

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-378
))
3 State of New Hampshire Banking)
))
4 Department,) Order to Show Cause and
) Cease and Desist Order
5 Petitioner,)
))
6 and)
))
7 First Call Mortgage Company, Inc.,) Consent Order (only as to David Allen
) Keslar who is listed in the title as
8 Kathleen L. Donovan, Carl D.) David Allen Keslar herein)
))
9 McFadden, George Vanderheiden, Peter)
))
10 S. Lynch and Carolyn A. Lynch as)
))
11 Joint Tenants, James Arthur)
))
12 Lesmerises, David Allen Kesler,)
))
13 Dennis Wright,)
))
14 Respondents)
))

15
16 CONSENT ORDER

17 I. For purposes of settling the above-referenced matter, the New
18 Hampshire Banking Department (hereinafter referred to as "the
19 Department") and only Respondent David Allen Keslar ("Respondent
20 Keslar") do hereby enter this Agreement and stipulate to the
21 following:

22 1. Respondent Keslar was at all relevant times the branch manager for
23 Respondent First Call Mortgage Company, Inc.'s Portsmouth, New
24 Hampshire branch location.

25 2. Respondent Keslar was a principal of Respondent First Call
Mortgage Company, Inc., as that term is defined in RSA 397-A.

1 3. Respondent Keslar avers that no physical business was conducted
2 at the Portsmouth, New Hampshire location.

3 II. For purposes of amicably resolving and closing the above-referenced
4 matter, Respondent Keslar agrees to the following terms and conditions and
5 the Department accepts the same:

- 6 1. Respondent Keslar agrees that he has voluntarily entered into
7 this Consent Order without reliance upon any discussions between
8 the Department and Respondent Keslar, without promise of a
9 benefit of any kind (other than concessions contained in this
10 Consent Order), and without threats, force, intimidation, or
11 coercion of any kind. Respondent Keslar further acknowledges
12 his understanding of the nature of the offenses alleged in the
13 September 24, 2008 Staff Petition, including the penalties
14 provided by law.
- 15 2. Respondent Keslar agrees to waive any and all rights to a
16 hearing and appeal regarding the allegations set forth in the
17 September 24, 2008 Staff Petition.
- 18 3. Respondent Keslar agrees that all terms of this Consent Order
19 are contractual and none is a mere recital.
- 20 4. Respondent Keslar agrees to pay the Department \$2,500.00.
- 21 5. The provisions of this Consent Order shall not limit, estop, or
22 otherwise prevent the Department, or any federal or state agency
23 or department, from taking any other action affecting Respondent
24 Keslar.
- 25 6. Failure to comply with the terms of this Consent Order as
 related to the underlying Cease and Desist Order shall result in
 imposition of further administrative penalties and possible
 criminal liability.
7. This Consent Order shall become effective immediately upon the
 date of its issuance.
8. The provisions of this Consent Order shall remain effective and
 enforceable except to the extent that, and until such time as,
 any provisions of this Consent Order shall have been modified,
 terminated, suspended, or set aside by the Bank Commissioner or
 upon an order of a court of competent jurisdiction.

1 This Consent Order represents the resolution of and discharge of any basis
2 for any civil or administrative proceeding by the Department against
3 Respondent Keslar for violations arising as a result of or in connection
4 with any actions or omissions by Respondent Keslar through the date of this
5 Consent Order as it applies to the allegations in this action; provided,
6 however, this release does not apply to facts not known by the Department or
7 not otherwise provided by Respondent Keslar to the Department as of the date
8 of this Consent Order nor to actions for restitution under RSA 383:10-d, or
9 any possible actions related to the examination just completed. The
10 Department expressly reserves its right to pursue any administrative, civil
11 or criminal action or remedy available to it should Respondent Keslar breach
12 this Consent Order or in the future violate the Act or rules and orders
13 promulgated thereunder.

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

17 Recommended this 17th day of December, 2008 by

18 _____
19 /s/

20 Maryam Torben Desfosses, Hearings Examiner, Banking Department

21 Executed this 30th day of December, 2008.

22 _____
23 /s/

24 David Allen Keslar, Respondent

25 **SO ORDERED,**

Entered this 2nd day of January, 2009.

Peter C. Hildreth,
Bank Commissioner