

In re: McCurdy, David E. (d/b/a Machine Tech Service  
Associates and d/b/a Machine Tech Service)  
Case No.: 13-074

**CONSENT ORDER**

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

**Respondent**

1. McCurdy, David E. (d/b/a Machine Tech Service Associates and d/b/a Machine Tech Service) ("Machine Tech") was a sole proprietorship duly licensed by the Department as a Retail Seller from March 1, 2012 until July 2, 2013 with a principal office location in Londonderry, New Hampshire. Machine Tech Service Associates has been a duly registered trade name with the New Hampshire Secretary of State since February 29, 2012 and Machine Tech Service has been an active registered trade name since March 20, 2012.
2. This Consent Order covers Machine Tech's unlicensed retail seller and sales finance company activity prior to licensure on March 1, 2012.

**Jurisdiction**

3. The Department is authorized to regulate retail sellers pursuant to RSA Chapter 361-A. *RSA 361-A:2.*

4. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter 361-A and to assess penalties pursuant to RSA Chapter 361-A. *RSA 361-A:3,I, RSA 361-A:3,I-a, RSA 361-A:3-a and RSA 361-A:11.*
5. The Department may assess Machine Tech administrative fines of up to \$2,500.00 for each violation of RSA Chapter 361-A. *RSA 361-A:11, VII and VIII.*

#### **Facts**

6. Machine Tech conducted unlicensed retail seller activity for 27 New Hampshire consumers.
7. During the request for information, Machine Tech fully cooperated with the Department and provided the information to show that Machine Tech did conduct business in New Hampshire without proper licensure.

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

8. Machine Tech has conducted unlicensed retail seller activity for New Hampshire consumers without a valid Retail Seller license, in violation of RSA 361-A:2,I.

#### **Respondent's Consent and Acknowledgments**

9. Machine Tech hereby acknowledges that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that Machine Tech violated RSA Chapter 361-A.

10. Machine Tech has voluntarily entered into this Consent Order without reliance upon any discussions between the Department and Machine Tech, without promise of a benefit of any kind (other than concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind. Machine Tech further acknowledges its understanding of the nature of the allegations set forth in this action, including the potential penalties provided by law.
11. Machine Tech hereby acknowledges, understands, and agrees that it has the right to notice and hearing, hereby waives said rights. Machine Tech hereby further acknowledges it waives the filing of any civil actions related to this matter.

**Order**

12. **Whereas pursuant to RSA 361-A:5,VI** finding this Consent Order necessary, appropriate and in the public interest and consistent with the intent and purposes of New Hampshire banking laws, the Department Orders as follows:
  - a. Pursuant to RSA 361-A:3,I, RSA 361-A:3,I-a, and RSA 361-A:3-a, Machine Tech shall cease and desist from conducting unlicensed activity and from violating RSA Chapter 361-A and any rules or

orders thereunder;

b. Machine Tech shall pay to the Department \$5,373.00 in administrative penalties, payable contemporaneously with Machine Tech's signing of this Consent Order. The check shall be bank check or guaranteed funds and made payable to "State of New Hampshire."

13. This Consent Order may be revoked and the Department may pursue any and all remedies available under law, if the Department later finds that Machine Tech knowingly or willfully withheld information used and relied upon in this Consent Order or violates this Consent Order.
14. This Consent Order is binding on all heirs, assigns, and/or successors in interest.
15. This Consent Order shall become effective upon the date the Commissioner signs this Consent Order providing the Department has confirmed the payments referenced in Paragraph 12.b. herein.
16. Once this Consent Order is effective, the Department agrees not to seek further reimbursement, refunds, penalties, fines, costs, or fees regarding the facts, allegations, or findings of violations contained herein.

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

Recommended this 26th day of June, 2014 by

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/s/

Maryam Torben Desfosses,  
Hearings Examiner, Banking Department

Executed this 17th day of July, 2014 by

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/s/

David E. McCurdy, as 100% owner of and on behalf of  
McCurdy, David E. (d/b/a Machine Tech Service Associates  
and d/b/a Machine Tech Service)

**SO ORDERED.**

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/s/

Glenn A. Perlow,  
Bank Commissioner

Dated: 07/17/14