

1 In re the Matter of:) Case No.: 10-470
)
 2 State of New Hampshire Banking)
)
 3 Department,)
)
 4 Petitioner,) Order to Show Cause and
) Cease and Desist
 5 and)
)
 6 Payday-loan-yes (d/b/a www.payday-
)
 7 loan-yes.com and a/k/a Fastcash)
)
 8 Advance, a/k/a CashNet, a/k/a)
)
 9 CashNet500, a/k/a First National)
)
 10 Services, a/k/a Global Payday Loan,)
)
 11 LLC, a/k/a United Cash Loans, and)
)
 12 a/k/a AmeriLoan),)
)
 13 Respondent)

14 NOTICE OF ORDER TO SHOW CAUSE AND CEASE AND DESIST ("ORDER")

15 1. This Order commences an adjudicative proceeding under the provisions
 16 of RSA Chapter 399-A (including RSA 399-A:7,I and II, RSA 399-A:8,I and RSA
 17 399-A:16,IV) and RSA Chapter 541-A.

18 2. The Commissioner may impose administrative penalties of up to
 19 \$2,500.00 for each violation. RSA 399-A:18,V and VI.

20 RESPONDENT

21 3. Payday-loan-yes (d/b/a www.payday-loan-yes.com and a/k/a Fastcash
 22 Advance, a/k/a CashNet, a/k/a CashNet500, a/k/a First National Services,
 23 a/k/a Global Payday Loan LLC, a/k/a United Cash Loans, and a/k/a Ameriloan)
 24 ("Respondent Payday") is an online company located in Nassau, Bahamas. The
 25 Better Business Bureau has Respondent Payday located in Chicago, Illinois.

1 Respondent Payday is not registered with the New Hampshire Secretary of
2 State. Respondent Payday is a "Person." RSA 399-A:1,XII.

3 4. The New Hampshire Banking Department ("Department") records indicate
4 Respondent Payday has never held a PayDay or Small Loan Lender license with
5 the Department.

6 **RIGHT TO REQUEST A HEARING**

7 5. Respondent has a right to request a hearing on this Order. A hearing
8 shall be held not later than ten (10) days after the Commissioner receives
9 the Respondent's written request for a hearing. Respondent may request a
10 hearing and waive the ten (10) day hearing requirement. The hearing shall
11 comply with RSA Chapter 541-A. RSA 399-A:7 and RSA 399-A:8.

12 6. 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 (31st) 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
17 399-A:7 and RSA 399-A:8.

18 7. A default may result in administrative fines as described in Paragraph
19 2 above.

20 **STATEMENT OF ALLEGATIONS**

21 **Consumer A:**

22 8. On May 13, 2008 the Department received a complaint from a New
23 Hampshire consumer ("Consumer A") against Respondent concerning a payday or
24 small loan.

25 9. On August 7, 2007, Respondent issued Consumer A the payday or small

1 loan in the amount of \$350.00, in violation of RSA 399-A:2,I.

2 10. Respondent deducted \$810.00 from Consumer A's bank account over the
3 course of 4 months in violation of RSA 399-A:11,XI and RSA 399-A:13,I.
4 Consumer A should be entitled to a refund of \$460.00, the amount over the
5 \$350.00 originally borrowed.

6 **Consumer B:**

7 11. On September 9, 2009 the Department received a complaint from a New
8 Hampshire consumer ("Consumer B") against Respondent concerning a payday or
9 small loan.

10 12. Respondent issued Consumer B the payday or small loan, in violation of
11 RSA 399-A:2,I.

12 **Consumer C:**

13 13. On January 29, 2009 the Department received a complaint from a New
14 Hampshire consumer ("Consumer C") against Respondent concerning a payday or
15 small loan.

16 14. On April 23, 2007, Respondent issued Consumer C the payday or small
17 loan in the amount of \$400.00, in violation of RSA 399-A:2,I.

18 15. Respondent deducted \$770.00 from Consumer C's bank account over the
19 course of 2 months in violation of RSA 399-A:11,XI and RSA 399-A:13,I.
20 Consumer C should be entitled to a refund of \$370.00, the amount over the
21 \$400.00 originally borrowed.

22 16. On June 4, 2007, Respondent issued Consumer C the payday or small loan
23 in the amount of \$300.00, in violation of RSA 399-A:2,I, and RSA 399-A:13
24 XIX.

25 17. Respondents deducted \$270.00 from Consumer C's bank account over the

1 course of 1 month in violation of RSA 399-A:11,XI and RSA 399-A:13,I.

2 18. On May 24, 2007, Respondent issued Consumer C the payday or small loan
3 in the amount of \$300.00, in violation of RSA 399-A:2,I, and RSA 399-A:13
4 XIX.

5 19. Respondents deducted \$270.00 from Consumer C's bank account over the
6 course of 1 month in violation of RSA 399-A:11,XI and RSA 399-A:13,I.

7 **Consumer D:**

8 20. On September 29, 2010 the Department received a complaint from a New
9 Hampshire consumer ("Consumer D") against Respondent concerning a payday or
10 small loan.

11 21. Respondent issued Consumer D the payday or small loan in the amount of
12 \$300.00, in violation of RSA 399-A:2,I.

