

**STATE OF NEW HAMPSHIRE  
BANKING DEPARTMENT**

In The Matter of: Bill Pay Commerce LLC  
(d/b/a Mike's Bill Pay and d/b/a www.mybillpay.co), and Michael J. Trahan  
Case No. 14-034

**WHEREAS**, pursuant to RSA 399-A, the New Hampshire Banking Department (“Department”) is charged with regulating persons “engaged in the business of making small loans...in [ ] [New Hampshire] or with consumers located in [ ] [New Hampshire].”

**WHEREAS**, pursuant to RSA 399-A, small loans include closed-end loans in the amount of \$10,000 or less or an open-end loan with a line of credit of \$10,000 or less, and where the lender contracts for, exacts or receives, directly or indirectly, or where the borrower pays for, directly or indirectly in connection with any such loan any charges, whether for interests, examination, commission, compensation, service, brokerage, endorsement fees, other fees, consideration, expense or otherwise, which in the aggregate are greater than 10 percent per annum.

**WHEREAS**, pursuant to RSA 399-A:10,I, the Department is authorized to examine the business affairs of any licensee or non-licensee to determine compliance with the RSA 399-A.

**WHEREAS**, Michael J. Trahan (“M. Trahan”) is the 100% owner and Manager of Bill Pay Commerce LLC (d/b/a Mike's Bill Pay and d/b/a www.mybillpay.co) (“Bill Pay Commerce”), an unlicensed New Hampshire Small Loan Lender.

**WHEREAS**, M. Trahan and Bill Pay Commerce shall be collectively known as “Respondents.”

**WHEREAS**,

1. Bill Pay Commerce is located in New Hampshire and conducted unlicensed small loan lender activity with at least eight (8) consumers without a valid New Hampshire Small Loan Lender license, in violation of RSA 399-A:2,I.

2. Pursuant to RSA 399-A:2,IV, Respondents shall refund \$700.00 in origination fees charged and collected from the eight (8) consumers as follows:

Consumer 1: \$50	Consumer 3: \$50	Consumer 5: \$200	Consumer 7: \$125
Consumer 2: \$50	Consumer 4: \$100	Consumer 6: \$50	Consumer 8: \$75

3. Respondents fully cooperated with the Department.

**WHEREAS,** Respondents make the following acknowledgements:

1. Respondents voluntarily enter into and sign this Consent Order without reliance upon any discussions between the Department and Respondents, without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and without threats, force, intimidation or coercion of any kind.
2. Respondents acknowledge, understand, and agree that they have the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waives those rights. Respondents further acknowledge they waive the filing of any civil actions related to this matter.
3. Respondents understand that their action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
4. The conduct described above constitutes violations of state law, which could result in penalties pursuant to RSA 399-A:18, II, V and VI.
5. Respondents understand the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.
6. Respondents represent and warrant that they have all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
7. Respondents acknowledge that the Department is relying upon Respondents' representations and warranties stated herein in making its determinations in this

matter.

8. Respondents acknowledge that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against Respondents if the Department later learns that Respondents knowingly or willfully withheld information from the Department.
9. This Consent Order is binding on all heirs, assigns and successors in interest.

**WHEREAS**, Respondents consent to the Department imposing the following sanctions:

1. Respondents shall cease and desist from further violations of RSA 399-A.
2. Respondents shall pay \$700 in restitution to the 8 consumers listed above, which shall be payable contemporaneously with Respondents' execution of this Consent Order. Each check shall be accompanied by a letter containing the following language: "This refund check is being sent to you pursuant to a public consent order that Bill Pay Commerce LLC (d/b/a Mike's Bill Pay and d/b/a www.mybillpay.co) and Michael J. Trahan entered into with the New Hampshire Banking Department. You may find a copy of this public consent order at the Department's website by searching for Case No. 14-034 in Enforcement Orders. For further questions, please contact the New Hampshire Banking Department at (603) 271-3561." Respondents shall provide copies of all cancelled (cashed) checks to the Department. Should any refund check require escheatment, Respondents shall contact the Department for further instructions.
3. Respondents shall remit a penalty in the amount of \$2,500 for conducting unlicensed small loan lender activity, which Respondents shall remit by bank check to the "State of New Hampshire."

4. Failure by Respondents to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, up to and including monetary penalties.

**NOW THEREFORE,** the Commissioner of the New Hampshire Banking Department enters the following ORDER:

1. The amended administrative fine set forth above is hereby entered;
2. Pursuant to RSA 399-A:16, VI, the Commissioner finds this action necessary or appropriate to the public interest or the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this title;
3. This Order fully resolves this matter and the Commissioner will not take further action against Respondents for the allegations presented herein, provided that the Department may take enforcement action against Respondents for any violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms of this Order are not being observed or if any representation made by Respondents and reflected herein is subsequently discovered to be untrue;
4. Nothing herein is intended to alter any future statutory or regulatory requirements of licensure and the allegations set forth above may be fully taken into account by the Department in connection with future examinations and enforcement actions; and
5. This Consent Order shall become final when issued.

Recommended by:

  /s/    
Maryam Torben Desfosses  
Hearings Examiner  
New Hampshire Banking Department

  09/22/15    
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Mr. Michael J. Trahan  
100% and Manager of Bill Pay Commerce LLC  
(d/b/a Mike's Bill Pay and d/b/a www.mybillpay.co)

\_\_\_\_\_  
10/12/15  
Date

**SO ORDERED.**

\_\_\_\_\_/s/\_\_\_\_\_  
Glenn A. Perlow  
Commissioner  
New Hampshire Banking Department

\_\_\_\_\_  
10/15/15  
Date