

1 State of New Hampshire Banking Department

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3 In re the Matter of: ) Case No.: 07-035  
 )  
 4 State of New Hampshire Banking ) Consent Order  
 )  
 5 Department, )  
 )  
 6 Petitioner, )  
 )  
 7 and )  
 )  
 8 Stone Mountain Mortgage Inc., )  
 )  
 9 Respondent(s) )  
 )  
 10 )  
 )  
 11 )

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12 CONSENT ORDER

13 I. For purposes of settling the above-referenced matter, among other  
14 things, the New Hampshire Banking Department (hereinafter referred to  
15 as "the Department") and Stone Mountain Mortgage Inc (hereinafter  
16 Respondent), do hereby enter this Agreement and stipulate to the  
17 following:

- 18 1. The Respondent is licensed to conduct mortgage brokering activity  
19 by the Department pursuant to RSA 397-A:3.
- 20 2. The Respondents' primary business is located at 14 Main Street  
21 Bethel, ME.
- 22 3. The Department began an examination of Respondent on July 24,  
23 2006.
- 24 4. The examination revealed that the Respondent had co-brokered at  
25 least two loans with an unlicensed entity in violation of RSA  
397-A:17.
- 5. The Respondent volunteered that it had committed three other like  
violations.

1           6. The Commissioner subsequently issued an Order to Show Cause to  
2           the Respondent regarding these violations.

3           7. The Respondent admits having engaged in activity which it now  
4           knows was impermissible, argues such violations were negligently  
5           and not knowingly committed, and wishes to avoid further formal  
6           process.

7           II. For purposes of amicably resolving and closing the above-referenced  
8           matters the Respondent agrees to the following terms and conditions and the  
9           Department accepts the same:

- 10          1. The Respondent agrees that it has voluntarily entered into this  
11           Agreement without reliance upon any discussions between the  
12           Department and Respondent, without promise of a benefit of any kind  
13           (other than concessions contained in this Agreement), and without  
14           threats, force, intimidation, or coercion of any kind. The  
15           Respondent further acknowledges its understanding of the nature of  
16           the offenses stated above, including the penalties provided by law.
- 17          2. The Respondent agrees to waive any and all rights to a hearing and  
18           appeal thereof.
- 19          3. The Respondent agrees that it will not deny the factual basis for  
20           this Agreement to which it has stipulated above and will not give  
21           conflicting statements about such facts or its involvement in the  
22           stipulated facts.
- 23          4. The Respondent agrees that all terms of this Agreement are  
24           contractual and none is a mere recital.
- 25          5. The Respondents will pay a fine for violation of RSA 399-A:17 in the  
            amount of \$7,500. Said sum is payable in 3 equal monthly  
            installments the first payment being due the thirtieth of the month  
            in which this agreement is executed by the Commissioner.
6. The Respondent acknowledges that failure to make payment as agreed  
            above or further violations of law will result in license action and  
            additional administrative fines.
7. Each person who signs this Consent Order in a representative  
            capacity warrants that his or her execution of this Consent Order is



1 STATE OF  
2 COUNTY OF

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4 The foregoing instrument was acknowledged before me this 2nd day of  
5 May, 2007, by Gerald Smith of the above-named entity,  
6 on behalf of the organization.

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8 [ed: signature was properly notarized]

9 Notary Public / Justice of the Peace

10 My Commission Expires:

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13 **FINDING THE ABOVE CONSENT ORDER AND THE AGREEMENTS CONTAINED THEREIN TO BE IN**  
14 **THE PUBLIC INTEREST IT IS;**

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16 **SO ORDERED**

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18 this 7<sup>th</sup> day of May, 2007.

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21 /s/  
22 Peter C. Hildreth,  
23 Bank Commissioner

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