

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 07-160  
 )  
 3 State of New Hampshire Banking ) Order to Show Cause  
 )  
 4 Department, )  
 )  
 5 Petitioner, )  
 )  
 6 and )  
 )  
 7 Robert H. Scatamacchia, )  
 )  
 8 Respondent )  
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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.

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

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

14 The Staff Petition dated September 10, 2007 (a copy of which is  
15 attached hereto) is incorporated by reference hereto.

16 **ORDER**

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

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

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

- 23 1. Administrative penalties of \$2,500.00 should not be imposed;  
24 and
- 25 2. Statutory penalties of \$2,500.00 should not be imposed; and
3. Respondent's license should not be revoked; and

It is hereby ORDERED that:

4. Failure to request a hearing within 30 days of the date of  
receipt of this Order shall result in a default judgment being



1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 07-160  
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 3 State of New Hampshire Banking ) Staff Petition  
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 4 Department, )  
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 5 Petitioner, ) September 10, 2007  
 )  
 6 and )  
 )  
 7 Robert H. Scatamacchia, )  
 )  
 8 Respondent )  
 )

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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. Robert H. Scatamacchia (hereinafter "Respondent") is licensed as a  
15 Mortgage Broker and at all times relevant to this action has held  
16 a Department license since at least 1997.
- 17 2. The Respondent's fiscal year end was December 31, 2006 and the  
18 financial statement was due on or before April 2, 2007.
- 19 3. On April 4, 2007 the Department sent the Respondent a letter  
20 advising them that the financial statement had not been received  
21 and they had begun to accrue a \$25.00 per day fine for late  
22 submission of materials.
- 23 4. On April 25, 2007 the Department sent the Respondent a second  
24 reminder letter regarding the accruing fine.
- 25 5. To date the Respondent has failed to file the financial statement.

1 6. The Respondent has a history on not submitting required paperwork  
2 or paying invoices on time, to wit:

3 a. The Respondent was fined for late submission of a  
4 financial statement in 2005. That fine was paid five  
5 months late.

6 b. The Respondent was fined for late submission of an  
7 annual report in 2004, 2005 and 2007. Each of those  
8 invoices was paid late.

9 c. The Respondent paid his 2003 examination bill four  
10 months after the sixty day statutory period had expired.

11 d. The Respondent paid his 2004 examination bill four  
12 months after the sixty day statutory period had expired.

13 e. The Respondent paid his 2006 examination bill four  
14 months after the sixty day statutory period had expired.

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16 **ISSUES OF LAW**

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

18 1. The Department realleges the above stated facts in paragraphs 1  
19 through 5.

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

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



