

1 6. Ronald D. Bryson ("Respondent Bryson") is the 50% owner and control
2 person of Respondent Midstate. Respondent Bryson is a Person (RSA 361-
3 A:1,VIII) and a Control person (RSA 361-A:1,III-b).

4 7. The above named Respondents are hereby collectively known as
5 "Respondents".

6 **RIGHT TO REQUEST A HEARING**

7 8. Respondents have a right to request a hearing on this Order. A hearing
8 shall be scheduled not later than ten (10) days after the Commissioner
9 receives the Respondent's written request for a hearing. Respondents may
10 request a hearing and waive the ten (10) day hearing requirement. The
11 hearing shall comply with RSA Chapter 541-A, RSA 361-A:3 and RSA 361-A:3-a.

12 9. If any person fails to request a hearing within thirty (30) days of
13 receiving this Order, then such person shall be deemed in default, and the
14 Order shall, on the thirty-first (31st) day, become permanent, all
15 allegations may be deemed true, and shall remain in full force and effect
16 until modified or vacated by the Commissioner for good cause shown. RSA 361-
17 A:3 and RSA 361-A:3-a

18 10. A default may result in administrative fines as described in Paragraph
19 2 above.

20 **STATEMENT OF ALLEGATIONS**

21 11. On September 9, 2010, the Department received a consumer complaint
22 from Consumer A, as forwarded by the New Hampshire Office of the Attorney
23 General. Consumer A refinanced a motor vehicle through Respondents and
24 Respondents failed to pay off the existing loan, in violation of RSA 361-
25 A:3,I-a(h). As a result of Respondents' failure, Consumer A still owes

1 \$4,295.00 on the original loan.

2 12. On September 9, 2010, the Department mailed the consumer complaint to
3 Respondents via U.S. Certified Mail Return Receipt. On October 4, 2010, the
4 letter was returned to the Department as "unclaimed; unable to forward".

5 13. On October 7, 2010, the Department left a voicemail message for
6 Respondents regarding the Consumer A complaint. On the same day, the
7 Department successfully faxed the Consumer A complaint to Respondents.

8 14. To date, Respondents have failed to respond to both the Consumer A
9 complaint and Department inquiries regarding the same. Such failure to
10 respond is in violation of RSA 361-A:4-a and RSA 361-A:2-b,VI.

11 _____ /s/
12 Maryam Torben Desfosses
13 Hearings Examiner

11 February 14, 2011
12 Date

13 **ORDER**

14 15. **I hereby find as follows:**

15 a. Pursuant to RSA 361-A:3,I, the facts as alleged above, if true,
16 show Respondents are operating or have operated in violation of RSA Chapter
17 361-A and form the legal basis for this Order;

18 b. Pursuant to RSA 361-A:5,VI, this Order is necessary and
19 appropriate to the public interest and for the protection of consumers and
20 consistent with the purpose of New Hampshire banking laws;

21 c. Pursuant to RSA 361-A:3,I and RSA 361-A:3-a,I, reasonable cause
22 to issue an order to cease and desist; and

23 d. If Respondents fail to respond to this Order and/or defaults
24 then all facts as alleged herein are deemed as true.

1 16. Accordingly, it is hereby ORDERED that:

2 a. Respondents shall cease and desist from violating RSA Chapter
3 361-A and rules or orders thereunder;

4 b. Respondents shall within fourteen (14) days of the date of this
5 Order provide the Department a list of all New Hampshire consumers for whom
6 Respondents have failed to pay-off existing liens on refinanced motor
7 vehicles. This list must include the names and contact information of the
8 New Hampshire consumers, along with monies charged, collected and waived (if
9 applicable). The list shall also be accompanied by all contracts, checks to
10 and from the consumer and any other documents in the New Hampshire
11 consumers' files;

12 c. Respondents shall show cause why Respondent Midstate's New
13 Hampshire Retail Seller license should not be revoked;

14 d. Respondents shall show cause why an administrative fine of up to
15 a maximum of \$2,500.00 per violation should not be imposed as follows:

16 (1). Respondent Midstate:

17 Violation #1: Engaged in Unfair or Deceptive Activity as
18 Related to Making a Retail Installment Contract (RSA 361-
19 A:3,I-a(h)) (1 count);

20 Violation #2: Failure to respond to consumer complaint
21 (RSA 361-A:4-a) (1 count);

22 (2). Respondent Harvey (as control person):

23 Violation #1: Engaged in Unfair or Deceptive Activity as
24 Related to Making a Retail Installment Contract (RSA 361-
25 A:3,I-a(h)) (1 count);

