

1 **State of New Hampshire Banking Department**

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|----|--|---|--------------------------|
| 2 | In re the Matter of: |) | Case No.: 19-166 |
| 3 | State of New Hampshire Banking |) | |
| 4 | Department, |) | |
| 5 | Petitioner, |) | Notice of Hearing |
| 6 | and |) | |
| 7 | Mike’s Affordable Auto, LLC (d/b/a Mike’s |) | |
| 8 | Affordable Auto and d/b/a Mike’s Affordable |) | |
| 9 | Auto 2) |) | |
| 10 | And |) | |
| 11 | Michael Alan Albert, Individually and as |) | |
| 12 | Owner of Mike’s Affordable Auto, LLC |) | |
| 13 | Respondents |) | |

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15 **NOTICE OF HEARING**

16 1. The Bank Commissioner issued to the above named Respondents (“Respondents”) an Order
17 for Immediate Suspension against Respondents (“Order”) on September 25, 2019, pursuant to
18 RSA Chapter 541-A and the administrative hearing rules, JUS 800. RSA 541-A requires that a
19 hearing be scheduled not later than 10 working days of the date of the agency Order.

20 2. Maryam Torben Desfosses, New Hampshire Banking Department Consumer Credit
21 Division, has been designated as Staff Representative in this matter with authority to represent
22 the public interest within the scope of the Department’s authority (“Staff Representative”). The
23 Staff Representative shall have the status of a party to this proceeding. The Staff
24 Representative may be reached at (603)271-3561.

1 3. Lauren Warner, Esquire, (“Presiding Officer”), has been delegated to preside over this matter
2 pursuant to RSA 383:7-a. See also RSA 541-A:1,XIV.

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4 IT IS HEREBY ORDERED that:

5 4. The parties shall appear on October 8, at 10:00 a.m., at the New Hampshire Banking
6 Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire 03301, for the
7 purpose of participating in an adjudicative proceeding, at which time Respondent will have the
8 burden to show cause why the relief sought in the Order should not be imposed. RSA 361-A;
9 RSA 541-A.

10 5. The Hearing shall be conducted under the relevant provisions of RSA 541-A, Title XXXIII-
11 A and XXXV, the Jus 800 rules
12 (http://www.gencourt.state.nh.us/rules/state_agencies/jus800.html), and all relevant Ban rules.

13 6. The Department’s allegations against Respondents are contained in the Order for Immediate
14 Suspension.

15 7. Each party has the right to have an attorney present to represent the party at the party’s
16 expense, or may represent itself or himself.

17 8. Any proposed exhibits shall be pre-marked, for identification only, filed with the Presiding
18 Officer and provided to the opposing party no later than Friday, October 4, 2019. The Staff
19 Representative shall pre-mark exhibits with Arabic numbers. Respondents shall pre-mark
20 exhibits with capital letters. An index/list of exhibits providing a brief description of each
21 exhibit with its corresponding pre-marked number or letter shall be filed by each party
22 simultaneous with the filing of exhibits.

23 9. The parties shall also exchange a list of all witnesses to be called at the hearing with a brief
24 summary of the anticipated testimony no later than Friday, October 4, 2019, and shall at the
25 same time file a copy of their respective lists with the Presiding Officer.

1 10. If a party fails to appear at the time, date, and place specified the Presiding Officer shall
2 declare the party in default. The Presiding Officer shall either (a) Dismiss the case, if the party
3 with the burden of proof fails to appear; or (b) Hear the testimony and receive the evidence
4 offered by a party, if that party has the burden of proof in the case. Jus 810.02

5 11. A record of the proceeding shall be made by a certified shorthand court reported provided
6 by the agency.

7 12. All documents shall be filed with the Presiding Officer in the form of an original and one
8 (1) copy and shall bear a certification that a copy is being delivered to the Staff Representative
9 and any other parties to this matter in accordance with applicable laws. All documents shall be
10 filed by mailing or delivering them to the New Hampshire Banking Department, ATTN:
11 Presiding Officer, 53 Regional Drive, Suite 200, Concord, NH 03301. Filing by
12 electronic transmission shall be accepted at presidingofficer@banking.nh.gov.

13 13. All motions shall bear a certification that assent has been sought and whether the other
14 party has responded, assents or objects.

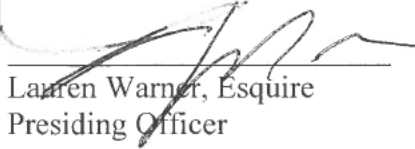
15 14. Pursuant to Jus 803.03, the Presiding Officer waives the requirement in Jus 806.01 that
16 objections be filed within 30 days of the date of the motion and orders that objections be filed
17 within 12 days of receipt of a motion.

18 15. The parties shall submit Proposed Orders, which shall include findings of fact and
19 conclusions of law, separately stated, no later than twelve (12) days following the conclusion of
20 the hearing in this matter.

21 16. The parties may discuss and agree on routine procedural issues. Any such agreement shall
22 be proposed to the Presiding Officer. All communications with the Presiding Officer shall be in
23 writing and shall be filed as provided above. *Ex parte* communications are forbidden by
24 statute.
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1 17. A copy of this Notice of Hearing shall be mailed to all named Respondents, and a copy
2 shall also be delivered to the Staff Representative.

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5 **SO ORDERED,**

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9 Lauren Warner, Esquire
10 Presiding Officer

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9/26/19

Date