13 **Consumer E:**

14 22. On January 10, 2011 the Department received a complaint from a New
15 Hampshire consumer ("Consumer E") against Respondent concerning a payday or
16 small loan.

17 23. On May 12, 2010, Respondent issued Consumer E the payday or small loan
18 in the amount of \$300.00, in violation of RSA 399-A:2,I.

19 24. Respondent deducted \$540.00 from Consumer E's bank account over the
20 course of 1 month in violation of RSA 399-A:11,XI and RSA 399-A:13,I.
21 Consumer E should be entitled to a refund of \$240.00, the amount over the
22 \$300.00 originally borrowed.

23 **Consumer F:**

24 25. On March 7, 2011 the Department received a complaint from a New
25 Hampshire consumer ("Consumer F") against Respondent concerning a payday or

1 small loan.

2 26. Respondent issued Consumer F the payday or small loan in the amount of
3 \$500.00, in violation of RSA 399-A:2,I.

4 **Consumer G:**

5 27. On November 28, 2007 the Department received a complaint from a New
6 Hampshire consumer ("Consumer G") against Respondent concerning a payday or
7 small loan.

8 28. On July 2, 2007, Respondent issued Consumer G the payday or small loan
9 in the amount of \$180.00, in violation of RSA 399-A:2,I.

10 **Consumer H:**

11 29. On May 6, 2010 the Department received a complaint from a New
12 Hampshire consumer ("Consumer H") against Respondent concerning a payday or
13 small loan.

14 30. On October 22, 2009, Respondent issued Consumer H the payday or small
15 loan in the amount of \$350.00, in violation of RSA 399-A:2,I.

16 **Consumer I:**

17 31. On March 18, 2011 the Department received a complaint from a New
18 Hampshire consumer ("Consumer I") against Respondent concerning a payday or
19 small loan.

20 32. Prior to December 21, 2010, Consumer I applied for a payday loan in
21 the amount of \$1,000.00, however Consumer I declined the loan offer of
22 \$300.00 made by Respondent. On December 21, 2010, Respondent issued
23 Consumer I the payday or small loan in the amount of \$300.00, in violation
24 of RSA 399-A:2,I.

25 33. Respondent deducted \$750.00 from Consumer I's bank account over the

1 course of 3 months in violation of RSA 399-A:11,XI and RSA 399-A:13,I.
2 Consumer I should be entitled to a refund of \$450.00, the amount over the
3 \$300.00 originally borrowed.

4 **Correspondence:**

5 34. On December 6, 2007, the Department sent a letter via U.S. Certified
6 Mail return receipt requested to Respondent at the Salt Lake City, Utah
7 address suggesting it apply for licensure with the Department and resolution
8 of a consumer complaint. The Department received the letter back from the
9 U.S. Post Office on December 31, 2007 with instructions, "Return to Sender,
10 Attempted, Not Known".

11 35. On December 6, 2007, the Department sent a letter via U.S. Certified
12 Mail return receipt requested to Respondent at the Murray, Utah address
13 suggesting it apply for licensure with the Department and resolution of a
14 consumer complaint. The Department received the letter back from the U.S.
15 Post Office on December 26, 2007 with instructions, "Return to Sender,
16 Unable to Forward".

17 36. On January 22, 2008, the Department sent a letter via U.S. Certified
18 Mail return receipt requested to Respondent at the Salt Lake City, Utah
19 address suggesting it apply for licensure with the Department and resolution
20 of a consumer complaint. The Department received the letter back from the
21 U.S. Post Office on February 1, 2008 with instructions, "Return to Sender,
22 Refused".

23 37. On July 7, 2008, the Department sent a letter via U.S. Certified Mail
24 return receipt requested to Respondent at the Salt Lake City, Utah address
25 suggesting it apply for licensure with the Department. The Department

1 alleged herein are deemed as true.

2 41. **Accordingly, it is hereby ORDERED that:**

3 a. Respondent shall cease and desist from violating RSA Chapter
4 399-A and rules or orders thereunder;

5 b. Respondent shall immediately provide the Department a list of
6 all New Hampshire consumers for whom Respondent has given payday or small
7 loans and a status of those accounts. This list must include the names and
8 contact information of the New Hampshire consumers, along with monies
9 charged, collected and waived (if applicable). The list shall also be
10 accompanied by all contracts, checks to and from the consumer and any other
11 documents in the New Hampshire consumers' files;

12 c. Respondent shall show cause why the Commissioner should not
13 enter an order of rescission, restitution, or disgorgement of profits,
14 including at a minimum restitution of \$460.00 (for Consumer A), \$370.00 (for
15 Consumer C), \$240.00 (for Consumer E), \$450.00 (for Consumer I), and
16 restitution for Consumer B, Consumer D, Consumer F, Consumer G, and Consumer
17 H if applicable;

18 d. Respondent shall show cause why an administrative fine of up to
19 a maximum of \$2,500.00 per violation should not be imposed as follows:

20 (1). Respondent Payday:

21 Violation #1: Unlicensed payday or small loan activity
22 (RSA 399-A:2,I) - 11 Counts;

23 Violation #2: Charging additional fees on a loan (RSA 399-
24 A:11,XI)) - 6 Counts;

25 Violation #3: Charging additional fees on a loan (RSA 399-

