

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-093
)
 3 State of New Hampshire Banking) Order to Show Cause
)
 4 Department,) with Immediate Suspension
)
 5 Petitioner,)
)
 6 and)
)
 7 Mortgages Unlimited Corporation,)
)
 8 Respondent)
)

9
10 NOTICE OF ORDER

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

13 LEGAL AUTHORITY AND JURISDICTION

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

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

21 NOTICE OF RIGHT TO REQUEST A HEARING

22 The above named respondent has the right to request a hearing on this
23 Order to Show Cause, as well as the right to be represented by counsel at the
24 Respondent's own expense. All hearings shall comply with RSA 541-A. Any such
25 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
delivered either by hand or certified mail, return receipt requested, to the

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

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

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

15 The Staff Petition dated April 26, 2007 (a copy of which is attached
16 hereto) is incorporated by reference hereto.

17 **ORDER**

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

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

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

24 1. Administrative penalties of \$10,000.00 should not be imposed;

25 and

2. Respondents license should not be revoked; and

3. Failure to request a hearing within 30 days of the date of

receipt of this Order shall result in a default judgment being

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rendered, license revocation and administrative penalties
imposed upon the defaulting Respondent; and
FINDING a substantial likelihood that delay will cause harm to the public
health, safety or welfare, it is hereby further ORDERED:

- 4. Respondent's license is immediately suspended; and
- 5. A hearing on the immediate suspension will be scheduled
immediately to occur in the next ten days pursuant to RSA 541-
A:30, III.

SIGNED,

Dated: 4/26/07

/s/
PETER C. HILDRETH
BANK COMMISSIONER

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2 State of New Hampshire Banking Department

3 In re the Matter of:) Case No.: 07-093
4 State of New Hampshire Banking) Staff Petition
5 Department,)
6 Petitioner,) April 26, 2007
7 and)
8 Mortgages Unlimited Corporation,)
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. Mortgages Unlimited Corporation (hereinafter "Respondent") is
16 licensed by the Department as a Mortgage Banker and at all times
17 relevant to this action held a Department license since at least
18 1997.
- 19 2. On or about January 3, 2007 the Department contacted Respondent by
20 letter requesting a more in depth financial statement and
21 attestation for fiscal year end August 31, 2006.
- 22 3. As of this petition date there has been no response to the
23 Department request.
- 24 4. On or about January 19, 2007 the Department was notified of a
25 surety bond cancellation to be effective February 8, 2007.

1 5. On February 13, 2007 the Department sent the Respondent a notice
2 that the bond must be reinstated or replaced immediately and the
3 originally-executed bond sent to the Department.

4 6. On March 12, 2007 the Department notified the Respondent that none
5 of the information requested had been received nor had the
6 Respondent provided the Department with the required bond.

7 7. To date the Department has not received the required bond
8 reinstatement.

9 8. Upon information and belief Respondent is currently without
10 bonding by any surety leaving New Hampshire consumers without
11 recourse should Respondent default in its obligations.

12 **ISSUES OF LAW**

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

14 1. The Department realleges the above stated facts in paragraphs 1
15 through 8.

16 2. The Department has jurisdiction over the licensing and
17 regulation of persons engaged in mortgage banker activities
18 pursuant to NH RSA 397-A:3.

19 3. Pursuant to New Hampshire Banking law, RSA 397-A:5 III (c) each
20 mortgage banker shall post a continuous surety bond in the
21 amount of \$20,000.00 to the Department. Respondent has violated
22 this statute by allowing their bond to be cancelled.

23 4. RSA 397-A:13 II provides that each licensee shall file a
24 financial statement within 90 days from the date of its fiscal
25 year end. Respondent violated this statute by failing to submit
the requested financial statement and attestation.

