

1 State of New Hampshire Banking Department

2	In re the Matter of:	) Case No.: 08-380
		)
3	State of New Hampshire Banking	)
4	Department,	) Order to Show Cause with Immediate
		) Suspension
5	Petitioner,	)
		) and
6	and	)
		) Cease and Desist Order
7	Our Town Mortgage, LLC, and Robert J.	)
		)
8	Giuliana,	)
		)
9	Respondents	)
		)
10		)

11 NOTICE OF ORDER

12 This Order commences an adjudicative proceeding under the provisions  
13 of RSA 397-A, RSA 541-A, BAN 200 and JUS 800.

14 LEGAL AUTHORITY AND JURISDICTION

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

19 Pursuant to RSA 397-A:18, the Banking Department of the State of New  
20 Hampshire (hereinafter the "Department") has the authority to issue a  
21 complaint setting forth charges whenever the Department is of the opinion  
22 that the licensee or person over whom the Department has jurisdiction is  
23 violating or has violated any provision of RSA Chapter 397-A, rule or order  
24 thereunder.

25 Pursuant to RSA 397-A:18, II, the Banking Department of the State of  
New Hampshire (hereinafter the "Department") has the authority to issue and

1 cause to be served an order requiring any person engaged in any act or  
2 practice constituting a violation of RSA 397-A or any rule or order  
3 thereunder, to cease and desist from violations of RSA 397-A.

4 Pursuant to RSA 397-A:17 and RSA 541-A:30 the Bank Commissioner  
5 ("Commissioner) may by order summarily postpone or suspend any license or  
6 application pending final determination of any order to show cause, or other  
7 order, or of any other proceeding under this section, provided the  
8 Commissioner finds that the public interest would be irreparably harmed by  
9 delay in issuing such order.

10 Pursuant to RSA 397-A:20, the Commissioner may issue, amend, or  
11 rescind such orders as are reasonably necessary to comply with the  
12 provisions of the Chapter.

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

17 Pursuant to RSA 383:10-d, the Commissioner shall investigate conduct  
18 that is or may be an unfair or deceptive act or practice under RSA 358-A and  
19 exempt under RSA 358-A:3,I or that may violate any of the provisions of  
20 Titles XXXV and XXXVI and administrative rules adopted thereunder. The  
21 Commissioner may hold hearings relative to such conduct and may order  
22 restitution for a person or persons adversely affected by such conduct. The  
23 Commissioner may utilize all remedies available under the Act.

24 **NOTICE OF RIGHT TO REQUEST A HEARING**

25 Pursuant to RSA 541-A:30, the Department shall hold a hearing within  
ten (10) working days after the date of this Order suspending the Respondents'  
license. That hearing is noticed under separate order. A record of this  
proceeding shall be made by a certified shorthand court reporter provided by

1 this Department.

2 After said hearing and within 20 days of the date of the hearing the  
3 Commissioner shall issue a further order vacating this Order or making it  
4 permanent as the facts require and making such findings as are necessary. All  
5 hearings shall comply with 541-A.

6 The above named Respondents have the right to request a hearing on  
7 this Order to Show Cause with Immediate Suspension and Cease and Desist  
8 Order (hereinafter "Order"), as well as the right to be represented by  
9 counsel at each Respondent's own expense. Any such request shall be in  
10 writing, and signed by the Respondents or by the duly authorized agent of  
11 the above named Respondents, and shall be delivered either by hand or  
12 certified mail, return receipt request, to the New Hampshire Banking  
13 Department, 53 Regional Drive, Suite 200, Concord, NH 03301. In accordance  
14 with RSA 541-A, a hearing shall be held not more than ten (10) days of such  
15 request. If any of the Respondents fails to appear at the hearing after  
16 being duly notified, such person shall be deemed in default, and the  
17 proceeding may be determined against the defaulting Respondent(s) upon  
18 consideration of the Order, the allegations of which may be deemed to be  
19 true.

20 If any of the Respondents fails to request a hearing within thirty  
21 (30) calendar days of receipt of this Order or reach formal settlement with  
22 the Department within that timeframe, then such Respondent shall likewise be  
23 deemed in default, and the Order shall, on the thirty-first (31<sup>st</sup>) day become  
24 permanent, and shall remain in full force and effect until and unless later  
25 modified or vacated by the Commissioner, for good cause shown.

