

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-031
)
 3 State of New Hampshire Banking) Order to Show Cause
)
 4 Department,)
)
 5 Petitioner,)
)
 6 and)
)
 7 Monetary Funding Group of)
)
 8 Connecticut, LLC,)
)
 9 Respondent)

10
11 NOTICE OF ORDER

12 This Order commences an adjudicative proceeding under the provisions of
13 RSA 397-A:17, RSA 541-A and BAN 200.

14 LEGAL AUTHORITY AND JURISDICTION

15 Pursuant to RSA 397-A:17, the Banking Department of the State of New
16 Hampshire (hereinafter the "Department") has the authority to issue an order
17 to show cause why license revocation penalties for violations of New
18 Hampshire Banking laws should not be imposed.

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 NOTICE OF RIGHT TO REQUEST A HEARING

23 The above named respondent has the right to request a hearing on this
24 Order to Show Cause, as well as the right to be represented by counsel at the
25 Respondent's own expense. All hearings shall comply with RSA 541-A. Any such
request for a hearing shall be in writing, and signed by the respondent or
the duly authorized agent of the above named respondent, and shall be

1 delivered either by hand or certified mail, return receipt requested, to the
2 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH
3 03301. Such hearings will be scheduled within 10 days of the request. If the
4 Respondent fails to appear at the hearing after being duly notified, such
5 person shall be deemed in default, and the proceeding may be determined against
6 the Respondent upon consideration of the Order to Show Cause, the allegations
7 of which may be deemed to be true. Respondents are entitled to at least 30
8 days' notice regarding the hearing date.

9 If the Respondent fails to request a hearing within 30 calendar days of
10 receipt of such order or reach formal settlement with the Department within
11 that time frame, then such person shall likewise be deemed in default, and the
12 orders shall, on the thirty-first day, become permanent, and shall remain in
13 full force and effect until and unless later modified or vacated by the
14 commissioner, for good cause shown.

15 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

16 The Staff Petition dated March 14, 2007 (a copy of which is attached
17 hereto) is incorporated by reference hereto.

18 **ORDER**

19 WHEREAS, finding it necessary and appropriate and in the public
20 interest, and consistent with the intent and purposes of the New Hampshire
21 banking laws, and

22 WHEREAS, finding that the allegations contained in the Staff Petition,
23 if proved true and correct, form the legal basis of the relief requested,

24 It is hereby ORDERED, that the Respondent shall show cause why:

25 1. Administrative penalties of \$2,500.00 should not be imposed;

and

2. Respondents license should not be revoked; and

It is hereby ORDERED that:

1 3. Respondent shall pay \$842.00 in examination fees immediately;
2 and

3 4. Failure to request a hearing within 30 days of the date of
4 receipt of this Order shall result in a default judgment being
5 rendered, license revocation and administrative penalties
6 imposed upon the defaulting Respondent.

7 SIGNED,

8
9 Dated: 3/15/07

/s/
PETER C. HILDRETH
BANK COMMISSIONER

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-031
)
 3 State of New Hampshire Banking) Staff Petition
)
 4 Department,)
)
 5 Petitioner,) March 14, 2007
)
 6 and)
)
 7 Monetary Funding Group of)
)
 8 Connecticut, LLC,)
)
 9 Respondent

10
11 STATEMENT OF ALLEGATIONS

12 I. The Staff of the Banking Department, State of New Hampshire
13 (hereinafter referred to as the "Department) alleges the following
14 facts:

15 1. On or about February 7, 2005 the Department began conducting an
16 examination of Monetary Funding Group of Connecticut, LLC
17 (hereinafter "Respondent").

18 2. Respondent was licensed as a First Mortgage Banker and Broker and
19 at all times relevant to this action held a Department license
20 since at least 2004.

21 3. The Department sent an invoice for the cost of the exam in the
22 amount of \$842.00 to the Respondent via US Certified Mail on May
23 6, 2005 (mail piece number: 7002 2030 0000 9675 4155). The
24 Respondent received and signed for the mail piece on or about May
25 12, 2005.

4. A second invoice was sent to the Respondent on June 21, 2005.

- 1 5. A third invoice was sent to the Respondent on April 12, 2006.
- 2 6. On May 10, 2006 the Department sent a warning letter to the
- 3 Respondent via US Certified Mail (mail piece number: 7002 2030
- 4 0000 9676 5632). The Respondent received and signed for the
- 5 letter on May 12, 2006.
- 6 7. To date, the Respondent has not paid the outstanding invoice.

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8 **ISSUES OF LAW**

9 II. The staff of the Department, alleges the following issues of law:

- 10 1. The Department realleges the above stated facts in paragraphs 1
 - 11 through 7.
 - 12 2. The Department has jurisdiction over the licensing and
 - 13 regulation of persons engaged in mortgage banker and broker
 - 14 activities pursuant to NH RSA 397-A:3.
 - 15 3. Pursuant to New Hampshire Banking law, RSA 397-A:12 the
 - 16 Department may examine the business affairs of any licensee or
 - 17 any other person, whether licensed or not, as it deems necessary
 - 18 to determine compliance with this Chapter and the rules adopted
 - 19 pursuant to it and with the Consumer Credit Protection Act, as
 - 20 amended (15 U.S.C. 1601 et seq.).
 - 21 4. RSA 397-A:12 provides that licensees are to pay the costs of
 - 22 examinations.
 - 23 5. RSA 397-A:17 II allows the Department to immediately suspend a
 - 24 license for 30 days pending the investigation of that licensee.
 - 25 6. RSA 397-A:21 IV provides that any person who, either knowingly
 - or negligently, violates any provision of Chapter 397-A, may
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1 upon hearing, and in addition to any other penalty provided for
2 by law, be subject to an administrative fine not to exceed
3 \$2,500, or both. Each of the acts specified shall constitute a
4 separate violation, and such administrative action or fine may
5 be imposed in addition to any criminal penalties or civil
6 liabilities imposed by New Hampshire Banking laws.

7 **RELIEF REQUESTED**

8 III. The staff of the Department requests the Commissioner take the
9 following Action:

- 10 1. Find as fact the allegations contained in section I of this
11 petition;
- 12 2. Make conclusions of law relative to the allegations contained
13 in section II of the this petition;
- 14 3. Order Respondent to Show Cause why its license should not be
15 revoked;
- 16 4. Assess fines and administrative penalties in accordance with
17 RSA 397-A:21, for violations of Chapter 397-A, in the number
18 and amount equal to the violations set forth in section II of
19 this petition; and
- 20 5. Order the Respondent to pay the exam fee from RSA 397-A:12.
- 21 6. Take such other administrative and legal actions as necessary
22 for enforcement of the New Hampshire Banking Laws, the
23 protection of New Hampshire citizens, and to provide other
24 equitable relief.

