

**STATE OF NEW HAMPSHIRE
BUREAU OF SECURITIES REGULATION
DEPARTMENT OF STATE**

IN THE MATTER OF:

Frederick V. McMenimen III

Respondent

)
)
) Order on Respondent's Objection
) to Staff Petition and Motion for
) Default
) INV2012-000017
)
)
)

WHEREAS, the staff of the Bureau of Securities Regulation, Department of State, State of New Hampshire (hereinafter referred to as "the Bureau") submitted a Staff Petition for Relief in the above-referenced matter on November 25, 2014; and

WHEREAS, an Order to Cease and Desist was issued by the Director of the Bureau on December 1, 2014, said order containing a Notice of Order and a Notice of Right to Request a Hearing; and

WHEREAS, a copy of the Staff Petition and Order to Cease and Desist were hand delivered to the attention of the Respondent at the Strafford County House of Corrections, 266 County Farm Road, Dover, New Hampshire 03820 on December 2, 2014; and

WHEREAS, having been duly notified, the Respondent failed to request a hearing within 30 calendar days of receipt of the above-referenced notice; and

WHEREAS, the Bureau submitted a Motion for Default Order on January 6, 2015; and

WHEREAS, on January 8, 2015, a Default Order was issued finding the Respondent in default of the Cease and Desist Order, revoking the Respondent's license and registration privileges, barring the Respondent from any further license or registration privileges, and ordering the Respondent to pay the costs of the Bureau's investigation and a fine in the amount of \$20,000; and

WHEREAS, on February 5, 2015, the Bureau received a letter dated January 12, 2015 from the Respondent via counsel for Respondent objecting to the action taken by the Bureau; and

WHEREAS, RSA 421-B:23 provides that if the person to whom a cease and desist order is issued fails to request a hearing within 30 calendar days of receipt of such order, but in any case no later than 60 calendar days from the issuance of the order, then such person shall likewise be deemed in default, and the order shall, on the thirty-first day from the receipt of the order and no later than the sixty-first day from the issuance of the order, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the secretary of state, for good cause shown; and

WHEREAS, RSA 421-B:26-a, XXII provides that any party to whom notice has been forwarded pursuant to and in accordance with these rules who fails to appear shall have a default judgment rendered against him; and

WHEREAS, sixty-five days elapsed between the Respondent's receipt of the Cease and Desist Order and the receipt by the Bureau of Respondent's Objection to the Bureau's action;

ORDER

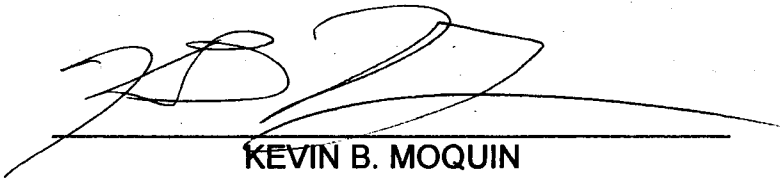
THEREFORE, it is hereby ORDERED that:

- 1) The Respondent's Objection is denied.
- 2) The Default Order issued on January 8, 2015 remains in effect and the Respondent is subject to the sanctions ordered therein.

SIGNED,

WILLIAM M. GARDNER
SECRETARY OF STATE
BY:

Dated: 2/11/15



KEVIN B. MOQUIN
HEARINGS OFFICER