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

26 The Staff Petition dated October 13, 2008 (a copy of which is attached  
27 hereto) is incorporated by reference hereto.

ORDER

1           WHEREAS, finding it necessary and appropriate and in the public  
2 interest, and consistent with the intent and purposes of the New Hampshire  
3 banking laws,

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

7           WHEREAS, FINDING a substantial likelihood that delay will cause harm  
8 to the public health, safety or welfare, requiring emergency action,

9           It is hereby ORDERED, that:

- 10           1. **Respondents' license is immediately suspended;** and  
11           2. Pursuant to RSA 541-A:30, III, an adjudicative hearing  
12           regarding the issue of suspension shall be held within ten  
              (10) working days of the date of this Order.

13           It is hereby further ORDERED, that:

- 14           3. Respondent Our Town Mortgage, LLC ("Respondent Our Town  
15           Mortgage") shall show cause why penalties in the amount of  
16           \$145,000.00 should not be imposed against it individually and  
17           therefore, \$290,000.00 jointly and severally;  
18           4. Respondent Robert J. Giuliana ("Respondent Giuliana") shall  
19           show cause why penalties in the amount of \$157,500.00  
20           (\$145,000.00 for the company violations plus \$12,500.00  
21           individually) should not be imposed against him personally  
              and therefore, \$302,500.00 jointly and severally;  
22           5. The above named Respondents shall show cause why, in addition  
23           to the penalties listed in paragraphs 1 through 4 above,  
24           statutory penalties of \$2,500.00 should not be imposed for  
25           failing to file the fiscal year end financial statement;



1 State of New Hampshire Banking Department

2 In re the Matter of: )Case No.: 08-380  
 )  
 3 State of New Hampshire Banking )Staff Petition  
 )  
 4 Department, )  
 )  
 5 Petitioner, )October 13, 2008  
 )  
 6 and )  
 )  
 7 Our Town Mortgage, LLC, and Robert J. )  
 )  
 8 Giuliana, )  
 )  
 9 Respondents )  
 )  
 10 )

---

11  
12 I. STATEMENT OF ALLEGATIONS

13 The Staff of the Banking Department, State of New Hampshire (hereinafter  
14 "Department") alleges the following facts:

15 Facts Common on All Counts:

- 16 1. Respondent Our Town Mortgage, LLC (hereinafter "Our Town  
17 Mortgage") has been licensed as a Mortgage Broker since at least  
18 January 4, 2007 (with an amended license date of January 11,  
19 2008).
- 20 2. Respondent Robert J. Giuliana (hereinafter "Respondent  
21 Giuliana") is the 100% owner of Respondent Our Time Mortgage.

22 Violation of RSA 397-A:13, II Failure to File Financial Statement (3  
23 Counts):

24 Violation of RSA 397-A:13, VI Failure of Officer and Owner to Respond to  
25 Department Inquiries Regarding Financial Statement (2 Counts):

1 Violation of RSA 397-A:10, III Failure to Inform Commissioner of Office

2 Closure (1 Count):

3 Violation of RSA 397-A:10, IV Failure to Update Information on File with

4 Commissioner (3 Counts):

5 Violation of RSA 397-A:10-a I (a) Failure to Properly Surrender License (1  
6 Count):

7 3. Paragraphs 1 through 2 are hereby realleged as fully set forth  
8 herein.

9 4. The Respondents' fiscal year end was December 31, 2007 and the  
10 financial statement was due on or before March 31, 2008.

11 5. Respondent Our Town Mortgage was licensed on the date the  
12 financial statement filing was due and still remains licensed.

13 6. The Department sent Respondent Our Town Mortgage a reminder letter  
14 on January 24, 2008 via U.S. Mail, notifying the Respondents of  
15 the upcoming filing requirement.

16 7. The January 24, 2008 notice was never returned to the Department.

17 8. The Department sent Respondent Our Town Mortgage another letter on  
18 April 9, 2008, indicating the filing was not received and that a  
19 fine had begun to accrue.

20 9. The April 9, 2008 notice was never returned to the Department.

21 10. On May 8, 2008, the Department sent Respondent Our Town Mortgage a  
22 final notice by U.S. Certified Return Receipt request, advising  
23 it the financial statement had not been received and if it was  
24 not received by May 30, 2008, a referral to the Legal Division  
25 would be made.

