

State of New Hampshire
Banking Department

In re:)	Case No.: 11-019
)	
Global Group Holdings, LLC)	
)	
a/k/a Midland Financial, LLC,)	Order to Cease and Desist
)	
Respondent.)	

Now comes the State of New Hampshire Banking Department (the “Department”) commencing an adjudicative proceeding under the provisions of RSA Chapter 399-A and RSA Chapter 541-A against the respondent, Global Group Holdings, LLC also known as Midland Financial, LLC (“Global Group Holdings”).

JURISDICTION

The Department licenses and regulates persons “engage[d] in the business of making small loans, title loans, or payday loans in this state or with consumers located in this state” RSA 399-A:2, I.

FACTS

On or about December 9, 2010, the Department received a complaint from a consumer residing in New Hampshire regarding Global Group Holdings. The consumer indicated that she obtained a \$300 payday loan from Global Group Holdings over the internet. On or about the same day that Global Group Holdings deposited the loan into her account, the consumer learned that the entity was not licensed to make payday loans in New Hampshire. Accordingly, the consumer contacted Global Group Holdings to cancel the loan. However, Global Group Holdings refused to cancel the loan.

Subsequently, Global Group Holdings allegedly deducted at least \$360 from the consumer's bank account. Global Group Holdings has told the consumer that as of December 9, 2010, she still owed Global Group Holdings \$390. The consumer requested a mailing address and contact information from Global Group Holdings, but the entity allegedly refused to provide that information to her.

Upon receipt of the consumer's complaint, the Department investigated Global Group Holdings. The Department sent several administrative subpoenas via certified mail to mailing addresses listed for Global Group Holdings. All of the subpoenas were returned to the Department as "undeliverable" or "unclaimed."

GOVERNING LAW

Under RSA 399-A:2, I, "[n]o person shall engage in the business of making small loans, title loans, or payday loans . . . with consumers located in [New Hampshire] without first obtaining a license from the [Bank Commissioner]." A "payday loan" is "a short-maturity, secured or unsecured loan, other than a title loan." RSA 399-A:1, X.

"The [Department] may issue a cease and desist order against any licensee or person who it has reasonable cause to believe has violated or is about to violate the provisions of [RSA Chapter 399-A] or any rule or order under [RSA Chapter 399-A]." RSA 399-A:8, I. The Bank Commissioner may also "by order, upon due notice and opportunity for a hearing, assess penalties [for violating RSA Chapter 399-A] . . . if it is in the public interest." RSA 399-A:7, I(i).

FINDINGS

Pursuant to RSA 399-A:8, I, the Department has reasonable cause to believe that the respondent has violated the following provisions of RSA Chapter 399-A:

1. RSA 399-A:2, I: The respondent knowingly or negligently violated RSA 399-A:2, I when it engaged in the business of making a payday loan to the above-referenced New Hampshire consumer without first obtaining a license from the Department.

Pursuant to RSA 399-A:7, I, this Order is necessary and appropriate to the public interest, for the protection of consumers, and consistent with the purposes fairly intended by the policy and provisions of RSA Chapter 399-A.

ORDER

Accordingly, the Commissioner orders as follows:

1. The respondent shall cease and desist from violating RSA Chapter 399-A and any rules or order under RSA Chapter 399-A;
2. The respondent shall disgorge any finance charges, delinquency charges, or collection charges associated with the above-referenced consumer's account; and
3. The respondent shall be assessed an administrative fine of \$2,500 for knowingly or negligently violating RSA 399-A:2, I when it engaged in the business of making a payday loan to the New Hampshire consumer without first obtaining a license from the Department. RSA 399-A:7, I(i); RSA 399-A:8, I; RSA 399-A:18, II; RSA 399-A:18, V.

NOTICE OF RIGHT TO A HEARING

The respondents have a right to request a hearing in writing on this Order to Cease and Desist. If requested, “[a] hearing shall be held not later than 10 days after the request for such hearing is received by the commissioner” RSA 399-A:8, I.

If the respondent “fails to request a hearing within 30 calendar days of receipt of such order, then such person shall likewise be deemed in default, and the order shall, on the thirty-first

day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.” Id.

RECOMMENDED by:

12/13/12
Date

/s/
Emelia A.S. Galdieri
N.H. Bar #19840
Hearings Examiner
State of New Hampshire Banking Department

ORDERED by:

12/13/12
Date

/s/
Ronald A. Wilbur
State of New Hampshire Bank Commissioner

CERTIFICATE OF SERVICE

I, Emelia A.S. Galdieri, hereby certify that on 13 December 2012, a copy of this

Order to Cease and Desist was sent to the following parties via U.S. Certified Mail First Class:

Midland Financial, LLC
1170 S.W. Arbormill Terrace
Lee's Summit, MO 64082-4163

Midland Financial, LLC
P.O. Box 901795
Kansas City, MO 64153

Global Group Holdings, LLC
1912 19th Lane
Greenacres, FL 33463

/s/

Emelia A.S. Galdieri
N.H. Bar #19840
Hearings Examiner
State of New Hampshire Banking Department