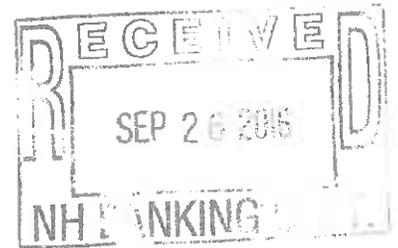


THE STATE OF NEW HAMPSHIRE
SUPREME COURT



In Case No. 2016-0089, Appeal of The Mortgage Specialists, Inc. & a., the court on September 23, 2016, issued the following order:

The Mortgage Specialists, Inc. failed to comply with prior orders requiring that it either appear through counsel or file documentation in accordance with Rule 33(2) to request representation by Michael Gill. In any event, the court has reviewed the “appeal by petition,” the orders of the Commissioner of the New Hampshire Banking Department, and the New Hampshire Banking Department’s motion for summary affirmance (to which no response has been filed).

Upon review, the court treats the “appeal by petition” as a petition for a writ of certiorari because RSA 397-A:17 and :18 do not provide for judicial review of the Commissioner’s decision under RSA chapter 541. See Frost v. Comm’r, N.H. Banking Dep’t, 163 N.H. 365, 373 (2012); Appeal of Mays, 161 N.H. 470, 472 (2011). The decision of the Commissioner is summarily affirmed in accordance with Rule 25(1)(c) on the basis that the case includes the Commissioner’s orders, no substantial question of law is presented, and the court does not find the decision unjust or unreasonable. The New Hampshire Banking Department’s motion for summary affirmance is, therefore, moot.

Summarily affirmed.

Conboy and Lynn, JJ., concurred; Smukler, J., retired superior court justice specially assigned pursuant to RSA 490:3, concurred.

**Eileen Fox,
Clerk**

Distribution:

✓State of New Hampshire Banking Department, 15-163
The Mortgage Specialists, Inc.
Mr. Michael Gill
Elizabeth A. Lahey, Esq.
Kenneth A. Sansone, Esq.
File