1 11. The May 8, 2008 final notice letter came back as undeliverable and  
2 the Department's Licensing Division attempted to fax it on May  
3 12, 2008. The fax number came back as disconnected.

4 12. To date, none of the above named Respondents have responded to  
5 these letters, submitted the financial statement or paid the  
6 accrued fine of \$2,500.

7 13. The above named Respondents failed to notify the Department and  
8 the Commissioner that the (a) fax number was disconnected,  
9 (b) the address was no longer valid, which (c) implies the  
10 business has closed.

11 14. The above named Respondents have not properly surrendered their  
12 license.

13 **Violation of RSA 397-A:5, III (c) Failure to Post Continuous Surety Bond (1**  
14 **Count):**

15 **Violation of RSA 397-A:10, IV Failure to Update Information on File with**  
16 **Commissioner (2 Counts):**

17 **Violation of RSA 397-A:10, IV Failure to Notify Commissioner of License**  
18 **Revocation by Another State, which is a significant event (1 Count):**

19 15. Paragraphs 1 through 14 are hereby realleged as fully set forth  
20 herein.

21 16. On September 8, 2008, the Department was notified by NGM Insurance  
22 Company of the Notice of Cancellation or Termination of the above  
23 named Respondents' Mortgage Banker/Broker \$20,000.00 surety bond,  
24 cancellation to be effective November 21, 2008.



1 17. On September 9, 2008, the Department sent Respondent Our Town  
2 Mortgage, via U.S. Certified Mail Return Receipt requested, a  
3 notice that the bond must be reinstated or replaced immediately  
4 and the originally-executed bond sent to the Department.

5 18. The September 9, 2008 letter was returned, along with a yellow  
6 label indicating Respondent Our Town Mortgage has "moved" and  
7 "left no address".

8 19. On September 18, 2008, at 9:56 a.m., a Department Examiner  
9 contacted Respondent Giuliana by email and indicated in the email  
10 that the telephone numbers on record with the Department are  
11 disconnected and the mail is returned undeliverable.

12 20. On September 23, 2008, the Department Examiner indicated that the  
13 email to Respondent Giuliana was returned as undeliverable.

14 21. On September 24, 2008, the Department's Licensing Division  
15 discovered that Respondent Our Town Mortgage's State of Maine  
16 Banking Department license was terminated on or about May 30,  
17 2008 and that no further information was available.

18 22. To date, the Department has not received the required bond  
19 reinstatement.

20 23. Upon information and belief Respondent Our Town Mortgage is  
21 currently without bonding by any surety leaving New Hampshire  
22 consumers without recourse should Respondent Our Town Mortgage,  
23 and Respondent Giuliana default in their obligations.

1 Violation of RSA 397-A:13, I Failure to File Accurate Annual Report (1  
2 Count):

3 Violation of RSA 397-A:13, IV Statutory Penalty for Failure to File Annual  
4 Report (1 Count):

5 24. Paragraphs 1 through 23 are hereby realleged as fully set forth  
6 herein.

7 25. The Annual Report is due on or before February 1, 2008.

8 26. On February 5, 2008, the Department mailed via U.S. Certified Mail  
9 Return Receipt requested a reminder letter that the annual report  
10 was due on February 1, 2008.

11 27. The above named Respondents received the February 5, 2008 reminder  
12 letter (regarding the Annual Report) on February 20, 2008 at  
13 10:05 a.m. in Wiscasset, Maine 04578. It was signed for and  
14 received by Mary Oliveri.

15 Violation of RSA 397-A:12, VII Failure to Facilitate Exam (3 Counts):

16 Violation of RSA 397-A:12, III Examinations: Failure to Provide Requested  
17 Files (3 Counts):

18 Violation of RSA 397-A:13, II Failure to File Financial Statement (2  
19 Counts):

20 Violation of RSA 397-A:13, V Failure to File Additional Documents (13  
21 Counts):

22 Violation of RSA 397-A:11, II Record Keeping: Failure to Provide Requested  
23 Files (13 Counts):

24 Violation of RSA 397-A:13, VI Failure of Officer and Owner to Respond to  
25 Department Inquiries Regarding Financial Statement (3 Counts):

1 28. Paragraphs 1 through 27 are hereby realleged as fully set forth  
2 herein.

3 29. The Department attempted to conduct an examination of Respondent  
4 Our Town Mortgage on January 7, 2008.

