

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 10-139
))
3 State of New Hampshire Banking Department,)
) Order to Show Cause and
4 Petitioner,) Cease and Desist
))
5 and)
) Motion to Dismiss Only as to
6 Kingston Financial (d/b/a for Payment Direct,) Respondent J. Michael Kenney
))
7 Inc.), and J. Michael Kenney,)
))
8 Respondents)
))

9 MOTION TO DISMISS

10 ONLY AS TO RESPONDENT J. MICHAEL KENNEY

11 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above
12 captioned case, and moves to dismiss the penalties as to Respondent J. Michael
13 Kenney only in the Order to Show Cause and Cease and Desist ("Order") in this
14 matter and states as follows:

- 15 1. Respondent J. Michael Kenney was properly served with the Order in
16 this matter on or about November 8, 2011.
- 17 2. Since the issuance of the Order, Respondent J. Michael Kenney has
18 provided the Department with additional information rendering his
19 liability in this matter moot.
- 20 3. Based on the above factors and as a sign of good faith and
21 administrative efficiency, the Petitioner now wishes to dismiss the
22 penalties as to Respondent J. Michael Kenney only within the Staff
23 Petition that initiated the Order.

24 WHEREFORE, Petitioner respectfully requests:

- 25 A. The Commissioner dismiss the penalties in the Order to Show Cause and

