

1 State of New Hampshire Banking Department

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3 In re the Matter of:) Case No.: 10-484
)
 4 State of New Hampshire Banking)
)
 5 Department,)
) Order on Request for Finding of
 6 Petitioner,) Violation of November 23, 2010 Cease
) and Desist Order and Order to Show
 7 and) Cause
)
 8 Robert A. Young, Jr. d/b/a First)
)
 9 Connecticut Mortgage,)
)
 10 Respondents)
)

11
12 I. PROCEDURAL CASE HISTORY

13 On December 3, 2010, Respondent Robert A. Young, Jr. d/b/a First
14 Connecticut Mortgage ("Respondent") received a Cease and Desist Order
15 ("Order") dated November 23, 2010 from the New Hampshire Banking Department
16 ("Department"). The Order made certain factual allegations, asserted legal
17 conclusions, and provided for a hearing pursuant to RSA Chapter 397-A.

18 The Respondent failed to contact the Department within thirty (30) days
19 and was defaulted on January 4, 2011 resulting in the revocation of all
20 Department licenses held by the Respondent. The Request for Finding of
21 Violation of the November 23, 2010 Cease and Desist Order to Show Cause
22 ("Request for Finding") was filed on January 14, 2011 and sent by the
23 Department via Certified Mail to the Respondent on January 25, 2011. The
24 Respondent again failed to contact the Department.

1 II. FACTS

2 Based on the following discussion, the allegations of facts from the
3 Order are taken as true and all such factual allegations are incorporated in
4 this discussion. In addition, the allegations in the Request for Finding are
5 taken as true. The Respondent has a website, www.nhlowrates.com, which was
6 still up and running with a contact phone number as of February 16, 2011.

7
8 III. DISCUSSION

9 The Order cites to both RSA 397-A:17, I and RSA 397-A:18, II. *Order PPs*
10 *12 and 13.*

11 The procedures are the same. Under RSA 397-A:18, II and RSA 397-A:17,
12 I, when a violation is alleged and a respondent fails to request a hearing
13 within thirty (30) calendar days of receipt of an order, then the respondent
14 shall be deemed in default and the order shall on the thirty-first day become
15 permanent and shall remain in full force and effect unless changed by the
16 Department. (*Emphasis added.*)¹

17 Applying both statutes to this matter, effective January 4, 2011, I
18 determine that the Respondent violated RSA Chapter 397-A, is in default, and
19 the Order is permanent pursuant to RSA 397-A:18, II and RSA 397-A:17, I.

20 Turning to the Request for Findings, the Presiding Officer takes notice
21 that the website is still up as of February 16, 2011 in violation of the
22 Order.² As a result, the Request for Finding is HEREBY GRANTED.

23 _____
24 ¹ A different process is provided for a respondent who requests a hearing and
25 respondent fails to appear, the respondent is deemed in default. The
proceeding may be determined against the respondent upon consideration of the
order, the allegations of which may be deemed true. (*Emphasis added.*)

² As of the date of this order, the website is "temporarily disabled",
however, it may be being used to solicit consumer information.
Order Re: Request for Finding of Violation - 2

1 I note that RSA Chapter 397-A provides a process for enforcement of
2 orders. RSA 397-A:18, IV gives the Attorney General discretion to bring an
3 action in Superior Court.

4
5 IV. CONCLUSION

6 The Request for Finding is GRANTED.

7 SO ORDERED.

8
9 SIGNED,

10
11
12 Dated: 3/10/11

13 /s/
STEPHEN J. JUDGE, ESQ.
PRESIDING OFFICER