

1 **State of New Hampshire Banking Department**

2 **In re the Matter of:** ) **Case No.: 10-196**  
3 **State of New Hampshire Banking** )  
4 **Department,** )  
5 **Petitioner,** )  
6 **and** ) **Notice of Hearing – Order to Show Cause**  
7 **Cheryl Darlene Pecor (a/k/a Cheryl Darlene** ) **and Cease and Desist**  
8 **Forcier, a/k/a Cheryl Darlene Lewis, a/k/a** )  
9 **Cheryl Darlene Vangeli and d/b/a Custom** )  
10 **Lending Network, d/b/a** )  
11 **customlendingnetwork.com, and d/b/a** )  
12 **customlending.net),** )  
13 **Respondents** )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

**NOTICE OF HEARING**

**For Order to Show Cause and Cease and Desist**

1. The Department issued to the above named Respondents an Order to Show Cause and Cease and Desist on April 14, 2011, which Respondents received on April 20, 2011. RSA Chapter 541-A and RSA Chapter 397-A require the Department to schedule a hearing on such matter within ten (10) calendar days of a written request for hearing unless otherwise waived by the Respondents. On May 10, 2011, Respondents filed a timely request for hearing and waived their right to a ten (10) day hearing. The waiver was confirmed in writing by the Department on May 24, 2011.

IT IS HEREBY ORDERED that:

2. Respondents appear before the New Hampshire Banking Department on Thursday, July 14, 2011 at 10:00 a.m., at the New Hampshire Banking Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire 03301, for the purpose of participating in an adjudicative proceeding, at which time the Respondents will have

1 the opportunity to demonstrate why the relief sought in the Order to Show Cause  
2 should not become permanent.

3 3. Pursuant to RSA 541-A:31,III(b), the legal authorities under which the hearing is to be  
4 held are: RSA 541-A:30,III, RSA 397-A:17, RSA 397-A:21 and RSA 383:10-d.

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

7 Respondent Cheryl Pecor:

8 1 Count for unlicensed activity as a  
9 mortgage broker  
RSA 397-A:3, I

10 1 Count for acting as a mortgage loan  
11 originator for more than one mortgage  
12 broker  
RSA 397-A:1, XVII  
RSA 397-A:3, III

13 1 Count for failure to produce requested  
14 documents  
RSA 397-A:12, I

15 1 Count for unlicensed activity as a  
16 mortgage loan originator  
RSA 397-A:3, II

17 1 Count for violation of the S.A.F.E.  
18 Act  
19 RSA 397-A:17, IX

20 5. The facts as alleged in the Order to Show Cause and Cease and Desist are herein  
21 incorporated by reference.

22 6. An adjudicative proceeding shall be commenced pursuant to RSA 541-A:31 for the  
23 purpose of permitting the above named Respondents to show compliance with the  
24 stated violations.  
25

- 1 7. Each party has the right to have an attorney present to represent the party at the party's  
2 expense, or may represent itself or himself. If the Respondents elect to be represented  
3 by Counsel, said Counsel shall file a notice of appearance at the earliest possible date.
- 4 8. Raef J. Granger, Esq., Hearings Examiner, New Hampshire Banking Department is  
5 designated as Hearings Examiner in this matter with authority to represent the public  
6 interest within the scope of the Department's authority. The Hearings Examiner shall  
7 have the status of a party to this proceeding.
- 8 9. A Presiding Officer will be delegated to preside over this matter pursuant to RSA  
9 383:7-a and see also RSA 541-A:1,XV.
- 10 10. Any proposed exhibits shall be pre-marked, for identification only, and filed with the  
11 Department and provided to the opposing party five (5) days prior to the Hearing or by  
12 Thursday, July 7, 2011. The Hearings Examiner shall pre-mark the Department's  
13 exhibits with Arabic numbers. The Respondents shall pre-mark exhibits with capital  
14 letters. An index/list of exhibits providing a brief description of each exhibit with its  
15 corresponding pre-marked number or letter shall be filed by both parties simultaneous  
16 with the filing of exhibits.
- 17 11. The parties shall exchange a list of all exhibits and witnesses to be called at the hearing  
18 with a brief summary at the hearing, and shall at the same time file a copy of their  
19 respective lists with the Presiding Officer.
- 20 12. All periods referenced in this notice shall be business days. If the last day of the period  
21 so computed falls on a Saturday, Sunday, or legal holiday, then the time period shall be  
22 extended to include the first business day that is not a Saturday, Sunday, or legal  
23 holiday.

- 1 13. The Department shall have the burden of setting forth a *prima facie* case, then the  
2 Respondents shall have the burden of showing compliance with applicable law by a  
3 preponderance of the evidence.
- 4 14. Any Respondent's failure to appear at the time, date, and place specified may result in  
5 the hearing being held *in absentia* and/or default ruling in favor of the Department,  
6 without further notice or opportunity to be heard.
- 7 15. The entirety of all verbal proceedings shall be recorded verbatim by the Department.  
8 Upon request of any party, or upon the Presiding Officer's own initiative, such record  
9 shall be transcribed by a certified court reporter designated by the Presiding Officer, and  
10 that all costs shall be borne solely by the requesting party.
- 11 16. Each party has the right to have the Department provide a certified shorthand court  
12 reporter at the requesting party's expense. Any such request shall be submitted in  
13 writing to the Presiding Officer at least ten (10) days prior to the hearing.
- 14 17. All documents shall be filed with the Presiding Officer in the form of an original and  
15 one (1) copy and shall bear a certification that a copy is being delivered to Hearings  
16 Examiner and any other parties to this matter in accordance with applicable laws. All  
17 documents shall be filed by mailing or delivering them to the New Hampshire Banking  
18 Department, ATTN: Presiding Officer 09-093, 53 Regional Drive, Suite 200, Concord,  
19 NH, 03301. Filing by facsimile or electronic transmission shall not be accepted.
- 20 18. The parties may submit Proposed Orders, which shall include findings of fact and  
21 conclusions of law, separately stated, no later than ten (10) days following conclusion of  
22 the hearing(s) in this matter.
- 23 19. Routine procedural inquiries may be made by telephoning Raef J. Granger, Esq.,  
24 Hearings Examiner at (603)271-3561, but all other communications with the Presiding  
25

1 Officer and with the Department shall be in writing and shall be filed as provided  
2 above. *Ex parte* communications are forbidden by statute.

- 3 20. A copy of this Notice of Hearing shall be mailed to all named Respondents and that a  
4 copy shall also be delivered to Raef J. Granger, Esq., Hearings Examiner, and to the  
5 Presiding Officer at the New Hampshire Banking Department.

6  
7 **SO ORDERED,**

8  
9 \_\_\_\_\_  
10 /s/  
11 Ronald A. Wilbur  
12 Bank Commissioner

\_\_\_\_\_ June 2, 2011  
Date