

STATE OF NEW HAMPSHIRE

BANKING DEPARTMENT

In re: EFA Processing, L.P. (d/b/a EFA Processing), Eckity
First Associates, Inc., and Kenneth L. Talbert
Case No.: 11-265

NOTICE OF ORDER TO CEASE AND DESIST ("ORDER")

1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 399-D (including RSA 399-D:13,I, RSA 399-D:23,I and II, RSA 399-D:24,IV and V, and RSA 399-D:25,IV) and RSA Chapter 541-A.
2. The Commissioner may impose administrative penalties not to exceed \$2,500.00 for each violation of RSA Chapter 399-D. *RSA 399-D:24,IV and V.*
3. The Commissioner may impose restitution for each New Hampshire consumer who used Respondents' services. *RSA 399-D:3,III.*

RESPONDENTS

4. EFA Processing, L.P. (d/b/a EFA Processing) ("EFA") is a limited partnership duly formed in the State of Texas on February 27, 2007 with a principal office location in Frisco, Texas. EFA is not registered with the New Hampshire Secretary of State. New Hampshire Banking Department ("Department") records indicate Respondent has never held a Payday or Small Loan Lender license with the Department. EFA is a Person (RSA 399-D:2,VII).

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5. Eckity First Associates, Inc. ("Eckity") is the general partner and direct owner of EFA. Eckity is not a licensed New Hampshire Debt Adjuster. Eckity is Control person (RSA 399-D:2,II-b), a Direct Owner (RSA 399-D:2,V-b), a Principal (RSA 399-D:2,VII-a), and a Person (RSA 399-D:2,VII)
6. Kenneth L. Talbert ("K. Talbert") is the direct owner of Eckity and indirect owner of EFA. K. Talbert is not a licensed New Hampshire Debt Adjuster. K. Talbert is Control person (RSA 399-D:2,II-b), a Direct Owner (RSA 399-D:2,V-b), an Indirect Owner (RSA 399-D:2,V-d), a Principal (RSA 399-D:2,VII-a), and a Person (RSA 399-D:2,VII).
7. EFA, Eckity and K. Talbert shall be collectively referred to as "Respondents."

RIGHT TO REQUEST A HEARING

8. Respondents each have a right to request a hearing on this Order. A hearing shall be held not later than ten (10) days after the Commissioner receives Respondent's 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-D:13,I, RSA 399-D:23,I and II and Administrative Rule JUS Chapter 800.

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9. If any person fails to request a hearing within thirty (30) days of receiving this Order, then such person shall be deemed in default, and the Order shall, on the thirty-first (31st) 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-D:13, I and RSA 399-D:23, I and II.*
10. A default may result in administrative fines and restitution as described in Paragraphs 2 and 3 above.

STATEMENT OF ALLEGATIONS

11. From at least September 14, 2009, Respondents contracted with 186 New Hampshire consumers to provide debt adjuster services while not properly licensed with the Department. These 186 New Hampshire consumers require refunds totaling \$178,409.49, as listed on Exhibit 1 attached to and made a part hereof.
12. Respondents are not licensed by the Department as New Hampshire Debt Adjusters, in violation of RSA 399-D:3, I.
13. To date, Respondents have failed to resolve this matter with the Department.

Respectfully submitted by:

 /s/
Maryam Torben Desfosses
Hearings Examiner

 10/21/14
Date

ORDER

14. I hereby find as follows:

- a. Pursuant to RSA 399-D:3,I, the facts as alleged above, if true, show Respondents are operating or have operated without a license in violation of RSA Chapter 399-D and form the legal basis for this Order;
- b. Pursuant to 399-D:25,VI, this 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-D:23,I and II reasonable cause to issue an order to cease and desist; and
- d. Pursuant to RSA 399-D:13,I and RSA 399-D:23,I and II, if Respondents fail to respond to this Order and/or default then all facts as alleged herein may be deemed as true.

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

- a. Respondents shall cease and desist from violating RSA Chapter 399-D and rules or orders thereunder;
- b. Pursuant to RSA 399-D:3,III, Respondents shall be hereby ordered to rescind, provide restitution or disgorge profits, including but not limited to a total refund of \$178,409.49 for the 186 New Hampshire consumers with whom Respondents conducted business;
- d. Respondents shall hereby be administratively fined a maximum of \$2,500.00 per violation pursuant to RSA 399-D:24,IV and V as follows:
 - (1). Unlicensed debt adjuster activity for each New Hampshire Consumer (RSA 399-D:3,I) - 186 Violations;
- e. Nothing in this Order:
 - (1). shall prevent the Department from taking any further administrative and legal action as necessary under New Hampshire law; and
 - (2). shall prevent the New Hampshire Office of the Attorney General from bringing an action against the above named Respondents in any New Hampshire superior court, with or without prior administrative action by the Commissioner.

