

1 State of New Hampshire Banking Department

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3 In re the Matter of: ) Case No.: No. 07-069  
 )  
 4 New Hampshire Banking Department, ) Order for Default Judgment  
 )  
 5 Petitioner, )  
 )  
 6 and )  
 )  
 7 Dana Capital Group, Inc., Dana H. )  
 )  
 8 Smith, and Amanda Smith, )  
 )  
 9 Respondent )  
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10  
11 Default Judgment

12 **PROCEDURAL CASE HISTORY**

13 The Bank Commissioner issued a Notice of Hearing - Order to Show Cause  
 14 With Immediate Suspension and Cease and Desist Order ("Notice of Hearing")  
 15 against all Respondents on May 22, 2007. The Notice of Hearing derived from  
 16 the Order to Show Cause With Immediate Suspension and Cease and Desist Order  
 17 ("Order to Show Cause") issued by the Bank Commissioner against all  
 18 Respondents on May 22, 2007. The Order to Show Cause incorporates the May 22,  
 19 2007 Staff Petition issued by New Hampshire Banking Department Staff Attorney  
 20 James Shepard.

21 The adjudicative hearing was held on Friday, May 25, 2007 at 8:30 a.m.  
 22 at the New Hampshire Banking Department, located at 64B Old Suncook Road,  
 23 Concord, New Hampshire 03301.

24 Respondents Dana Capital Group, Inc., Dana H. Smith, and Amanda Smith  
 25 (collectively, "the Defaulting Respondents") failed to appear in person or by  
 representative at the adjudicative proceeding.

1           **APPLICABLE RULE OF ADJUDICATORY PROCEEDINGS**

2           Failure of a licensee to appear in person or by representative at the  
3 adjudicative proceeding shall constitute a default. *New Hampshire*  
4 *Administrative Rule BAN 204.14(a)*.

5           Further, *New Hampshire Administrative Rule BAN 204.14 (b)* provides:

6           (b) A default for failure to appear shall constitute:

- 7                   (1) A waiver of the licensee's right to an adjudicative  
8                   proceeding;
- 9                   (2) Admission of the facts alleged; and
- 10                  (3) Consent to the department's determination on the  
11                  matter.

12           **FINAL ORDER**

13           It is hereby ORDERED, that:

- 14           1. By operation of law, a Default Judgment was entered only against  
15           Defaulting Respondents Dana Capital Group, Inc., Dana H. Smith, and  
16           Amanda Smith on May 25, 2007;
- 17           2. By operation of law, Defaulting Respondents have waived their rights to  
18           an adjudicative proceeding;
- 19           3. By operation of law, the default shall constitute an admission of the  
20           facts alleged in the Order to Show Cause dated May 22, 2007 and herein  
21           incorporate by reference an admission of the allegations contained in  
22           the May 22, 2007 Staff Petition, including
- 23                   a. failure to supervise;
- 24                   b. failure to maintain records;
- 25                   c. failure to license branches;
- d. failure to report significant event; and
- e. failure to maintain financial stability or integrity; and

1 4. By operation of law, the Defaulting Respondents hereby consent to the  
2 New Hampshire Banking Department's determination on the matter as  
3 follows:

- 4 a. Defaulting Respondents' licenses are hereby revoked; and  
5 b. Defaulting Respondents shall each hereby pay an administrative  
6 fine of \$2,500 for each violation of Chapter 397-A, collectively  
7 totaling \$37,500.

8 SIGNED,

9 Dated: 6/1/07

10 /S/  
11 PETER C. HILDRETH  
12 BANK COMMISSIONER  
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