

1 **State of New Hampshire Banking Department**

2 **In re the Matter of:** ) **Case No.: 19-201**  
3 **State of New Hampshire Banking** )  
4 **Department,** ) **Notice of Remote Hearing**  
5 **Petitioner,** )  
6 **and** )  
7 **Live Wire Marketing Corporation (d/b/a** )  
8 **Cap’s Auto Sales),** )  
9 **Marie J. Bertrand, Individually and as** )  
10 **Owner of Live Wire Marketing Corporation,** )  
11 **And** )  
12 **Robesteur St. Felix, Individually and as** )  
13 **Chief Executive Officer of Live Wire** )  
14 **Marketing Corporation** )  
15 **Respondents**

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17 **NOTICE OF HEARING**

18 1. The Bank Commissioner issued to the above named Respondents (“Respondents”) an Order  
19 to Show Cause for Revocation, Bar from Licensure and Penalties (“Order”) on February 28,  
20 2020, pursuant to RSA Chapter 361-A, RSA Chapter 541-A, and the administrative hearing  
21 rules, JUS 800.

22 2. On April 14, 2020 the Presiding Officer mailed a Notice of Hearing to the parties. The  
23 hearing was scheduled for on July 14, at 10:00 a.m., at the New Hampshire Banking  
24 Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire 03301, for the  
25 purpose of participating in an adjudicative proceeding, at which time Respondent will have the

1 burden to show cause why the relief sought in the Order should not be imposed. RSA 361-A;  
2 RSA 541-A.

3 3. Given the current COVID-19 Pandemic and great public health concerns, the hearing shall  
4 now occur remotely via online meeting tool WebEx. If any party wishes to object to the  
5 holding of this hearing remotely, they must do so by emailing their objection to Presiding  
6 Officer at [presidingofficer@banking.nh.gov](mailto:presidingofficer@banking.nh.gov) no later than 3:30 PM on June 26, 2020.

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8 IT IS HEREBY ORDERED that:

9 4. The parties shall appear on July 14, at 10:00 a.m., via WebEx. The WebEx link shall be  
10 provided to the parties via email at least 5 business days prior to the hearing. The parties shall  
11 attend the hearing for the purpose of participating in an adjudicative proceeding, at which time  
12 Respondent will have the burden to show cause why the relief sought in the Order should not  
13 be imposed. RSA 361-A; RSA 541-A.

14 5. The parties shall provide the Presiding Officer with current email addresses by emailing the  
15 Presiding Officer at [presidingofficer@banking.nh.gov](mailto:presidingofficer@banking.nh.gov). If the Department has on file current  
16 email addresses for the Respondents, the Department may also provide them to the Presiding  
17 Officer.

18 6. Exhibits and Witness Lists identified in Paragraphs 10 and 11 shall be emailed to the  
19 Presiding Officer at [presidingofficer@banking.nh.gov](mailto:presidingofficer@banking.nh.gov), and the opposing party.

20 7. The Hearing shall be conducted under the relevant provisions of RSA 541-A, Title XXXIII-  
21 A and XXXV, the Jus 800 rules  
22 ([http://www.gencourt.state.nh.us/rules/state\\_agencies/jus800.html](http://www.gencourt.state.nh.us/rules/state_agencies/jus800.html)), and all relevant Ban rules.

23 8. The Department's allegations against Respondents are contained in the Order.  
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1 9. Each party has the right to have an attorney present to represent the party at the party's  
2 expense, or may represent itself or himself. Attorneys must file a notice of representation with  
3 the Presiding Officer.

4 10. Any proposed exhibits shall be pre-marked, for identification only, filed with the Presiding  
5 Officer via email and provided to the opposing party no later than Wednesday, July 8, 2020.

6 The Staff Representative shall pre-mark exhibits with Arabic numbers. Respondents shall pre-  
7 mark exhibits with capital letters. An index/list of exhibits providing a brief description of  
8 each exhibit with its corresponding pre-marked number or letter shall be filed by each party  
9 simultaneous with the filing of exhibits.

10 11. The parties shall also exchange a list of all witnesses to be called at the hearing with a brief  
11 summary of the anticipated testimony no later than Wednesday, July 8, 2020, and shall at the  
12 same time file a copy of their respective lists with the Presiding Officer via email.

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

17 13. A record of the proceeding shall be made via WebEx recording.

18 14. All documents shall be filed with the Presiding Officer via email and shall bear a  
19 certification that a copy is being delivered to the Staff Representative and any other parties to  
20 this matter in accordance with applicable laws. All documents shall be filed by emailing the  
21 Presiding Officer at [presidingofficer@banking.nh.gov](mailto:presidingofficer@banking.nh.gov).

22 15. All motions shall bear a certification that assent has been sought and whether the other  
23 party has responded, assents or objects.  
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1 16. Pursuant to Jus 803.03, the Presiding Officer waives the requirement in Jus 806.01 that  
2 objections be filed within 30 days of the date of the motion and orders that objections be filed  
3 within 12 days of receipt of a motion.

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

7 18. The parties may discuss and agree on routine procedural issues. Any such agreement shall  
8 be proposed to the Presiding Officer. All communications with the Presiding Officer shall be in  
9 writing and shall be filed as provided above. *Ex parte* communications are forbidden by  
10 statute.

11 19. The parties are encouraged to engage in settlement discussions prior to the hearing.

12 20. A copy of this Notice of Hearing shall be mailed to all named Respondents, and a copy  
13 shall also be delivered to the Department Staff Representative, Attorney Maryam Torben via  
14 email.

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17 **SO ORDERED,**

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21 Lauren Warner, Esquire  
22 Presiding Officer  
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**CERTIFICATE OF SERVICE**

I, Lauren Warner, hereby certify that on June 18, 2020, a copy of this Notice of Hearing Order was provided to the following parties:

**VIA USPS DELIVERY:**

Live Wire Marketing Corporation  
d/b/a Cap's Auto Sales  
30 Carroll St., Unit 2B  
Manchester NH 03102

Live Wire Marketing Corporation  
d/b/a Cap's Auto Sales  
330 Lincoln Street  
Manchester NH 03103

Ms. Marie Bertrand, Owner  
Live Wire Marketing Corporation  
d/b/a Cap's Auto Sales  
30 Carroll St., Unit 2B  
Manchester NH 03102

Ms. Marie Bertrand, Owner  
Live Wire Marketing Corporation  
d/b/a Cap's Auto Sales  
330 Lincoln Street  
Manchester NH 03103

Mr. Robesteur St. Felix  
Chief Executive Officer  
Live Wire Marketing Corporation  
d/b/a Cap's Auto Sales  
30 Carroll St., Unit 2B  
Manchester NH 03102

Mr. Robesteur St. Felix  
Chief Executive Officer  
Live Wire Marketing Corporation  
d/b/a Cap's Auto Sales  
330 Lincoln Street  
Manchester NH 03103

**VIA E-Mail DELIVERY:**

Maryam Torbern, Hearings Examiner  
New Hampshire Banking Department  
53 Regional Drive, Suite 200  
Concord NH 03301  
Maryam.Torben@banking.nh.gov