

1 State of New Hampshire Banking Department

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3 In re the Matter of: ) Case No.: 06-263  
 )  
 4 State of New Hampshire Banking ) Notice of Hearing - Cease and Desist  
 ) Order  
 5 Department, )  
 )  
 6 Petitioner, )  
 )  
 7 and )  
 )  
 8 2Amoskeag5 Realty LLC, 2Maisie5 )  
 )  
 9 Realty I LLC, Walter Bressler III, )  
 )  
 10 Sadie Stanhope, Michael T Prieto  
 11 Respondent

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13 AMENDED NOTICE OF HEARING

14 Pursuant to RSA 397-A:18 II, the Banking Department of the State of New  
15 Hampshire (hereinafter the "Department") has the authority to issue and cause  
16 to be served an order requiring any person engaged in any act or practice  
17 constituting a violation of RSA 397-A or any rule or order thereunder, to  
18 cease and desist from violations of RSA 397-A.

19 Pursuant to RSA 397-A:21, the Commissioner has the authority to  
20 suspend, revoke or deny any license and to impose administrative penalties of  
21 up to \$2,500.00 for each violation of New Hampshire banking law and rules.

22 Pursuant to the New Hampshire Banking laws, RSA 397-A:3 requires any  
23 person not exempt under RSA 397-A:4 that, in its own name or on behalf of  
24 other persons, engages in the business of making or brokering first mortgage  
25 loans secured by real property located in this state shall be required to  
obtain a license from the banking department.

1           The Department issued the Respondent a Cease and Desist Order on  
2 November 21, 2006. The Respondent filed a timely request for a hearing  
3 regarding this matter. The matter was noticed for hearing for which the  
4 Respondents requested a continuance which was granted by the Presiding  
5 Officer.

6           The Department alleges the following:

7 **Issue 1:** Unlicensed Mortgage Brokering/Banking

8 **Issue 2:** Unlicensed Second Mortgage Banking

9 **Issue 3:** Unlicensed Debt Adjustment

10           Accordingly, an adjudicative proceeding shall be commenced pursuant to  
11 541-A:31 and Chapter 200 of the Department's rules (NH Code of  
12 Administrative Rules BAN 200) for the purpose of permitting the Respondent to  
13 show compliance with RSA 397-A:3.

14           Each party has the right to have an attorney present to represent the  
15 party at the party's expense, or may represent itself. Each party has the  
16 right to have the Department provide a certified shorthand court reporter at  
17 the requesting party's expense. Any such request must be submitted in  
18 writing to the Department at least 10 days prior to a scheduled hearing date.

19           THEREFORE, IT IS ORDERED, that the Respondent appear before the New  
20 Hampshire Banking Department on March, 16, 2007 at 10:00am, at the  
21 Department's offices at 64B Old Suncook Road, Concord, New Hampshire, for the  
22 purpose of participating in an adjudicative proceeding, at which time the  
23 Respondent will have the opportunity to demonstrate why the cease and desist  
24 order should not become permanent; and

25           IT IS FURTHER ORDERED, that the parties shall exchange a list of all  
exhibits and witnesses to be called at the hearing with a brief summary prior  
to March 14, 2007, and shall at the same time file a copy of their respective  
witness lists with the Presiding Officer; and

1 IT IS FURTHER ORDERED, that all documents shall be filed with the  
2 Presiding Officer in the form of an original and one (1) copy and shall bear a  
3 certification that a copy is being delivered to Hearing Counsel and any other  
4 parties to this matter in accordance with NH Code of Administrative Rules Ban  
5 204.08. All documents shall be filed by mailing or delivering them to the New  
6 Hampshire Banking Department, ATTN: Olga Slutszkaya, 64-B Old Suncook Road,  
7 Concord, NH 03301. Filing by facsimile or electronic transmission shall not be  
8 accepted; and

9 IT IS FURTHER ORDERED, that routine procedural inquiries may be made by  
10 telephoning Maryam Torben-Desfosses at (603)-271-3561, but all other  
11 communications with the Presiding Officer and with the Department shall be in  
12 writing and shall be filed as provided above. *Ex parte* communications are  
13 forbidden by statute; and

14 IT IS FURTHER ORDERED, that a copy of this Notice of hearing shall be  
15 mailed to Andrew Sullivan, Counsel for Respondents, 24 Eastman Avenue,  
16 Bedford, NH 03110 and that a copy shall also be delivered to James Shepard,  
17 Hearing Counsel, and to Olga Slutszkaya, Presiding Officer, at the New  
18 Hampshire Banking Department; and

19 IT IS FURTHER ORDERED that all previous orders of the Commissioner  
20 remain in effect.

21 **SO ORDERED,**

22 \_\_\_\_\_ /s/  
23 Peter C. Hildreth  
24 Commissioner  
25 State of New Hampshire  
Banking Department

3/1/07  
Date

**NOTE: VIOLATION OF A CEASE AND DESIST ORDER IS A CRIMINAL OFFENSE.**