

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| In re the Matter of:            | ) | Case No.: 10-041          |
|                                 | ) |                           |
| State of New Hampshire Banking  | ) |                           |
|                                 | ) |                           |
| Department,                     | ) |                           |
|                                 | ) |                           |
| Petitioner,                     | ) | <u>AMENDED</u>            |
| and                             | ) | Order to Cease and Desist |
|                                 | ) |                           |
| 500 Fast Cash (d/b/a            | ) |                           |
|                                 | ) |                           |
| www.500fastcash.com), and MTE   | ) |                           |
|                                 | ) |                           |
| Financial Services, Inc. (a/k/a | ) |                           |
|                                 | ) |                           |
| Red Cedar Services, Inc.),      | ) |                           |
|                                 | ) |                           |
| Respondents                     | ) |                           |

**NOTICE OF AMENDED ORDER TO CEASE AND DESIST**

**("AMENDED ORDER")**

1. This Amended Order commences an adjudicative proceeding under the provisions of RSA Chapter 399-A (including RSA 399-A:7,I and II, RSA 399-A:8,I and RSA 399-A:16,IV) and RSA Chapter 541-A.
2. The Commissioner may impose administrative penalties of up to \$2,500.00 for each violation. *RSA 399-A:18,V and VI.*

**RESPONDENT**

3. 500 Fast Cash (d/b/a www.500fastcash.com) ("Respondent Fast Cash") is an online company. Better Business Bureau and United States Patent and Trademark Office records indicate Respondent Fast Cash is located in

Miami, Oklahoma. Respondent Fast Cash is not registered with the New Hampshire Secretary of State or the Oklahoma Secretary of State. Respondent Fast Cash is a "Person" as defined under RSA 399-A:1,XII, a "Lender" as defined under RSA 399-A:1,VIII, a "Payday Loan Lender" as defined under RSA 399-A:1,XI and a "Small Loan Lender" as defined under RSA 399-A:1,XV.

4. MTE Financial Services, Inc. (a/k/a Red Cedar Services, Inc.) ("Respondent MTE") was, until July 9, 2012, the owner of Respondent Fast Cash. Respondent MTE is a company located in Miami, Oklahoma and was previously located in Albuquerque, New Mexico. Respondent MTE is not registered with the New Hampshire Secretary of State, the New Mexico Secretary of State or the Oklahoma Secretary of State. The State of Washington has issued a consumer alert and California has issued a Desist and Refrain Order against Respondent MTE. As of July 9, 2012, Red Cedar became the owner of Respondent Fast Cash but both MTE Financial Services, Inc. and Red Cedar Services, Inc, share the same address. Respondent MTE is a "Person" as defined under RSA 399-A:1,XII and a "Direct Owner" as defined under RSA 399-A:1,III-b.
5. The New Hampshire Banking Department ("Department")

records indicate Respondents Fast Cash, MTE and Red Cedar have never held a Payday or Small Loan Lender license with the Department.

**RIGHT TO REQUEST A HEARING**

6. Respondents have a right to request a hearing on this Amended Order. A hearing shall be held not later than ten (10) days after the Commissioner receives Respondent' written request for a hearing. Respondents may request a hearing and waive the ten (10) day hearing requirement. The hearing shall comply with RSA Chapter 541-A, RSA 399-A:7, RSA 399-A:8, and Administrative Rule JUS Chapter 800.
7. If any person fails to request a hearing within thirty (30) days of receiving this Amended Order, then such person shall be deemed in default, and the Amended Order shall, on the thirty-first (31<sup>st</sup>) day, become permanent, all allegations may be deemed true, and shall remain in full force and effect until modified or vacated by the Commissioner for good cause shown.  
*RSA 399-A:7 and RSA 399-A:8.*
8. A default may result in administrative fines as described in Paragraph 2 above.

**STATEMENT OF ALLEGATIONS**

**Consumer A:**

9. On May 5, 2008, the Department received a complaint from a New Hampshire consumer ("Consumer A") against Respondent Fast Cash concerning a payday or small loan.
10. In March 2008, Respondent Fast Cash issued Consumer A a payday or small loan, in violation of RSA 399-A:2,I.

**Consumer B:**

11. On October 29, 2010, the Department received a complaint from a New Hampshire consumer ("Consumer B") against Respondent Fast Cash concerning a payday or small loan.
12. On September 3, 2009, Respondent Fast Cash issued Consumer B a payday or small loan in the amount of \$350.00, in violation of RSA 399-A:2,I.
13. The agreement between Respondent Fast Cash and Consumer B indicates, "By receiving a loan through 500FastCash you agree that your loan will be renewed on every due date unless you request to pay in full or to pay down your principal amount borrowed, at least 3 full business days prior to your next due date", in violation of RSA 399-A:13,VII. RSA 399-A:13,VII requires a statement by the lender indicating the loan

is not intended to meet long-term financial needs.

**Consumer C:**

14. On April 23, 2010, the Department received a complaint from a New Hampshire consumer ("Consumer C") against Respondent Fast Cash concerning a payday or small loan.

15. On August 14, 2010, Respondent Fast Cash issued Consumer C a payday or small loan in the amount of \$250.00, in violation of RSA 399-A:2,I.

**Consumer D:**

16. On December 23, 2010, the Department received a complaint from a New Hampshire consumer ("Consumer D") against Respondent Fast Cash concerning a payday or small loan.

17. On July 6, 2011, Respondent Fast Cash issued Consumer D a payday or small loan in the amount of \$300.00, in violation of RSA 399-A:2,I.

**Consumer E:**

18. On October 21, 2011, the Department received a complaint from a New Hampshire consumer ("Consumer E") against Respondent Fast Cash concerning a payday or small loan.

19. On September 26, 2011, Respondent Fast Cash issued Consumer E a payday or small loan in the amount of



ORDER

24. **I hereby find as follows:**

- a. Pursuant to RSA 399-A:2 and RSA 399-A:2,I, the facts as alleged above, if true, show Respondents are operating or have operated in violation of RSA Chapter 399-A and form the legal basis for this Amended Order;
- b. Pursuant to 399-A:16,VI, this Amended Order is necessary and appropriate to the public interest and for the protection of consumers and consistent with the purpose and intent of New Hampshire banking laws;
- c. The Department finds pursuant to RSA 399-A:8,I, reasonable cause to issue an order to cease and desist; and
- d. Pursuant to RSA 399-A:8,I, if Respondents fail to respond to this Amended Order and/or defaults then all facts as alleged herein may be deemed as true.

25. **Accordingly, it is hereby ORDERED that:**

- a. Respondents shall cease and desist from violating SA Chapter 399-A and rules or orders thereunder;
- b. Respondents shall immediately provide the Department a list of all New Hampshire consumers

for whom Respondents have given payday or small loans and a status of those accounts. This list must include the names and contact information of the New Hampshire consumers, along with monies charged, collected and/or waived (if applicable). The list shall also be accompanied by all contracts, checks to and from the consumer and any other documents in the New Hampshire consumers' files;

- c. Respondents shall be hereby ordered to rescind, provide restitution or disgorge profits, including but not limited to \$350.00 for Consumer B, \$250.00 for Consumer C, \$300.00 for Consumer D, and \$300.00 for Consumer E;
- d. Respondents shall hereby be administratively fined a maximum of \$2,500.00 per violation (as stated in Counts below) pursuant to RSA 399-A:18,V and VI as follows:

(1). Respondent Fast Cash:

#1: Unlicensed payday or small loan activity (RSA 399-A:2,I) - 5 Counts;

#2: Failure to provide disclaimer statement to Consumer (RSA 399-A:13,VII) - 1 Count;



