

In re Claremont Ford Lincoln, Inc.,
and Arrien L.C. Schiltkamp, individually
and as President of Claremont Ford Lincoln, Inc.

Case No.: 15-076

ORDER FOR IMMEDIATE SUSPENSION

Now comes the State of New Hampshire Banking Department (the “Department”) and the Bank Commissioner (the “Commissioner”), commencing an adjudicative proceeding under the provisions of RSA Chapter 361-A and RSA Chapter 541-A against the respondents, Claremont Ford Lincoln, Inc. (“Claremont Ford”) and Arrien L.C. Schiltkamp, individually and as President of Claremont Ford.

Jurisdiction

The Department licenses and regulates persons “engag[ing] in the business of a sales finance company or a retail seller in this state.” RSA 361-A:2, I. “The commissioner may issue an order requiring a person to whom any license has been granted . . . to show cause why the license should not be revoked or penalties should not be imposed, or both, for violations of this chapter.” RSA 361-A:3, I. “The commissioner may by order summarily . . . suspend any license . . . pending final determination of any order to show cause, or other order, or of any other proceeding under RSA 361-A:3, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order.” In addition, “[t]he department may take action for immediate suspension of a license, pursuant to RSA 541-A.

Respondents

1. Claremont Ford is a corporation registered with the New Hampshire Secretary of State on October 31, 2000 with a principal office location in Claremont, New Hampshire. Claremont Ford is licensed by the Department as a New Hampshire Retail Seller.
2. Mr. Schiltkamp is the 100% owner and President of Claremont Ford. Mr. Schiltkamp is presumed to control Claremont Ford under RSA 361-A:1, III-b.

Facts

On June 28, 2012, the Department entered into a consent order with Claremont Ford for failing to remit payment on sixty-three motor vehicle liens within twenty-one days in violation of RSA 361-A:10-c. Under the terms of that consent order, Claremont Ford agreed to: (1) pay an administrative fine; (2) pay the Department an investigation fee; (3) bring Claremont Ford into a positive net worth or obtain a surety bond; and (4) submit to examination by the Department.

In 2015, the Department received two consumer complaints indicating that the respondents had failed to pay off the outstanding liens on trade-in vehicles within the timeframe prescribed by RSA 361-A:10-c. In response to the complaints, the Department conducted an on-site examination of Claremont Ford and discovered that the respondents had failed to pay off the outstanding liens on approximately 106 trade-in vehicles within the timeframe prescribed by RSA 361-A:10-c. At the time of the examination, twenty-eight of the liens remained unpaid.

On May 21, 2015, the Department entered into a consent order with Respondents. Under the terms of that consent order, Respondents agreed to “immediately pay off any outstanding motor vehicle liens due under RSA 361-A:10-c by May 28, 2015.” As of May 29, 2015, the Respondents failed to pay off any of the outstanding motor vehicle liens.

Findings

Pursuant to RSA 361-A:3, I, the Commissioner finds as follows:

1. Respondents' violation of the May 21, 2015 consent order by failing to pay off outstanding motor vehicle trade-in liens demonstrates that the public health, safety or welfare requires emergency action. Therefore, an immediate suspension of Respondents' New Hampshire Retail Seller license is necessary and in the public interest. Further, the public interest would be irreparably harmed by delay in issuing this order.

ORDER

21. **I hereby find as follows:**

- a. Pursuant to RSA 361-A:3,I through IV and RSA 361-A:3-a,I, the facts as alleged above, if true, show Respondents are operating and have operated in violation of RSA Chapter 361-A and form the legal basis for this Order;
- b. Pursuant to RSA 361-A:3,II and III, the public health, safety or welfare requires emergency action; and
- c. Pursuant to RSA 361-A:3,I through IV and RSA 541-A, if any Respondent fails to respond to this Order and/or defaults then all facts as alleged herein are deemed as true.

22. **Accordingly, it is hereby ORDERED that:**

- a. Pursuant to RSA 361-A:3,III, Respondent's New Hampshire Retail Seller license is hereby immediately suspended;
- b. Nothing in this Order:
 - (1). shall prevent the Department from taking any further administrative and legal action as necessary under New Hampshire law; and

