

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In The Matter of: Santander Consumer USA Inc with following d/b/as
Santander Auto Finance, Drive Financial, RoadLoans, and Drive Financial Services
Case No. 14-251

CONSENT ORDER

WHEREAS, pursuant to RSA 361-A, the New Hampshire Banking Department (“Department”) is charged with regulating persons that “engage in the business of a sales finance company” in New Hampshire.

WHEREAS, pursuant to RSA 361-A:5, VIII and RSA 361-A:6-a, I, the Department is authorized to examine the business affairs of any licensee or non-licensee sales finance company to determine compliance with the RSA 361-A.

WHEREAS, Santander Consumer USA Inc (d/b/as of Santander Auto Finance, Drive Financial, RoadLoans, and Drive Financial Services) (“Santander”) is an Illinois corporation, and licensed New Hampshire Sales Finance Company.

WHEREAS, pursuant to its authority under RSA 361-A:6-a, I, the Department, through the Consumer Credit Division, conducted an examination of Santander.

WHEREAS, through its examination, the Department found that:

1. Santander allegedly violated RSA 358-C:3, I(a), RSA 358-C:3, I(c)(2)C and RSA 358-C:3, IV via RSA 361-A:11-a on at least 30 occasions by engaging in harassing behavior with the consumers through the frequency, pattern and nature of debt collection telephone calls, including but not limited to:
 - a. Multiple telephone calls several times a day and every day;
 - b. Multiple telephone calls to the consumers’ place of employment, to third-party

references, and after such consumers either promised to pay or agreed to voluntarily surrender the vehicle; and

- c. Multiple telephone calls after the consumer requested Santander to cease and desist such calls.
2. Santander allegedly violated RSA 361-A:2, I through its failure to supervise its employees on at least 30 occasions through numerous violations of RSA 358-C:3 via RSA 361-A:11-a.

WHEREAS, Santander makes the following acknowledgements:

1. The Department and Santander agree that in order to avoid costly and protracted litigation, the claims against Santander should be resolved without further proceedings or an evidentiary hearing, and without Santander admitting or denying the allegations set forth herein and Santander agrees to enter into this Consent Order.
2. Santander hereby acknowledges that were an administrative hearing to be held in this matter, the Department would introduce evidence alleging that Santander violated RSA 361-A, including RSA 358-C:3 (Unfair, Deceptive or Unreasonable Collection Practices) via RSA 361-A:11-a.
3. Santander voluntarily enters into and signs this Consent Order without reliance upon any discussions between the Department and Santander, 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.
4. The conduct described above constitutes violations of state law, which, if proven true, could result in penalties pursuant to RSA 361-A:11, VII.
5. Santander understands the nature of the allegations set forth herein and that, if proven

true, would constitute grounds for potential sanctions, as provided by law.

6. Santander acknowledges, understands, and agrees that it has the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waives those rights. Santander further acknowledges it waives the filing of any civil actions related to this matter.
7. Santander understands that its action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
8. Santander represents and warrants that it has all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
9. Santander acknowledges that the Department is relying upon Santander's representations and warranties stated herein in making its determinations in this matter.
10. Santander acknowledges that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against Santander if the Department later learns that Santander knowingly or willfully withheld information from the Department.
11. This Consent Order is binding on all heirs, assigns and successors in interest.

WHEREAS, Santander consents to the Department imposing the following sanctions:

1. Santander shall cease and desist from any further violations of RSA 358-C:3 via RSA 361-A:11-a .
2. Santander shall be subject to additional Department examinations as follows:
 - a. An examination within 6 months of the effective date of this Consent Order, which is upon the Commissioner's signature;

- b. Periodic examinations prior to an eighteen (18) month examination cycle.
3. Santander shall have new policies in place regarding debt collection practices and provide the Department such new policies within sixty (60) days of the effective date of this Consent Order, which is upon the Commissioner's signature.
4. Santander shall be subject to Santander shall remit a penalty in the amount of \$75,000 for violations of RSA 361-A, including RSA 358-C:3 via RSA 361-A:11-a, which Santander shall remit by bank check to the "State of New Hampshire."
5. Failure by Santander to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, up to and including license revocation and monetary penalties.

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

1. The sanctions set forth above are hereby entered;
2. Pursuant to RSA 361-A:5,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 Santander for the allegations presented herein, provided that the Department may take enforcement action against Santander 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 Santander 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

11/10/15
Date

/s/
Jason Wade Grubb
President
Santander Consumer USA Inc
(d/b/as Santander Auto Finance and Drive Financial) and
(d/b/as of RoadLoans and Drive Financial Services)

12/17/15
Date

SO ORDERED.

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

12/21/15
Date