

1 ruling in favor of the Department, without further notice or opportunity to
2 be heard.

3 15. The entirety of all verbal proceedings shall be recorded verbatim by the
4 Department. Upon request of any party, or upon the Presiding Officer's own
5 initiative, such record shall be transcribed by a certified court reporter
6 designated by the Presiding Officer, and that all costs shall be borne
7 solely by the requesting party.

8 16. Each party has the right to have the Department provide a certified
9 shorthand court reporter at the requesting party's expense. Any such request
10 shall be submitted in writing to the Presiding Officer at least 10 days
11 prior to the hearing.

12 17. All documents shall be filed with the Presiding Officer in the form of an
13 original and one (1) copy and shall bear a certification that a copy is being
14 delivered to Hearings Examiners and any other parties to this matter in
15 accordance with applicable laws. All documents shall be filed by mailing or
16 delivering them to the New Hampshire Banking Department, ATTN: Presiding
17 Officer 08-359, 53 Regional Drive, Suite 200, Concord, NH 03301. Filing by
18 facsimile or electronic transmission shall not be accepted.

19 18. The parties may submit Proposed Orders, which shall include findings of
20 fact and conclusions of law, separately stated, no later than ten (10) days
21 following conclusion of the hearing(s) in this matter.

22 19. Routine procedural inquiries may be made by telephoning Ryan McFarland,
23 Hearings Examiner; or Maryam Torben-Desfosses, Hearings Examiner at
24 (603)271-3561, but all other communications with the Presiding Officer and
25 with the Department shall be in writing and shall be filed as provided