5 30. On December 17, 2007, the Department sent the December 17, 2007,  
6 Notice of Examination to Respondent Our Town Mortgage via U.S.  
7 Certified Mail Return Receipt requested, which one Mary Oliveri  
8 of Respondent Our Town Mortgage signed for and received on  
9 January 3, 2008 at 12:44 p.m. in Wiscasset, Maine 04578.

10 31. The December 17, 2007 Notice of Examination required the  
11 Respondent to submit the following documents:

12 a. A list of all New Hampshire files of loans that the licensee  
13 originated, funded, closed, denied, or that were withdrawn,  
14 canceled or serviced by the licensee during the period 18  
15 months prior to the date of this notice;

16 b. A copy of the most recent year-end financial statement, SEC 10-  
17 K and 10-Q if applicable, and most recent Federal Income Tax  
18 return;

19 c. A copy of the most recent quarterly financial statement;

20 d. Work papers and copies of source documents to support the  
21 figures submitted on the company's most recently filed New  
22 Hampshire Annual Report; the work papers shall demonstrate the  
23 actual calculation of the numbers for verification by the  
24 department; and

25

1 e. A list on Schedules A and B of the license application form of  
2 the current direct owners, indirect owners and all principals  
3 of the company.

4 32. With no response from any of the above named Respondents, a second  
5 notice (with an expanded examination request) dated February 20,  
6 2008 was submitted to Respondent Our Town Mortgage via U.S.  
7 Certified Mail Return Receipt and delivered at 9:58 a.m. on March  
8 3, 2008 in Wiscasset, Maine 04578.

9 33. The February 20, 2008 Notice requested thirteen (13) specific loan  
10 files.

11 34. A third attempt was made by facsimile on April 9, 2008. The  
12 facsimile number came back as "busy".

13 35. To date, the requested materials have not been received and  
14 Respondents have not responded to these inquiries and requests.

15 36. To date, fines have accrued for failing to provide the requested  
16 files. The current fine to date is \$13,050.00 (\$50/day x 261  
17 days) and still accruing.

18 **Violation of RSA 397-A:12, V Failure to Pay Examination Fee (1 Count):**

19 37. Paragraphs 1 through 36 are hereby realleged as fully set forth  
20 herein.

21 38. On April 10, 2008, an invoice and letter of explanation was sent  
22 to Respondent Our Town Mortgage via U.S. Certified Mail Return  
23 Receipt requested indicating that Respondent Our Town Mortgage  
24 owed \$500.00 for a one day exam, which was scheduled for January  
25 7, 2008.

1 39. A second notice was sent June 24, 2008 and a third notice was sent  
2 August 1, 2008.

3 40. A final notice was sent September 25, 2008 via U.S. Certified Mail  
4 Return Receipt requested.

5 41. The original April 10, 2008 letter came back as undeliverable.

6 42. To date, the above named Respondents still owe the \$500.00  
7 examination fee for a one day examination.

8 Violation of RSA 397-A:10, IV Failure to Update Information on File with

9 Commissioner (3 Counts):

10 Violation of RSA 397-A:16, IV Unauthorized Retention of Commissions for

11 Services Rendered (2 Counts):

12 Violation of RSA 293-A:15.01 via RSA 397-A:2, II Mortgage Loans Brokered Do

13 Not Comply with Other New Hampshire State Law (2 Counts):

14 Violation of RSA 293-A:15.01 via RSA 397-A:2, III Persons Subject to or

15 Licensed by RSA Chapter 397-A Must Comply with Other New Hampshire State Law

16 (2 Counts):

17 43. Paragraphs 1 through 43 are hereby realleged as fully set forth  
18 herein.

19 44. The New Hampshire Secretary of State Corporation Division's  
20 website shows Respondent Our Town Mortgage has been on  
21 administrative suspension from August 1, 2007 to January 4, 2008  
22 and again from August 4, 2008 to the present.

23 45. Respondent Our Town Mortgage and Respondent Giuliana never  
24 informed the Department of the two administrative suspensions  
25 with the New Hampshire Secretary of State's Office or Corporation

1 Division.

2 46. The Department is under a good faith belief that New Hampshire  
3 loans were at least brokered from August 1, 2007 to January 3,  
4 2008 and fees collected by the above named Respondents.

5 47. There were at least three applications accepted after the  
6 administrative suspension by the New Hampshire Secretary of  
7 State's Office or Corporation.

