

State of New Hampshire Banking Department

In re the Matter of:) Case No.: 13-109
)
State of New Hampshire Banking)
)
Department,) Notice of Prehearing Conference
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Petitioner,)
)
and)
)
The Mortgage Specialists, Inc. and Michael)
)
Gill,)
)
Respondents)
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NOTICE OF PREHEARING CONFERENCE

1. On April 11, 2013 the New Hampshire Banking Department (“Department”) recommended to the New Hampshire Bank Commissioner (“Commissioner”) that he issue an Order to Show Cause and Produce Records (“Order”) against the Mortgage Specialists, Inc. and Michael Gill. The Commissioner ordered a hearing to be held on May 15, 2013. On May 2, 2013 then-Presiding Officer Stephen Judge recused himself as presiding officer over this matter. As a result, the Department filed a Motion to Stay Hearing on May 3, 2013. On May 3, 2013, the Commissioner ordered the April 11, 2013 Order stayed solely to the extent of ordering the presiding officer to hold a hearing on May 15, 2013 and staying the thirty (30) day default period. In addition, the Commissioner ordered that, once appointed, a new presiding officer “shall issue a ‘written scheduling order stating time, date and place of the postponed hearing as soon as

practicable.” The Commissioner on June 14, 2013 delegated as Presiding Officer Andrew B. Eills, Esq., effective as of June 5, 2013.

2. Pursuant to Jus 807.05, the Presiding Officer on his or her own initiative shall schedule a prehearing conference in accordance with RSA 541-A:31, V. In view of the state of the existing record as well as the period of time that has elapsed since the Commissioner’s Order, a pre-hearing conference is warranted in this matter.

IT IS HEREBY ORDERED that:

3. A prehearing conference in this matter shall be held on Wednesday, July 24, 2013, at 10:00 am at the Department's offices, located at 53 Regional Drive, Suite 200, Concord, New Hampshire.

4. At the prehearing conference, the parties shall inform the Presiding Officer for his consideration and relative to this matter the following: (a) offers of settlement; (b) simplification of the issues; (c) stipulations or admissions as to issues of fact or proof by consent of the parties; (d) limitations on the number of witnesses; (e) changes to standard procedures desired during the hearing by consent of the parties; (f) consolidation of examination of witnesses; and/or any other matters which aid in the disposition of the proceeding.

5. In addition, at the prehearing conference the parties and Presiding Officer jointly shall determine a date for an adjudicative hearing.

6. To the extent that prior to the prehearing conference any party wishes to file any documents, all such documents shall be filed with the Presiding Officer in the form of an original and one (1) copy and shall bear a certification that a copy is being delivered to the Hearings Examiner and any other parties to this matter in accordance with applicable

