

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 08-106  
)
3 State of New Hampshire Banking )  
)
4 Department, ) Order to Show Cause  
)
5 Petitioner, )  
)
6 and ) Motion to Dismiss  
)
7 Rose Mortgage, Inc., and Laura M. )  
)
8 Micelli, )  
)
9 Respondents )  
)

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11 MOTION TO DISMISS

12 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above  
13 captioned case, and moves to dismiss the penalties in the Order to Show Cause  
14 ("Order") in this matter and states as follows:

- 15 1. The Department attempted service of the Order on the above named  
16 Respondents in this matter on or about January 2, 2009. However, the  
17 Department was notified by a non Respondent interested party who paid  
18 the examination fee on behalf of the Respondents.
- 19 2. Since the advent of the Order, the examination fee has been paid, which  
20 served as the underlying allegation of the Order.
- 21 3. Based on the above factors and as a sign of good faith and  
22 administrative efficiency, the Petitioner now wishes to dismiss the  
23 penalties within the Staff Petition that initiated the Order.

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25 [REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

1 WHEREFORE, Petitioner respectfully prays

2 A. The Commissioner dismiss the penalties in the Order to Show Cause in  
3 this case; and

4 B. Grant such further relief as is just and in the public interest.

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6 Respectfully submitted by:

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8         /s/  02/04/09  
Maryam Torbem Desfosses  Date  
9 Hearings Examiner

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ORDER

13 Finding it in the public interest, the requested relief is hereby **GRANTED**. The  
14 penalties in the Order to Show Cause in 08-106 are hereby **DISMISSED** this 5th  
15 day of February, 2009.

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        /s/          
PETER C. HILDRETH  
17 BANK COMMISSIONER

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