

THE STATE OF NEW HAMPSHIRE

<b>In re the Matter of:</b>	)	<b>Case No. 10-004</b>
	)	
<b>State of New Hampshire Banking</b>	)	
<b>Department,</b>	)	
	)	
<b>Petitioner,</b>	)	<b>Status of Proceeding</b>
	)	
<b>and</b>	)	
	)	
<b>Dargon Law Firm P.L.L.C. (a/k/a</b>	)	
<b>www.dargonlaw.com), Daniel Paul Dargon,</b>	)	
<b>Esq., Stephen R. Kasmar, Esquire, Joseph</b>	)	
<b>D. Becher, Esquire, Eric J. Simenson,</b>	)	
<b>Esquire, Joseph R. Russell, Esquire,</b>	)	
<b>Patricia Ellis, Esquire, Jeffery B. Merrill,</b>	)	
<b>Esquire, Peter Larkowich, Michelle Preve,</b>	)	
<b>and Lacie Kingsbury,</b>	)	
	)	
<b>Respondents.</b>	)	
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I. PROCEDURAL HISTORY

This matter came to the New Hampshire Banking Department (“Department”) pursuant to an administrative action by the Department regarding the above-named Respondents. An adjudicative hearing pertaining solely to Respondent Dargon Law Firm P.L.L.C. and Respondent Daniel Paul Dargon (Collectively “Dargon”) was held before Presiding Officer Stephen J. Judge (“Presiding Officer”) on December 2, 3 and 6, 2010.

The Presiding Officer issued a Decision in this matter on February 14, 2011 (“Decision”). The Decision included the Presiding Officer’s rulings on the Parties’ findings of facts and conclusions of law. A determination was made in the Decision that Dargon violated certain identified state and federal statutes.

A Final Order in this matter was issued on June 30, 2011. On July 27, 2011, Dargon timely filed a Motion for Rehearing (“Motion”) pursuant to N.H. RSA 541:3 and RSA 541:4. The Department filed an Objection to Dargon’s Motion on August 1, 2011 along with additional information regarding consumer restitution.

Pursuant to N.H. RSA 541:5, the Presiding Officer suspended the June 30, 2011 Final Order on August 3, 2011 pending further consideration of the Parties’ pleadings.

## II. STATUS OF PROCEEDING

Mr. Dargon informed the Department and the Presiding Officer on October 24, 2011 that he was leaving for basic training with the United States Army. Mr. Dargon stated in writing on July 11, 2012 that he is on active duty with the United States Army. In the same correspondence, Mr. Dargon declined to waive the Servicemembers Civil Relief Act (the “Act”). Counsel for Mr. Dargon confirmed in writing on November 6, 2012 that Mr. Dargon remains on active duty. Under certain circumstances, the Act limits the ability of a tribunal or court to take action while a party is on active duty with the military.

Whether the Act limits the Presiding Officer’s ability in this case is a question not yet decided.

Neither Dargon Law Firm nor Mr. Dargon are engaged in any activities regarding N.H. RSA 397-A. Moreover, there is no evidence that either of them is active in any area under the law.

Based on evidence submitted in this case, Mr. Dargon and his firm have no assets to satisfy the award contained in the Final Order.

The Presiding Officer continues to work on this case and will issue an Order on the Motion for Rehearing as soon as time and law permit.

Date: 11/16/12

/s/  
Stephen J. Judge, Esquire  
Presiding Officer