

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

10 NOTICE OF ORDER TO SHOW CAUSE AND CEASE AND DESIST ("ORDER")

11 1. This Order commences an adjudicative proceeding under the provisions
12 of RSA Chapter 399-D (including RSA 399-D:13,I, RSA 399-D:23,I and II, RSA
13 399-D:24, IV and V and RSA 399-D:25,IV) and RSA Chapter 541-A.

14 2. The Commissioner may impose administrative penalties of up to
15 \$2,500.00 for each violation. RSA 399-D:24,IV and V.

16 RESPONDENTS

17 3. The Palmer Firm, P.C. ("Respondent Firm") is a professional
18 corporation incorporated in the State of California on August 29, 2007, with
19 a principal office location in Rancho Cucamonga, California. Respondent Firm
20 is not registered with the New Hampshire Secretary of State's Office.
21 Respondent Firm is a "Person." RSA 399-D:1,VII.

22 4. The New Hampshire Banking Department's ("Department") records do not
23 indicate that Respondent Firm has ever held a New Hampshire Debt Adjuster
24 license.

25 5. Robert Palmer, Esq. ("Respondent Palmer") is listed by the Better

1 Business Bureau as Primary Contact of Respondent Firm. Respondent Palmer is
2 an attorney licensed to practice in the State of Texas since January 25,
3 1985. Respondent Palmer is a Control Person (RSA 399-D:2,II-a), a Direct
4 Owner (RSA 399-D:2,V-b), a Principal (RSA 399-D:2,VII-a), and a Person (RSA
5 399-D:2,VII).

6 6. The New Hampshire Banking Department's ("Department") records do not
7 indicate that Respondent Palmer has ever held a New Hampshire Debt Adjuster
8 license.

9 7. The above-named Respondents are hereinafter collectively known as
10 "Respondents".

11 **RIGHT TO REQUEST A HEARING**

12 8. Respondents have a right to request a hearing on this Order. A hearing
13 shall be held not later than ten (10) days after the Commissioner receives
14 the Respondent's written request for a hearing. Respondents may request a
15 hearing and waive the ten (10) day hearing requirement. The hearing shall
16 comply with RSA Chapter 541-A. RSA 399-D:13,I and RSA 399-D:23, I and II.

17 9. If any person fails to request a hearing within thirty (30) days of
18 receiving this Order, then such person shall be deemed in default, and the
19 Order shall, on the thirty-first (31st) day, become permanent, all
20 allegations may be deemed true, and shall remain in full force and effect
21 until modified or vacated by the Commissioner for good cause shown. RSA
22 399-D:13,I and RSA 399-D:23,II.

23 10. A default may result in administrative fines as described in Paragraph
24 2 above.

1 STATEMENT OF ALLEGATIONS

2 11. On July 31, 2007, the Department received a complaint against
3 Respondents from a New Hampshire consumer ("Consumer A") regarding
4 Respondents' debt relief assistance program being offered to New Hampshire
5 consumers.

6 12. On or about June 22, 2007, Respondents had contracted with Consumer A
7 to negotiate and settle consumer debt on behalf of Consumer A. The contract
8 provided that Consumer A would pay \$392.00 per month into Respondents' trust
9 account until the agreement between Respondents and Consumer A had been
10 completed by performance of the parties or otherwise terminated. The
11 contract between Respondents and Consumer A also included a retainer fee of
12 \$1,447.76 and a monthly maintenance fee of \$65.00.

13 13. On or about July 15, 2007, Respondents withdrew \$392.00 from Consumer
14 A's bank account, however these funds were returned and the contract was
15 terminated by Consumer A.

16 14. On August 10, 2007, the Department sent a letter via U.S. Certified
17 Mail Return Receipt Requested to Respondents, suggesting Respondents apply
18 for licensure with the Department and resolution of Consumer A's complaint.
19 The correspondence was received by the Respondents on August 17, 2007.

20 15. On September 7, 2007, the Respondents sent correspondence to the
21 Department indicating that they had terminated their representation of
22 Consumer A, and stated that they did not collect any money from Consumer A.
23 The Respondents also indicated that it was their understanding that since
24 they are engaged in the practice of law, the New Hampshire statute does not
25 apply.

1 19. **Accordingly, it is hereby ORDERED that:**

2 a. Respondents shall cease and desist from violating RSA Chapter
3 399-D and rules or orders thereunder;

4 b. Respondents shall immediately provide the Department a list of
5 all New Hampshire consumers for whom Respondents have conducted or
6 contracted to conduct debt adjustment activities. This list must include
7 the names and contact information of the New Hampshire consumers, along with
8 all monies charged, collected, and waived (if applicable). The list shall
9 also be accompanied by all contracts, checks to and from the consumer and
10 any other documents in the New Hampshire consumers' files;

11 c. Respondents shall show cause why the Commissioner should not
12 enter an order of rescission, restitution, or disgorgement of profits;

13 d. Respondents shall show cause why an administrative fine of up to
14 a maximum of \$2,500.00 per violation should not be imposed as follows:

15 (1). Respondent Firm:

16 Violation #1: Unlicensed activity as a debt adjuster (RSA
17 399-D:3,I) - 1 Count;

18 Violation #2: Failure to provide documents (RSA 399-
19 D:22,VIII) - 1 Count;

20 (2). Respondent Palmer (as Control Person, Direct Owner, and
21 Principal):

22 Violation #1: Unlicensed activity as a debt adjuster (RSA
23 399-D:3,I) - 1 Count;

24 Violation #2: Failure to provide documents (RSA 399-
25 D:22,VIII) - 1 Count;

1 e. Nothing in this Order:

2 (1). shall prevent the Department from taking any further
3 administrative and legal action as necessary under New Hampshire law; and

4 (2). shall prevent the New Hampshire Office of the Attorney
5 General from bringing an action against the above named Respondents in any
6 New Hampshire superior court, with or without prior administrative action by
7 the Commissioner.

8
9 **SO ORDERED.**

10
11 _____ /s/
12 RONALD A. WILBUR
13 BANK COMMISSIONER

Dated: August 25, 2011