

1 **State of New Hampshire Banking Department**

2 **In re the Matter of:**) **Case No.: 19-166**
3 **State of New Hampshire Banking**)
4 **Department,**) **Notice of Hearing**
5 **Petitioner,**)
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**)
14

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 Respondents waived their right to a hearing within 10 working days under RSA 541-A:30, III
21 via written statement filed with the Presiding Officer on October 7, 2019.

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

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

5
6 IT IS HEREBY ORDERED that:

7 4. The parties shall appear on November 13, at 10:00 a.m., at the New Hampshire Banking
8 Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire 03301, for the
9 purpose of participating in an adjudicative proceeding, at which time Respondent will have the
10 burden to show cause why the relief sought in the Order should not be imposed. RSA 361-A;
11 RSA 541-A.

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

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

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

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

25 9. The parties shall also exchange a list of all witnesses to be called at the hearing with a brief

1 summary of the anticipated testimony no later than Friday, November 8, 2019, and shall at the
2 same time file a copy of their respective lists with the Presiding Officer.

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

7 11. A record of the proceeding shall be made by a certified shorthand court reporter provided
8 by the agency.

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

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

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

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


23 16. The parties may discuss and agree on routine procedural issues. Any such agreement shall
24 be proposed to the Presiding Officer. All communications with the Presiding Officer shall be in
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1 writing and shall be filed as provided above. *Ex parte* communications are forbidden by
2 statute.

3 17. The parties are encouraged to engage in settlement discussions prior to the hearing.

4 18. A copy of this Notice of Hearing shall be mailed to all named Respondents, and a copy
5 shall also be delivered to the Staff Representative.

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7
8 **SO ORDERED,**

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11 _____
12 Lauren Warner, Esquire
13 Presiding Officer

10/08/2019
Date