8 48. Since Respondent Our Town Mortgage was on administrative  
9 suspension (due to failing to filing an annual report, or  
10 sustaining a registered agent, or both), it did not have  
11 authority to transact business in the State of New Hampshire  
12 during the periods of administrative suspension.

13 49. Therefore, Respondent Our Town Mortgage's customers and/or  
14 consumers are entitled to reimbursement of all fees Respondent  
15 Our Town Mortgage charged with respect to its portion of the loan  
16 applications or loans.

17 **II. ISSUES OF LAW**

18 The staff of the Department, alleges the following issues of law:

19 1. The Department realleges the above stated facts in paragraphs 1  
20 through 49 as fully set forth herein.

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

24 3. RSA 397-A:2, II requires any mortgage loans made or brokered under  
25 RSA Chapter 397-A to be further governed by any other applicable

1 laws of the state of New Hampshire. Each of the above named  
2 Respondents violated this provision on at least two occasions as  
3 alleged above.

4 4. RSA 293-A:15.30 states a Certificate of Authority (to transact  
5 business) may be revoked by the secretary of state if the  
6 corporation has failed to file its annual report and/or failed to  
7 sustain a registered agent.

8 5. RSA 397-A:2, III requires persons subject to or licensed under RSA  
9 Chapter 397-A to abide by applicable federal laws and  
10 regulations, the laws and rules of the State of New Hampshire,  
11 and the orders of the Commissioner. Any violation of such law,  
12 regulation, order, or rule is a violation of RSA Chapter 397-A.  
13 Each of the above named Respondents violated this statute on at  
14 least two occasions as alleged above.

15 6. RSA 397-A:5, III(c) requires licensee to post a continuous surety  
16 bond in the amount of \$20,000 to the Department. Each of the  
17 above named Respondents violated this statute one time by  
18 allowing the surety bond to be cancelled as alleged above.

19 7. RSA 397-A:10, III provides that licensees shall provide written  
20 notice to the Department of any proposed closing of any licensed  
21 office no later than ten (10) business days prior to the  
22 effective date of such change. Each of the above named  
23 Respondents violated this statute on at least one occasion as  
24 alleged above.

25

1 8. RSA 397-A:10,IV provides that persons licensed under RSA Chapter  
2 397 are under a continuing obligation to update information on  
3 file with the Commissioner. Each of the above named Respondents  
4 failed to update the Commissioner on at least nine occasions as  
5 alleged above.

6 9. RSA 397-A:10-a,I(a) provides that a licensee who ceases to engage  
7 in the business of a mortgage banker or mortgage broker at any  
8 time during a license year for any cause shall surrender such  
9 license in person or by registered or certified mail to the  
10 Commissioner within 15 calendar days of such cessation, and shall  
11 cause to be published in a newspaper of general circulation in  
12 the licensee's market area a notice to such effect. Each of the  
13 above named Respondents violated this statute on at least one  
14 occasion as alleged above.

15 10. RSA 397-A:11, II provides that requested files and business  
16 records must be received by the Department within 21 calendar  
17 days of request. The licensee will be subject to a \$50.00 a day  
18 fine every day after the 21-day period the records are not  
19 produced. Respondents currently owe \$13,050.00 to date and the  
20 fine is still accruing.

21 11. RSA 397-A:12,III requires licensees to comply with examination  
22 requests with or without prior notice. All books, papers, files,  
23 related material, and records of assets shall be subject to the  
24 Department's examination. Each of the above named Respondents  
25



1 violated this statute on at least three occasions as alleged  
2 above.

3 12. RSA 397-A:12,V provides that the expense of such examination  
4 shall be chargeable to and paid by the licensee. Each of the  
5 above named Respondents violated this provision on at least one  
6 occasion as alleged above.

7 13. RSA 397-A:12,VII provides that every person being examined, and  
8 all of the officers, directors, employees, agents, and  
9 representatives of such person shall make freely available to the  
10 Commissioner or his or her examiners, the accounts, records,  
11 documents, files, information, assets, and matters in their  
12 possession or control relating to the subject of the examination  
13 and shall facilitate the examination. Each of the above named  
14 Respondents violated this statute on at least three occasions as  
15 alleged above.

16 14. RSA 397-A:13,I provides that a licensee shall file its annual  
17 report on or before February 1 each year concerning operations  
18 for the preceding year or license period ending December 31.  
19 Each of the above named Respondents violated this provision on at  
20 least one occasion as alleged above.

