

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 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**

16 _____
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. Included with the Order was a Notice of Right to Hearing (Notice), which required the
23 Respondents to request a hearing in writing within thirty (30) calendar days. Due to updated
24 addresses, the Department reissued the Order and Notice on March 11, 2020. The Respondents
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1 had until April 10, 2020 to request a hearing, which Respondents did by letter received to the
2 Department on April 10, 2020.

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

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

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11 IT IS HEREBY ORDERED that:

12 5. The parties shall appear on July 14, at 10:00 a.m., at the New Hampshire Banking
13 Department located at 53 Regional Drive, Suite 200, Concord, New Hampshire 03301, for the
14 purpose of participating in an adjudicative proceeding, at which time Respondent will have the
15 burden to show cause why the relief sought in the Order should not be imposed. RSA 361-A;
16 RSA 541-A.

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

20 7. The Department's allegations against Respondents are contained in the Order.

21 8. Each party has the right to have an attorney present to represent the party at the party's
22 expense, or may represent itself or himself.

23 9. Any proposed exhibits shall be pre-marked, for identification only, filed with the Presiding
24 Officer and provided to the opposing party no later than Wednesday, July 8, 2020. The Staff
25 Representative shall pre-mark exhibits with Arabic numbers. Respondents shall pre-mark

1 exhibits with capital letters. An index/list of exhibits providing a brief description of each
2 exhibit with its corresponding pre-marked number or letter shall be filed by each party
3 simultaneous with the filing of exhibits.

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

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

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

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

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

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

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

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

8 18. The parties are encouraged to engage in settlement discussions prior to the hearing.

9 19. A copy of this Notice of Hearing shall be mailed to all named Respondents, and a copy
10 shall also be delivered to the Staff Representative.

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13 **SO ORDERED,**

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17 Lauren Warner, Esquire
18 Presiding Officer
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CERTIFICATE OF SERVICE

I, Lauren Warner, hereby certify that on April 14, 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