

1 State of New Hampshire Banking Department

2 In re the Matter of: )Case No.: 10-022  
3 State of New Hampshire Banking )  
4 Department, )  
5 Petitioner, )Notice of Hearing - Order to Order to  
6 and )Show Cause And Cease and Desist  
7 Cornelis A. Pangemanan (d/b/a Cornel )  
8 Indotransfer), Cornelis A. Pangemanan, )  
9 Respondent )  
10 )

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

11 1. The Department issued to the above named Respondents an Order to Show  
12 Cause and Cease and Desist on October 4, 2011. RSA Chapter 541-A and RSA  
13 Chapter 399-G require the Department to schedule a hearing on such matter  
14 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 on October 26, 2011 but did not waive their right to a hearing in  
17 ten (10) days. Therefore, the hearing has not been postponed.

18 IT IS HEREBY ORDERED that:

19 2. Respondents shall appear before the New Hampshire Banking Department on  
20 Friday, November 4, 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 Order to Show Cause and Cease and Desist should not  
25 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-G:18, RSA  
3 399-G:19 and RSA 399-G:21.

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

6 a. Respondent Cornelis A. Pangemanan (d/b/a Cornel Indotransfer):

7 Violation #1: Unlicensed money transmitter activity (RSA 399-  
8 G:3) - 4,931 Counts; and

9 b. Respondent Pangemanan:

10 Violation #1: Unlicensed money transmitter activity (RSA 399-  
11 G:3) - 4,931 Counts.

12 5. The Department's alleged violations against Respondents also include:

13 a. An order to show cause why rescission, restitution, or  
14 disgorgement of profits for at least \$73,560.00 should not  
15 occur.

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

18 7. 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 8. 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 9. Maryam Torben Desfosses, Hearings Examiner, New Hampshire Banking

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

5 10. 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 11. Any proposed exhibits shall be pre-marked, for identification only, and  
8 filed with the Department and provided to the opposing party by Monday,  
9 October 31, 2011. The Hearings Examiner 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 Examiner 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 10-022, 53 Regional Drive, Suite 200, Concord, NH 03301. Filing by  
18 facsimile or electronic transmission shall not be accepted.

19 19. 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 20. Routine procedural inquiries may be made by telephoning Maryam Torben  
23 Desfosses, Hearings Examiner at (603)271-3561, but all other communications  
24 with the Presiding Officer and with the Department shall be in writing and  
25 shall be filed as provided above. *Ex parte* communications are forbidden by

1 statute.

2 21. A copy of this Notice of Hearing shall be mailed to all named  
3 Respondents by delivery to Cornelis A. Pangemanan and Cornel Indotransfer  
4 and that a copy shall also be delivered to Maryam Torben Desfosses, Hearings  
5 Examiner, and to the Presiding Officer at the New Hampshire Banking  
6 Department.

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9 **SO ORDERED,**

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\_\_\_\_\_/s/  
Ronald A. Wilbur  
Bank Commissioner

\_\_\_\_\_  
10/27/2011  
Date

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