

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-095
)
 3 State of New Hampshire Banking) Order to Show Cause
)
 4 Department,)
)
 5 Petitioner,)
)
 6 and)
)
 7 Courier Mortgage, LLC,)
)
 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 30, 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 \$5,000.00 should not be imposed;

25 and

2. Respondents license should not be revoked; and

It is hereby ORDERED that:

3. Respondent shall pay \$3,300.00 in examination fees

immediately; and

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

5 SIGNED,

6
7 Dated: 5/2/07

/s/
PETER C. HILDRETH
BANK COMMISSIONER

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-095
)
 3 State of New Hampshire Banking) Staff Petition
)
 4 Department,)
)
 5 Petitioner,) April 30, 2007
)
 6 and)
)
 7 Courier Mortgage, LLC,)
)
 8 Respondent)
)

9
10 STATEMENT OF ALLEGATIONS

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

14 1. On or about July 21, 2006 the Department began conducting an
15 examination of Courier Mortgage, LLC (hereinafter "Respondent").

16 2. Respondent is licensed as a Mortgage Broker and at all times
17 relevant to this action has held a Department license since at
18 least 2005.

19 3. The Department sent an invoice for the cost of the exam in the
20 amount of \$3,300.00 to the Respondent via Certified Mail on
21 October 27, 2006 (mail piece number: 7006 0100 0000 7311 1438).
22 The Respondent received and signed for the mail piece on or about
23 October 27, 2006.

24 4. A second invoice was sent to the Respondent on December 6, 2006.

25 5. A third invoice was sent to the Respondent on January 27, 2007.

1 6. On November 15, 2006 the Department notified the Respondent that
2 the matter of the unpaid exam fees was being referred for
3 enforcement action.

4 7. On March 1, 2007 the Department sent a final notice to the
5 Respondent giving them until March 30, 2007 to pay the exam fees.

6 8. To date, the Respondent has not paid the outstanding invoice.

7 9. In March a complaint regarding a Massachusetts property was filed
8 against the respondent in Suffolk Superior Court, in the
9 Commonwealth of Massachusetts. The complaint alleged numerous
10 misdeeds of the Respondent including fraud, misrepresentation,
11 theft, and numerous violations of New Hampshire banking statutes.

12 10. To date the Respondent has not informed the Department of
13 the existence of said suit.

14 11. Had this suit existed at date of application it would have
15 been required to be disclosed on the current application forms.

16
17 **ISSUES OF LAW**

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

19 1. The Department realleges the above stated facts in paragraphs 1
20 through 10.

21 2. The Department has jurisdiction over the licensing and
22 regulation of persons engaged in mortgage broker activities
23 pursuant to NH RSA 397-A:3.

24 3. Pursuant to New Hampshire Banking law, RSA 397-A:12 the
25 Department may examine the business affairs of any licensee or
any other person, whether licensed or not, as it deems necessary

1 to determine compliance with this Chapter and the rules adopted
2 pursuant to it and with the Consumer Credit Protection Act, as
3 amended (15 U.S.C. 1601 et seq.). In determining compliance,
4 the Department may examine the books, accounts, records, files,
5 and other documents or matters of any licensee or person. RSA
6 397-A:12 further requires every person being examined, and all
7 of the officers, directors, employees, agents, and
8 representatives of such person shall make freely available to
9 the commissioner or his examiners, the accounts, records,
10 documents, files, information, assets, and matters in their
11 possession or control relating to the subject of the examination
12 and shall facilitate the examination. RSA 397-A:12 V further
13 provides that licensees are to pay the costs of examinations.
14 The Respondent violated this provision by failing to pay the
15 cost of examination in a timely fashion.

- 16 4. RSA 397-A:5 requires applicants to submit such information as
17 required by the commissioner.
- 18 5. RSA 397-A:10 requires licensees to keep all information on file
19 with the commissioner up to date. The Respondent violated this
20 provision by failing to update the civil suits filed against it.
- 21 6. BAN 2407.01 requires licensees to report all significant events
22 including law suits alleging financial fraud immediately and in
23 writing within five days of their filing. The Respondent
24 violated this provision by failing to provide notice of suit to
25 the Department.

1 and amount equal to the violations set forth in section II of
2 this petition; and

3 5. Assess fines and administrative penalties in accordance with
4 RSA 397-A:21, for violations of administrative rules, in the
5 number and amount equal to the violations set forth in section
6 II of this petition; and

7 6. Order the Respondent to pay the exam fee from RSA 397-A:12.

8 7. Take such other administrative and legal actions as necessary
9 for enforcement of the New Hampshire Banking Laws, the
10 protection of New Hampshire citizens, and to provide other
11 equitable relief.

12 **RIGHT TO AMEND**

13 IV. The Department reserves the right to amend this Staff Petition and
14 to request that the Commissioner take additional administrative
15 action. Nothing herein shall preclude the Department from bringing
16 additional enforcement action under RSA 397-A or the regulations
17 thereunder.

18 Respectfully submitted by:

19
20 /S/
James Shepard
21 Staff Attorney

4/30/07
Date