

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 09-053
))
3 State of New Hampshire Banking) Order re Settlement Agreement
))
4 Department,))
))
5 and))
))
6 Consumer A and Consumer B,))
))
7 Complainants,))
))
8 and))
))
9 Countrywide Home Loans Inc,))
))
10 Respondent))
))

11
12 Order

13 Pursuant to RSA 383:10-d ("Consumer Complaints and Restitution"), the
14 New Hampshire Bank Commissioner (hereinafter, "Commissioner") shall have
15 exclusive authority and jurisdiction to investigate conduct that is or may be
16 an unfair or deceptive act or practice under RSA 358-A ("Regulation of
17 Business Practices for Consumer Protection") and exempt under RSA 358-A:3,I
18 ("Exempt Transactions; ect.") or that may violate any of the provisions of
19 Title XXXV ("Banks and Banking; Loan Associations; Credit Unions") and
20 administrative rules adopted thereunder. The Commissioner may hold hearings
21 relative to such conduct and may order restitution for a person or persons
22 adversely affected by such conduct.

23 By Notice of Hearing dated May 7, 2009, an adjudicative proceeding
24 regarding this matter was commenced. The Notice ordered, inter alia, that
25 it was a proceeding to impose conditions on the surrender of Respondent's

1 RSA 397-A license since it concerns an alleged unfair and deceptive trade
2 practice.

3 In correspondence to the Commissioner dated September 1, 2009, counsel
4 for the Respondent stated that "[t]he parties have reached a resolution of
5 this matter at mediation and executed a settlement agreement." To date, the
6 settlement agreement has not been submitted to the Commissioner for review
7 and approval.

8 The parties to this matter have submitted a "Stipulation of Dismissal
9 with Prejudice" dated August 31, 2009. The Stipulation has been docketed,
10 however as the settlement agreement has not been submitted for approval, no
11 action is being taken on the Stipulation at this time.

12 Given the Commissioner's exclusive jurisdiction under RSA 383:10-d and
13 the ability to impose conditions on a license surrender under RSA 397-A:10-
14 a, I(b),

15 IT IS HEREBY ORDERED, that a copy of the settlement agreement be
16 submitted to the Commissioner for review and approval; and

17 IT IS FURTHER ORDERED, that pending the receipt and approval by the
18 Commissioner of the settlement agreement the hearing scheduled for September
19 9, 2009 in this matter has not been stayed and shall take place as noticed.

20
21 **SO ORDERED,**

22
23 _____
24 /s/
25 Peter C. Hildreth
Commissioner
State of New Hampshire
Banking Department

September 2, 2009
Date