

1 State of New Hampshire Banking Department

2 In re the Matter of: )Case No.: 10-465  
 )  
 3 State of New Hampshire Banking )  
 )  
 4 Department, )  
 )  
 5 Petitioner, )Consent Order  
 )  
 6 and )  
 )  
 7 Mark Daniel LePage (d/b/a LePages Auto )  
 )  
 8 Wholesale), )  
 )  
 9 Respondent )  
 )

10 CONSENT ORDER

11 The State of New Hampshire Banking Department (the "Department") finds and  
12 Orders as follows:

13 Respondent

- 14 1. Mark Daniel LePage (d/b/a LePages Auto Wholesale) ("LePages") is a  
 15 sole proprietorship organized and with a trade name registered in the  
 16 State of New Hampshire on April 1, 2005 with its principal office  
 17 location in Kingston, New Hampshire.
- 18 2. In New Hampshire, LePages had not been previously licensed as a Retail  
 19 Seller by the Department. LePages' Retail Seller license with the  
 20 Department is pending execution of this Consent Order regarding  
 21 unlicensed retail seller activity.

22 Jurisdiction

- 23 3. The Department is authorized to regulate retail sellers pursuant to  
 24 RSA Chapter 361-A. RSA 361-A:2.
- 25 4. The Commissioner has jurisdiction to issue orders to show cause and to

1 cease and desist from violations under RSA Chapter 361-A and to  
2 revoke, deny, or suspend a license of a licensee and/or assess  
3 penalties pursuant to RSA Chapter 361-A. RSA 361-A:3, RSA 361-A:3-a  
4 and RSA 361-A:11.

5 **Facts**

- 6 5. In 2006 and from 2008 through 2011, LePages has conducted retail  
7 seller activity for New Hampshire consumers without a valid Retail  
8 Seller license issued by the Department.
- 9 6. During the request for information, LePages cooperated and provided  
10 the information to show it did conduct business in New Hampshire prior  
11 to obtaining a Retail Seller license from the Department.

12 **Violation(s) of Law and Penalties**

- 13 7. LePages is a "Person" as defined by RSA 361-A:1,VIII.
- 14 8. LePages may be assessed an administrative fine not to exceed \$2,500.00  
15 for each violation of RSA Chapter 361-A. RSA 361-A:11.

16 **Respondent's Consent**

- 17 9. LePages does not deny the facts, statements, or violations contained  
18 herein and LePages hereby agrees to the entry of this Consent Order.
- 19 LePages has voluntarily entered into this Consent Order without  
20 reliance upon any discussions between the Department and LePages,  
21 without promise of a benefit of any kind (other than concessions  
22 contained in this Consent Order), and without threats, force,  
23 intimidation, or coercion of any kind. LePages further acknowledges  
24 its understanding of the nature of the allegations set forth in this  
25 action, including the potential penalties provided by law.

1 10. LePages hereby acknowledges, understands, and agrees that there is the  
2 right to notice, hearing, and/or a civil action and hereby waives said  
3 rights.

4 **Order**

5 11. **Whereas pursuant to RSA 361-A:5,VI** this Consent Order is necessary,  
6 appropriate and in the public interest and consistent with the intent  
7 and purposes of New Hampshire banking laws, the Department Orders as  
8 follows:

9 a. LePages shall pay to the Department \$250.00 in administrative  
10 penalties for unlicensed retail seller activity as described in  
11 Paragraph 5 above, payable contemporaneously with LePages'  
12 signing of this Consent Order; and

13 b. All checks shall be bank check or guaranteed funds and made  
14 payable to "State of New Hampshire".

15 12. This Consent Order may be revoked and the Department may pursue any  
16 and all remedies available under law, if the Department later finds  
17 that LePages' knowingly or willfully withheld information used and  
18 relied upon in this Consent Order.

19 13. This Consent Order is binding on all heirs, assigns, and/or successors  
20 in interest.

21 14. This Consent Order shall become effective upon the date the  
22 Commissioner signs this Consent Order.

23 15. Once this Consent Order is effective, the Department agrees not to  
24 seek further reimbursement, refunds, penalties, fines, costs, or fees  
25 regarding the facts, allegations, or findings of violations contained

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

herein.

**WHEREFORE**, based on the foregoing, we have set our hands to this Consent Order, upon its execution by Ronald A. Wilbur, Bank Commissioner.

Recommended this 15th day of September, 2011 by

\_\_\_\_\_  
/s/

Maryam Torben Desfosses, Hearings Examiner, Banking Department

Executed this 20th day of September, 2011 by

\_\_\_\_\_  
/s/

Mark Daniel LePage, Sole Proprietor, on behalf of LePages Auto Wholesale

**SO ORDERED.**

\_\_\_\_\_  
/s/

Ronald A. Wilbur,  
Bank Commissioner

Dated: 09/21/2011