

1 State of New Hampshire Banking Department

2 In re the Matter of: ) Case No.: 08-364  
 )  
 3 State of New Hampshire Banking )  
 )  
 4 Department, ) Order to Show Cause and  
 ) Cease and Desist Order  
 5 Petitioner, )  
 )  
 6 and )  
 )  
 7 Lightning Financial, LLC (d/b/a ) Consent Order  
 )  
 8 Lightning Financial), Stephen K. )  
 )  
 9 Brunelle, and Ellen Brunelle, )  
 )  
 10 Respondents )  
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11  
12 CONSENT ORDER

13 I. For purposes of settling the above-referenced matter, the New Hampshire  
14 Banking Department (hereinafter referred to as "the Department",  
15 Respondent Lightning Financial, LLC (d/b/a Lightning Financial)  
16 (hereinafter "Respondent Lightning Financial"), Respondent Stephen K.  
17 Brunelle (hereinafter "Respondent Mr. Brunelle") and Respondent Ellen  
18 Brunelle (hereinafter "Respondent Mrs. Brunelle") do hereby enter this  
19 Agreement and stipulate to the following:

18 1. Respondent Lightning Financial was licensed as a Mortgage Broker  
19 prior to the surrender of its license in 2007.

20 2. Respondent Stephen K. Brunelle (hereinafter "Respondent S.  
21 Brunelle") is, or was at all relevant times, owner of Respondent  
22 Lightning Financial.

23 3. Respondent Ellen Brunelle (hereinafter "Respondent E. Brunelle")  
24 is, or was at all relevant time, the Branch Operations Manager  
25 of Respondent Lightning Financial.

1           4. Each of the above named Respondents agree they were subject to  
2           RSA Chapter 397-A.

3           5. The Department and Respondents agree that Respondents were  
4           subject to examination and certain reporting requirements as a  
5           result of such licensure.

6           6. Each of the above named Respondents admits the allegations of the  
7           Staff Petition in this cause.

8           II. For purposes of amicably resolving and closing the above-referenced  
9           matter, each of the above named Respondents agrees to the following terms and  
10          conditions and the Department accepts the same:

11          1. Respondents agree that they have voluntarily entered into this  
12          Consent Order without reliance upon any discussions between the  
13          Department and Respondents, without promise of a benefit of any kind  
14          (other than concessions contained in this Consent Order), and  
15          without threats, force, intimidation, or coercion of any kind.  
16          Respondents further acknowledge their understanding of the nature of  
17          the offenses alleged in the August 28, 2008 Staff Petition,  
18          including the penalties provided by law.

19          2. Respondents agree to waive any and all rights to a hearing and  
20          appeal regarding the allegations set forth in the August 28, 2008  
21          Staff Petition.

22          3. Respondents agree that all terms of this Consent Order are  
23          contractual and none is a mere recital.

24          4. Respondent Lightning Financial agrees it is subject to potential  
25          administrative penalties of \$5,000.00 (\$15,000 jointly and  
26          severally) as a result of the allegations stated in the August 28,  
27          2008 Staff Petition.

28          5. Respondent Mr. Brunelle agrees he is subject to potential  
29          administrative penalties of \$10,000.00 (\$15,000.00 jointly and  
30          severally) as a result of the allegations stated in the August 28,  
31          2008 Staff Petition.

32          6. Respondent Mrs. Brunelle agrees she is subject to potential  
33          administrative penalties of \$10,000.00 (\$15,000.00 jointly and  
34          severally) as a result of the allegations stated in the August 28,  
35          2008 Staff Petition.

- 1 7. The Department has already received the outstanding sum of \$600.00  
2 from the above named Respondents.
- 3 8. The Department agrees to accept monies in lieu thereof in the amount  
4 of \$2,500.00 from Respondents, again with joint and several  
5 liability, of the total penalties, all to be paid contemporaneously  
6 with the execution of this Consent Order.
- 7 9. The remaining amount of \$12,500 shall be suspended for six months  
8 pending no other violations of New Hampshire banking laws.
- 9 10. If any of the above named Respondents violates any provision of this  
10 Order, this agreement shall be voided and all unpaid penalties  
11 detailed in the August 28, 2008 Staff Petition and Cease and Desist  
12 Order shall be immediately due to the Department.
- 13 11. The provisions of this Consent Order shall not limit, estop, or  
14 otherwise prevent the Department, or any federal or state agency or  
15 department, from taking any other action affecting Respondents.
- 16 12. Failure to comply with the terms of this Consent Order as related to  
17 the underlying Cease and Desist Order shall result in imposition of  
18 further administrative penalties and possible criminal liability.
- 19 13. This Consent Order shall become effective immediately upon the date  
20 of its issuance.
- 21 14. The provisions of this Consent Order shall remain effective and  
22 enforceable except to the extent that, and until such time as, any  
23 provisions of this Consent Order shall have been modified,  
24 terminated, suspended, or set aside by the Bank Commissioner or upon  
25 an order of a court of competent jurisdiction.

18 This Consent Order represents the resolution of and discharge of any basis  
19 for any civil or administrative proceeding by the Department against  
20 Respondents for violations arising as a result of or in connection with any  
21 actions or omissions by Respondents through the date of this Consent Order as  
22 it applies to the allegations in this action; provided, however, this release  
23 does not apply to facts not known by the Department or not otherwise provided  
24 by Respondents to the Department as of the date of this Consent Order nor to  
25 actions for restitution under RSA 383:10-d, or any possible actions related  
to the examination just completed. The Department expressly reserves its  
right to pursue any administrative, civil or criminal action or remedy  
available to it should Respondents breach this Consent Order or in the future  
violate the Act or rules and orders promulgated thereunder.

1 **WHEREFORE**, based on the foregoing, we have set our hands to this Agreement,  
2 with it taking effect upon the signature of Peter C. Hildreth, Bank  
3 Commissioner.

4 Recommended this 12th day of September, 2008 by

5 \_\_\_\_\_  
6 /s/

7 Maryam Torben Desfosses, Staff Attorney, Banking Department

8 Executed this 27th day of October, 2008.

9 \_\_\_\_\_  
10 /s/

11 Stephen K. Brunelle, as representative for Respondent Lightning Financial,  
12 LLC (d/b/a Lightning Financial)

13 \_\_\_\_\_  
14 /s/

15 Respondent Stephen K. Brunelle

16 \_\_\_\_\_  
17 /s/

18 Respondent Ellen Brunelle

19 **SO ORDERED,**

20 Entered this 27th day of October, 2008.

21 \_\_\_\_\_  
22 /s/

23 Peter C. Hildreth,  
24 Bank Commissioner  
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