EXHIBIT 1 TO PARAGRAPH 11 OF THE
EFA PROCESSING, L.P., ET AL. ORDER TO CEASE AND DESIST
DOCKET #11-265

Consumer 1:\$99.00	Consumer 63:\$1,744.00	Consumer 125:\$199.00
Consumer 2:\$424.00	Consumer 64:\$574.00	Consumer 126:\$199.00
Consumer 3:\$574.00	Consumer 65:\$489.00	Consumer 127:\$150.00
Consumer 4:\$774.00	Consumer 66:\$99.00	Consumer 128:\$424.00
Consumer 5:\$874.00	Consumer 67:\$2,224.00	Consumer 129:\$750.00
Consumer 6:\$375.00	Consumer 68:\$2,224.00	Consumer 130:\$1,924.00
Consumer 7:\$574.00	Consumer 69:\$724.00	Consumer 131:\$404.00
Consumer 8:\$199.00	Consumer 70:\$399.00	Consumer 132:\$1,849.00
Consumer 9:\$1,774.00	Consumer 71:\$424.00	Consumer 133:\$1,849.00
Consumer 10:\$349.00	Consumer 72:\$574.00	Consumer 134:\$274.00
Consumer 11:\$1,744.00	Consumer 73:\$1,474.00	Consumer 135:\$1,549.00
Consumer 12:\$150.00	Consumer 74:\$574.00	Consumer 136:\$2,024.00
Consumer 13:\$2,074.00	Consumer 75:\$499.00	Consumer 137:\$199.00
Consumer 14:\$499.00	Consumer 76:\$574.00	Consumer 138:\$499.00
Consumer 15:\$199.00	Consumer 77:\$1,099.00	Consumer 139:\$574.00
Consumer 16:\$274.00	Consumer 78:\$99.00	Consumer 140:\$150.00
Consumer 17:\$799.00	Consumer 79:\$2,149.00	Consumer 141:\$1,474.00
Consumer 18:\$799.00	Consumer 80:\$1,924.00	Consumer 142:\$649.00
Consumer 19:\$199.00	Consumer 81:\$924.00	Consumer 143:\$274.00
Consumer 20:\$1,324.00	Consumer 82:\$424.00	Consumer 144:\$1,849.00
Consumer 21:\$1,099.00	Consumer 83:\$274.00	Consumer 145:\$574.00
Consumer 22:\$199.00	Consumer 84:\$2,224.00	Consumer 146:\$499.00
Consumer 23:\$2,274.00	Consumer 85:\$200.00	Consumer 147:\$1,249.00
Consumer 24:\$724.00	Consumer 86:\$850.00	Consumer 148:\$1,849.00
Consumer 25:\$99.00	Consumer 87:\$1,450.00	Consumer 149:\$1,649.00
Consumer 26:\$2,374.00	Consumer 88:\$1,500.00	Consumer 150:\$574.00
Consumer 27:\$2,224.00	Consumer 89:\$600.00	Consumer 151:\$1,849.00
Consumer 28:\$1,849.00	Consumer 90:\$1,250.00	Consumer 152:\$274.00
Consumer 29:\$2,149.00	Consumer 91:\$1,300.00	Consumer 153:\$349.00
Consumer 30:\$199.00	Consumer 92:\$250.00	Consumer 154:\$199.00
Consumer 31:\$649.00	Consumer 93:\$300.00	Consumer 155:\$649.00
Consumer 32:\$2,224.00	Consumer 94:\$650.00	Consumer 156:\$149.00
Consumer 33:\$199.00	Consumer 95:\$450.00	Consumer 157:\$1,624.00
Consumer 34:\$1,249.00	Consumer 96:\$100.00	Consumer 158:\$1,774.00
Consumer 35:\$1,474.00	Consumer 97:\$250.00	Consumer 159:\$349.00
Consumer 36:\$799.00	Consumer 98:\$999.00	Consumer 160:\$199.00
Consumer 37:\$1,099.00	Consumer 99:\$1,624.00	Consumer 161:\$349.00
Consumer 38:\$1,549.00	Consumer 100:\$74.00	Consumer 162:\$274.00
Consumer 39:\$499.00	Consumer 101:\$349.00	Consumer 163:\$274.00
Consumer 40:\$1,549.00	Consumer 102:\$1,474.00	Consumer 164:\$199.00

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Consumer 41:\$1,949.00	Consumer 103:\$1,574.00	Consumer 165:\$1,624.00
Consumer 42:\$199.00	Consumer 104:\$424.00	Consumer 166:\$1,624.00
Consumer 43:\$2,449.00	Consumer 105:\$349.00	Consumer 167:\$574.00
Consumer 44:\$199.00	Consumer 106:\$274.00	Consumer 168:\$1,624.00
Consumer 45:\$1,174.00	Consumer 107:\$600.00	Consumer 169:\$574.00
Consumer 46:\$649.00	Consumer 108:\$874.00	Consumer 170:\$1,399.00
Consumer 47:\$2,299.00	Consumer 109:\$349.00	Consumer 171:\$1,474.00
Consumer 48:\$2,194.00	Consumer 110:\$1,399.00	Consumer 172:\$1,249.00
Consumer 49:\$2,299.00	Consumer 111:\$949.00	Consumer 173:\$274.00
Consumer 50:\$1,350.00	Consumer 112:\$2,074.00	Consumer 174:\$1,249.00
Consumer 51:\$1,099.00	Consumer 113:\$2,109.00	Consumer 175:\$1,474.00
Consumer 52:\$874.00	Consumer 114:\$649.00	Consumer 176:\$1,399.00
Consumer 53:\$2,244.00	Consumer 115:\$1,575.00	Consumer 177:\$1,549.00
Consumer 54:\$649.00	Consumer 116:\$1,999.00	Consumer 178:\$1,474.00
Consumer 55:\$2,124.00	Consumer 117:\$2,074.00	Consumer 179:\$274.00
Consumer 56:\$378.43	Consumer 118:\$574.00	Consumer 180:\$1,369.00
Consumer 57:\$174.00	Consumer 119:\$274.00	Consumer 181:\$199.00
Consumer 58:\$174.00	Consumer 120:\$724.00	Consumer 182:\$394.00
Consumer 59:\$2,149.00	Consumer 121:\$1,624.00	Consumer 183:\$979.00
Consumer 60:\$799.00	Consumer 122:\$649.00	Consumer 184:\$654.00
Consumer 61:\$499.00	Consumer 123:\$1,699.00	Consumer 186:\$262.74
Consumer 62:\$1,509.00	Consumer 124:\$274.00	Consumer 186:\$85.32