

1	In re the Matter of:	) Case No.: 09-093
		)
2	State of New Hampshire Banking	)
		)
3	Department,	)
		)
4	Petitioner,	) Order to Show Cause
		)
5	and	)
		)
6	SunnyMTG.com 866-768-CASH, LLC, and	)
		)
7	Sumit Gaddh,	)
		)
8	Respondents	)

NOTICE OF ORDER TO SHOW CAUSE ("ORDER")

10 1. This Order commences an adjudicative proceeding under the provisions  
11 of RSA Chapter 397-A and RSA Chapter 541-A.

RESPONDENTS

13 2. SunnyMTG.com 866-768-CASH, LLC ("Respondent SunnyMTG") is a limited  
14 liability company duly formed in Florida on November 6, 2002 and registered  
15 in New Hampshire on October 5, 2006 with its principal office location in  
16 Ft. Lauderdale, Florida.

17 3. Respondent SunnyMTG was licensed as a Mortgage Banker with the New  
18 Hampshire Banking Department ("Department") from January 4, 2007 to August  
19 27, 2009 when it surrendered its license. Respondent SunnyMTG is still  
20 licensed in Massachusetts as a Mortgage Broker.

21 4. Sumit Gaddh ("Respondent Gaddh") is the 100% owner, President,  
22 Treasurer and Secretary of Respondent SunnyMTG. Respondent Gaddh's New  
23 Hampshire Mortgage Loan Originator license was issued by the Department on  
24 July 28, 2009. Respondent Gaddh surrendered his New Hampshire Mortgage Loan  
25 Originator license on August 31, 2009. Respondent Gaddh is still licensed

1 by Massachusetts as a Mortgage Loan Originator.

2 5. Respondent SunnyMTG and Respondent Gaddh are hereby collectively known as  
3 "Respondents".

4 LEGAL AUTHORITY AND JURISDICTION

5 6. "Control" means the power, directly or indirectly, to direct the  
6 management or policies of a company, whether through ownership of  
7 securities, by contract, or otherwise. Any person who is a director, general  
8 partner, or executive officer is presumed to control a company. RSA 397-  
9 A:1,V-a.

10 7. "Person" is defined as an individual, corporation, business trust,  
11 estate, trust, partnership, association, 2 or more persons having a joint or  
12 common interest, or any other legal or commercial entity however organized.  
13 RSA 397-A:1,XVIII.

14 8. The Commissioner has the authority to issue an order to show cause to  
15 any person under the Commissioner's jurisdiction why Respondent's licenses  
16 should not be revoked or suspended and penalties for violations of RSA  
17 Chapter 397-A or any rule or order thereunder should not be imposed. RSA  
18 397-A:17,I.

19 9. The Commissioner may by order, upon due notice and opportunity for  
20 hearing, assess penalties, deny, suspend, decline to renew or revoke a  
21 license if it is in the public interest and the respondent, any partner,  
22 officer, member, or director, any person occupying a similar status or  
23 performing similar functions, or any person directly or indirectly  
24 controlling the respondent has violated any provision of RSA Chapter 397-A  
25 or rules or orders thereunder. RSA 397-A:17,I.

1 10. The Commissioner may impose administrative fines of up to \$2,500.00  
2 for each violation. RSA 397-A:21.

3 11. The Commissioner may issue, amend, or rescind such orders as are  
4 reasonably necessary to comply with the provisions of RSA Chapter 397-A. RSA  
5 397-A:20, IV.

6 **RIGHT TO REQUEST A HEARING**

7 12. Respondents have a right to request a hearing on this Order. A hearing  
8 shall be scheduled not later than ten (10) days after the Commissioner  
9 receives the Respondent's written request for a hearing. Respondents may  
10 request a hearing and waive the ten (10) day hearing requirement. The  
11 hearing shall comply with RSA Chapter 541-A, RSA 397-A:17 and RSA 397-A:18.