21 15. RSA 397-A:13,II provides that each licensee shall file a  
22 financial statement within 90 days from the date of its fiscal  
23 year end. Each of the above named Respondents violated this  
24 statute on at least five occasions as alleged above.

25

1 16. RSA 397-A:13,IV provides that any mortgage banker or broker  
2 failing to file the annual report within the time prescribed may  
3 be required to pay to the Department a penalty of \$25.00 per  
4 calendar day for each day the annual report is overdue, for a  
5 maximum of \$2,500.00. Each of the above named Respondents  
6 violated this statute on at least one occasion as alleged above.

7 17. RSA 397-A:13, V provides that in addition to the annual report  
8 and financial statement, the Department may require such  
9 additional special or regular reports as it may deem necessary  
10 under RSA Chapter 397-A. Each of the above named Respondents  
11 violated this provision on at least thirteen occasions as alleged  
12 above.

13 18. RSA 397-A:13,VI provides that any officer, owner, manager or  
14 agent of any licensee shall reply promptly in writing, or other  
15 designated form, to any written inquiry from the Department.  
16 Respondent Giuliana violated this provision on at least five  
17 occasions each as alleged above.

18 19. RSA 397-A:16, IV requires that pursuant to RSA 397-A:3, only  
19 mortgage brokers and mortgage bankers licensed under the  
20 provisions of RSA Chapter 397-A shall be entitled to retain  
21 commissions for services rendered. Each of the above named  
22 Respondents violated this statute on at least two occasions as  
23 alleged above.

24 20. RSA 397-A:18,I provides that the Department may issue a complaint  
25 setting forth charges whenever the Department is of the opinion

1           that the licensee or person over whom the Department has  
2           jurisdiction, has violated any provision of RSA 397-A or orders  
3           thereunder.

4           21. RSA 397-A:21, IV provides that any person who, either knowingly  
5           or negligently, violates any provision of Chapter 397-A, may upon  
6           hearing, and in addition to any other penalty provided for by  
7           law, be subject to an administrative fine not to exceed \$2,500,  
8           or both. Each of the acts specified shall constitute a separate  
9           violation, and such administrative action or fine may be imposed  
10          in addition to any criminal penalties or civil liabilities  
11          imposed by New Hampshire Banking laws.

12          22. RSA 397-A:21, V provides that every person who directly or  
13          indirectly controls a person liable under this section, every  
14          partner, principal executive officer or director of such person,  
15          every person occupying a similar status or performing a similar  
16          function, every employee of such person who materially aids in the  
17          act constituting the violation, and every licensee or person acting  
18          as a common law agent who materially aids in the acts constituting  
19          the violation, either knowingly or negligently, may, upon notice  
20          and opportunity for hearing, and in addition to any other penalty  
21          provided for by law, be subject to suspension, revocation, or  
22          denial of any registration or license, including the forfeiture of  
23          any application fee, or the imposition of an administrative fine  
24          not to exceed \$2,500, or both. Each of the acts specified shall  
25          constitute a separate violation, and such administrative action or

1 fine may be imposed in addition to any criminal or civil penalties  
2 imposed.

3 **III. RELIEF REQUESTED**

4 The staff of the Department requests the Commissioner take the following  
5 Action:

- 6 1. Find as fact the allegations contained in section I of this Staff  
7 Petition;
- 8 2. Make conclusions of law relative to the allegations contained in  
9 section II of the this petition;
- 10 3. Pursuant to RSA 397-A:17, order each of the above named  
11 Respondents to show cause why their license should not be  
12 immediately suspended;
- 13 4. Pursuant to RSA 397-A:17, order each of the above named  
14 Respondents to show cause why their license should not be revoked;
- 15 5. Pursuant to RSA 397-A:18, order each of the above named  
16 Respondents to immediately Cease and Desist from violations of  
17 this chapter;
- 18 6. Assess fines and administrative penalties in accordance with RSA  
19 397-A:21, for violations of Chapter 397-A, in the number and amount  
20 equal to the violations set forth in section II of this Staff  
21 Petition; and
- 22 7. Take such other administrative and legal actions as necessary for  
23 enforcement of the New Hampshire Banking Laws, the protection of  
24 New Hampshire citizens, and to provide other equitable relief.

