

1 State of New Hampshire Banking Department

2 In re the Matter of:)Case No.: 10-130
)
 3 State of New Hampshire Banking)
)
 4 Department,)
)
 5 Petitioner,)
)
 6 and)
)
 7 American Home Relief Foundation, LLC,)
)
 8 Law Office of Michael A. Perry and)
)
 9 Michael A. Perry, Esquire)
)
 10 Respondents)

11 NOTICE OF HEARING

12 1. The Department issued to the above named Respondents an Order to Show
 13 Cause and Cease and Desist ("Order") on April 20, 2011. RSA Chapter 541-A
 14 and RSA Chapter 397-A require the Department to schedule a hearing on such
 15 matter within ten (10) calendar days of a written request for hearing unless
 16 otherwise waived by the Respondents. On May 10, 2011, Respondents Law Office
 17 of Michael A. Perry and Michael A. Perry, Esquire, filed a timely request
 18 for hearing.

19 2. On November 2, 2011, the Department issued a Notice of Amended Order to
 20 Show Cause and Cease and Desist. On December 1, 2011, Respondent Michael A.
 21 Perry, filed a timely request for a hearing and waived the 10 day hearing
 22 requirement.

23 3. On December 23, 2014, the Department corresponded with Respondent,
 24 Michael A. Perry, requesting proposed dates for the requested hearing in
 25 this matter. The Respondent has failed to respond to that request.

1 4. On February 13, 2015, the Department notified the Presiding Officer that
2 a hearing shall be scheduled per the request of the Respondent.

3 IT IS HEREBY ORDERED that:

4 5. Respondents shall appear on April 16, 2015, at 10:00 a.m., at the New
5 Hampshire Banking Department located at 53 Regional Drive, Suite 200,
6 Concord, New Hampshire 03301, for the purpose of participating in an
7 adjudicative proceeding, at which time Petitioner will have the burden of
8 setting forth a prima facie case by a preponderance of the evidence why the
9 relief sought in the Order to Cease and Desist should become permanent. To
10 the extent that the Respondents move to Vacate the Order, they shall bear
11 the burden of proof. Jus 812.02.

12 6. The Hearing shall be conducted under the relevant provisions of RSA 541-
13 A, Title XXXV, the Jus 800 rules and all relevant Ban rules.

14 7. The Department's alleged violations against Respondents are contained in
15 the Order to Show Cause and Cease and Desist.

16 8. Each party has the right to have an attorney present to represent the
17 party at the party's expense, or may represent itself or himself.

18 9. Maryam Torben Desfosses, New Hampshire Banking Department has been
19 designated as Hearings Examiner in this matter by the Department with
20 authority to represent the public interest within the scope of the
21 Department's authority. The Hearings Examiner shall have the status of a
22 party to this proceeding.

23 10. Stephen J. Judge has been delegated to preside over this matter pursuant
24 to RSA 383:7-a and see also RSA 541-A:1,XV.

25 11. Any proposed exhibits shall be pre-marked, for identification only,
filed with the Presiding Officer and provided to the opposing party 10 days

1 before the Hearing. The Hearings Examiner shall pre-mark the Department's
2 exhibits with Arabic numbers. Respondents shall pre-mark exhibits with
3 capital letters. An index/list of exhibits providing a brief description of
4 each exhibit with its corresponding pre-marked number or letter shall be
5 filed by both parties simultaneous with the filing of exhibits.

6 12. The parties shall also exchange a list of all witnesses to be called at
7 the hearing with a brief summary of the anticipated testimony 10 days before
8 the Hearing and shall at the same time file a copy of their respective lists
9 with the Presiding Officer.

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

14 14. Respondents' failure to appear at the time, date, and place specified
15 may result in the hearing being held *in absentia* and/or a default ruling in
16 favor of the Department, without further notice or opportunity to
17 be heard.

18 15. The entirety of all verbal proceedings shall be recorded verbatim by the
19 Department. Upon request of any party, or upon the Presiding Officer's own
20 initiative, such record shall be transcribed by a certified court reporter
21 designated by the Presiding Officer, and all costs shall be borne solely by
22 the requesting party.

23 16. Each party has the right to have the Department provide a certified
24 shorthand court reporter at the requesting party's expense. Any such request
25 shall be submitted in writing to the Presiding Officer immediately upon
receipt of this Notice.

1 17. All documents shall be filed with the Presiding Officer in the form of an
2 original and one (1) copy and shall bear a certification that a copy is being
3 delivered to the Hearings Examiner and any other parties to this matter in
4 accordance with applicable laws. All documents shall be filed by mailing or
5 delivering them to the New Hampshire Banking Department, ATTN: Presiding
6 Officer, 53 Regional Drive, Suite 200, Concord, NH 03301. Filing by
7 electronic transmission shall be accepted. The Presiding Officer can be
8 reached at presidingofficer@banking.state.nh.us.

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

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

1 20. A copy of this Notice of Hearing shall be mailed to all named
2 Respondents, and a copy shall also be delivered to Maryam Torben Desfosses,
3 Hearings Examiner.
4

5
6 **SO ORDERED,**

7
8 _____
9 /s/
10 Stephen J. Judge, Esquire
11 Presiding Officer

_____ 3/27/15
Date