12 13. If any person fails to request a hearing within thirty (30) days of  
13 receiving this Order, then such person shall be deemed in default, and the  
14 Order shall, on the thirty-first (31<sup>st</sup>) day, become permanent, all  
15 allegations may be deemed true, and shall remain in full force and effect  
16 until modified or vacated by the Commissioner for good cause shown. RSA 397-  
17 A:17.

18 14. A default may result in administrative fines as described in Paragraph  
19 10 above.

20 **STATEMENT OF ALLEGATIONS**

21 **Examination**

22 15. On April 10, 2009, the Department sent the notice of examination to  
23 Respondent SunnyMTG via U.S. Certified Mail Return Receipt, which the post  
24 office returned to the Department on May 11, 2009 as "unclaimed".

25 16. On May 12, 2009, the Department sent the notice of examination to

1 Respondent SunnyMTG via UPS, which Respondents received on May 18, 2009.

2 17. On May 18, 2009, the Department began an examination of Respondent  
3 SunnyMTG.

4 18. On May 20, 2009, Respondents provided a loan list and some of the  
5 requested items from the noticed examination. However, Respondents failed  
6 to provide the remaining requested information from the notice of  
7 examination.

8 19. By letter dated July 17, 2009 and sent that same day, via U.S.  
9 Certified Mail Return Receipt, the Department's Examiner in Charge requested  
10 the missing items and all loan files, along with a request for the  
11 Respondents to complete the officer's questionnaire. On August 3, 2009,  
12 correspondence was returned to the Department as "unclaimed".

13 20. On August 4, 2009, the Department sent the same request via UPS, which  
14 the Respondents received on August 5, 2009. On August 11, 2009, the  
15 Respondents provided a copy of the 2008 fiscal year end financial statement.

16 21. On September 3, 2009, the Department received the officer's  
17 questionnaire; however, it was completed improperly. Each question was  
18 answered with the same statement. The statement referenced Respondents'  
19 responses to the 2007 examination and officer's questionnaire.

20 22. The materials requested in the notice of examination were due on June  
21 8, 2009, which is 21 days after the May 18, 2009 delivery of the notice of  
22 examination. Respondents did not begin to provide documentation (loan  
23 files) until after June 8, 2009. To date, fines have accrued for failing to  
24 provide the requested files in a timely manner. RSA 397-A:13,IV. The current  
25 fine to date (ending with the bond cancellation date of November 1, 2009) is



ORDER

1  
2 28. **WHEREAS** pursuant to RSA 397-A:17,I, the facts as alleged above, if true,  
3 show Respondents have operated in violation of RSA Chapter 397-A and form  
4 the legal basis for this Order;

5 29. **WHEREAS** pursuant to RSA 397-A:20,VI, this Order is necessary and  
6 appropriate to the public interest and for the protection of consumers and  
7 consistent with the purpose of New Hampshire banking laws;

8 30. **WHEREAS** pursuant to RSA 397-A:5,IV-c(5) and RSA 397-A:5:IV-d(a)(1), the  
9 facts as alleged above, if true, show Respondent Gaddh as a mortgage loan  
10 originator has not continued to demonstrate financial responsibility and  
11 character such as to command the confidence of the community and to warrant  
12 a determination that he will operate honestly, fairly, and efficiently  
13 within the purposes of RSA Chapter 397-A;

14 31. **WHEREAS** if Respondents fail to respond to this Order and/or defaults  
15 then all facts as alleged herein are deemed as true;

16 32. **It is hereby ORDERED** that Respondents shall show cause why Respondent  
17 SunnyMTG's New Hampshire Mortgage Banker license should not be revoked;

18 33. **It is hereby further ORDERED** that Respondents shall show cause why  
19 Respondent Gaddh's New Hampshire Mortgage Loan Originator license should not  
20 be revoked;

21 34. **It is hereby further ORDERED** that Respondent shall show cause why an  
22 administrative fine of \$2,500.00 per violation should not be imposed as  
23 follows:

24 a. Respondent SunnyMTG:

25 Violation #1: Failure to facilitate the exam;

