

1 State of New Hampshire Banking Department

2

3 In re the Matter of: ) Case No.: 07-214  
 )  
 4 State of New Hampshire Banking ) Order to Show Cause  
 )  
 5 Department, ) With Immediate Suspension  
 )  
 6 and )  
 )  
 7 Casa Blanca Mortgage, Inc., Michael )  
 )  
 8 J. Chung, Jiwon J. Chung, Steve Ko, )  
 )  
 9 and Peter S. Tomita, )  
 )  
 10 Respondents )  
 )

---

11  
12 NOTICE OF HEARING

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

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

20 The Department issued the Respondents an Order to Show Cause on August  
21 2, 2007. Since the Orders were issued with an immediate suspension the  
22 Department must schedule a hearing to be held within ten days of said order.

23 The Department alleges the following:

24 **Issue 1: Failure to facilitate an exam (RSA 397-A:12)**

1           Accordingly, an adjudicative proceeding shall be commenced pursuant to  
2 541-A:31 and Chapter 200 of the Department's rules (NH Code of  
3 Administrative Rules BAN 200) for the purpose of permitting the Respondents  
4 to show compliance with RSA 397-A and the Rules adopted thereunder.

5           Each party has the right to have an attorney present to represent the  
6 party at the party's expense, or may represent itself.

7           THEREFORE, IT IS ORDERED, that the Respondents appear before the New  
8 Hampshire Banking Department on **August 9, 2007 at 10:00 am**, at the  
9 Department's offices at 64B Old Suncook Road, Concord, New Hampshire, for the  
10 purpose of participating in an adjudicative proceeding, at which time the  
11 Respondents will have the opportunity to demonstrate why the relief sought in  
the show cause order should not become permanent; and

12           IT IS FURTHER ORDERED, that if the Respondents elect to be represented  
13 by Counsel, said Counsel shall file notice of appearance at the earliest  
14 possible date; and

15           IT IS FURTHER ORDERED, that James Shepard, Staff Attorney, New  
16 Hampshire Banking Department is designated as Hearing Counsel in this matter  
17 with authority to represent the public interest within the scope of the  
18 Department's authority. Hearing Counsel shall have the status of a party to  
this proceeding; and

19           IT IS FURTHER ORDERED, that the Commissioner designates Maryam Torben-  
20 Desfosses to serve as the Presiding Officer in this proceeding who shall  
21 issue a RECOMMENDED DECISION in this matter which shall be reviewed and  
22 approved, disapproved or modified by the Bank Commissioner; and

23           IT IS FURTHER ORDERED, that any proposed exhibits shall be pre-marked,  
24 for identification only, and filed with the Department and provided to the  
25 opposing party **as soon as possible**. Hearing Counsel shall pre-mark the  
Department's exhibits with Arabic numbers. The Respondents shall pre-mark  
exhibits with capital letters. An index/list of exhibits providing a brief

1 description of each exhibit with its corresponding pre-marked number or  
2 letter shall be filed by both parties simultaneous with the filing of  
3 exhibits; and

4 IT IS FURTHER ORDERED, that the parties shall exchange a list of all  
5 exhibits and witnesses to be called at the hearing with a brief summary at  
6 the hearing, and shall at the same time file a copy of their respective lists  
7 with the Presiding Officer; and

8 IT IS FURTHER ORDERED, that all periods referenced in this notice shall  
9 be calendar days. If the last day of the period so computed falls on a  
10 Saturday, Sunday, or legal holiday, then the time period shall be extended to  
11 include the first business day that is not a Saturday, Sunday, or legal  
12 holiday; and

13 IT IS FURTHER ORDERED, that the Department shall have the burden of  
14 setting forth a *prima facie* case, then the Respondents shall have the burden  
15 of showing compliance with applicable law by a preponderance of the evidence;

16 IT IS FURTHER ORDERED, that Respondents' failure to appear at the time,  
17 date, and place specified may result in the hearing being held *in absentia*  
18 and/or default ruling in favor of the Department, without further notice or  
19 opportunity to be heard; and

20 IT IS FURTHER ORDERED, that the entirety of all oral proceedings shall  
21 be recorded verbatim by the Banking Department. Upon request of any party,  
22 or upon the Presiding Officer's own initiative, such record shall be  
23 transcribed by a certified court reporter designated by the Presiding  
24 Officer, and that all costs shall be borne solely by the requesting party.  
25 Any such request shall be submitted in writing to the Presiding Officer prior  
to hearing.

IT IS FURTHER ORDERED, that all documents shall be filed with the  
Presiding Officer in the form of an original and one (1) copy and shall bear a  
certification that a copy is being delivered to Hearing Counsel and any other

1 parties to this matter in accordance with NH Code of Administrative Rules Ban  
2 204.08. All documents shall be filed by mailing or delivering them to the New  
3 Hampshire Banking Department, ATTN: Presiding Officer 07-214, 64-B Old Suncook  
4 Road, Concord, NH 03301. Filing by facsimile or electronic transmission shall  
5 not be accepted; and

6 IT IS FURTHER ORDERED, that the parties may submit Proposed Orders,  
7 which shall include findings of fact and conclusions of law, separately  
8 stated, no later than ten (10) days following conclusion of the hearing(s) in  
9 this matter; and

10 IT IS FURTHER ORDERED, that routine procedural inquiries may be made by  
11 telephoning Abigail Shaine at (603)-271-3561, but all other communications with  
12 the Presiding Officer and with the Department shall be in writing and shall be  
13 filed as provided above. *Ex parte* communications are forbidden by statute; and

14 IT IS FURTHER ORDERED, that a copy of this Notice of hearing shall be  
15 mailed to all named Respondents at their addresses of record and that a copy  
16 shall also be delivered to James Shepard, Hearing Counsel, and to the  
17 Presiding Officer at the New Hampshire Banking Department.

18 **SO ORDERED,**

19 \_\_\_\_\_  
20 /s/  
Peter C. Hildreth  
Commissioner  
State of New Hampshire  
Banking Department

8/2/07  
Date