



STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
FINANCIAL INSTITUTIONS DIVISION

2785 E. Desert Inn Road, Suite 180  
Las Vegas, Nevada 89121  
(702) 486-4120

1179 Fairview Drive, Suite 201  
Carson City, Nevada 89701  
(775) 687-5522

In Re:

WESTERN SKY FINANCIAL,

Respondent.

**ORDER TO CEASE AND DESIST  
UNLICENSED ACTIVITIES; APPEAL  
RIGHTS**

**ORDER TO CEASE AND DESIST  
UNLICENSED ACTIVITIES**

Nevada, Department of Business and Industry, Financial Institutions Division (hereinafter "Division") hereby orders WESTERN SKY FINANCIAL, (hereafter "Respondent") to cease and desist from any and all activities which are covered under Nevada Revised Statutes (NRS) Chapters 604A and 675.

**JURISDICTION**

1. Deferred deposit loan services, high interest loan services, title loan services and check cashing services in the State of Nevada are governed by NRS Chapter 604A of the Nevada Revised Statutes (NRS) and Chapter 604A of the Nevada Administrative Code (NAC). The Division has primary jurisdiction for the licensing and regulation of persons operating and/or engaging in deferred deposit loan service, high interest loan service, title loan service and check cashing service activities or persons seeking to evade the application of NRS Chapter 604A. See generally NRS 604A.020-.030, 604A.050-.060, 604A.080, 604A.095-.110, 604A.200, 604A.300, 604A.400, 604A.600 and 604A.710.

2. The Division also has primary jurisdiction for the licensing and regulation of persons engaging in the business of lending in the State of Nevada where such lending is

1 not governed by NRS Chapter 604A. NRS 675.060. Under NRS 675.060, a person is  
2 engaged in the business of lending in this state under NRS Chapters 604A and NRS 675 if  
3 he (a) Solicits loans in this State or makes loans to persons in this State, unless these are  
4 isolated, incidental or occasional transactions; or (b) Is located in this State and solicits  
5 loans outside of this State or makes loans to persons located outside of this State, unless  
6 these are isolated, incidental or occasional transactions.

7 3. Pursuant to the authority vested by NRS Chapters 604A and 675, the Division  
8 hereby makes the following Findings of Fact, Conclusions of Law, and Order.

9 **FINDINGS OF FACT**

10 4. Respondent WESTERN SKY FINANCIAL is a South Dakota Limited Liability  
11 Company incorporated under the laws of the Cheyenne River Sioux Tribe, located on the  
12 tribal lands of the Cheyenne River Sioux Tribe.

13 5. Respondent states its physical address as 2285-A Renaissance Drive, Ste. 15,  
14 Las Vegas, Nevada 89119.

15 6. Respondent Western Sky Financial was previously incorporated under the laws  
16 of the State of Nevada. Respondent's certification was revoked. Respondent listed a  
17 resident agent as Nevada Corporate Services, Inc., located at 8883 West Flamingo Road,  
18 Ste. 102, Las Vegas, Nevada 89147.

19 7. Their website address is [www.westernsky.com](http://www.westernsky.com).

20 8. On its website, Respondent advertises its lending services stating, "We are an  
21 installment lender and our rates are much lower than most payday lenders. You may apply  
22 now online or call 1-888-997-6895 to speak to a loan agent."

23 9. Respondent claims to be incorporated under the laws of the Cheyenne River  
24 Sioux Tribe, however, Respondent extends loans and collects money through contracts with  
25 residents of the State of Nevada who are not and have never been members of the  
26 Cheyenne River Sioux Tribe.

27 10. Despite the fact that Respondent maintains a business address in Las Vegas  
28 Nevada, its website states, "WESTERN SKY FINANCIAL is a Native American business

1 operating within the exterior boundaries of the Cheyenne River Sioux Reservation, a  
2 sovereign nation located within the United States of America.”

3 11. Respondent conducts a payday lending business on its website as follows:

4 Western Sky Loans

5 Application Time is typically less than 5 minutes Western Sky is  
6 NOT a Payday Lender Not a short term lender, our loan periods  
7 range from 12 months to 7 years with NO PREPAYMENT  
PENALTY.

8 12. Respondent does not possess a license to conduct the business of lending in  
9 the State of Nevada pursuant to NRS Chapters 604A or 675.

10 13. Respondent has engaged in the business of lending in the State of Nevada  
11 without obtaining a license under NRS Chapter 675 or Chapter 604A.

12 14. During an examination of a licensed 675 lender, CashCall, Inc., and licensed  
13 collection agency Delbert Services Corporation, it was discovered that Respondent had  
14 been extending loans to residents of the State of Nevada.

15 15. The Division reviewed the CashCall, Inc. accounts which were transferred from  
16 Respondent for servicing and subsequently transferred to Delbert Services Corporation.

17 16. Those contracts demonstrate that a substantial number of loans were extended  
18 to Nevada residents.

19 17. Further, Respondent operated its business from a location in the State of  
20 Nevada, from which Respondent made loans and received payments.

21 18. The interest rate of Respondent's loans to Nevada residents was greater than  
22 41%. Some of the loans reviewed contained an interest rate of 139%.

23 19. Some of the loan terms were as long as seven (7) years.

24 20. Respondent extended a loan to a resident of Minden, Nevada (hereafter  
25 "Minden Loan").

26 21. The Minden Loan was for \$1,000.00. The Minden Loan was then transferred to  
27 CashCall, Inc.  
28



1 4. Any person, and any member, officer, director, agent or  
2 employee thereof, who violates or participates in the violation of  
3 any provision of this section is guilty of a misdemeanor.

4 NRS 604A.810 provides, in relevant part:

5 1. Whenever the Commissioner has reasonable cause to believe  
6 that any person is violating or is threatening to or intends to violate  
7 any provision of this Chapter, he may, in addition to all actions  
8 provided for in this Chapter and without prejudice thereto, enter an  
9 order requiring the person to desist or to refrain from such  
10 violation.

11 NRS 675.430 provides, in relevant part:

12 1. Whenever the Commissioner has reasonable cause to believe  
13 that any person is violating or is threatening to or intends to  
14 violate any provision of this Chapter, he may, in addition to all  
15 actions provided for in this Chapter and without prejudice  
16 thereto, enter an order requiring the person to desist or to  
17 refrain from such violation.

18 NRS 604A.910 provides:

19 In addition to any other remedy or penalty, the Commissioner may  
20 impose an administrative fine of not more than \$50,000 upon a  
21 person who, without a license, conducts any business or activity  
22 for which a license is required pursuant to the provisions of this  
23 Chapter.

24 NRS 675.490 provides:

25 In addition to any other remedy or penalty, the Commissioner may  
26 impose an administrative fine of not more than \$10,000 upon a  
27 person who, without a license, conducts any business or activity  
28 for which a license is required pursuant to the provisions of this  
Chapter.

NRS 675.470 provides:

Any person and the several members, officers, directors, agents  
and employees thereof who violate or participate in the violation of  
any provision of NRS 675.060 are guilty of a misdemeanor.

24. Respondent has engaged in the business of lending in violation of NRS Chapter  
675 and has engaged unlicensed lending in violation of NRS Chapter 604A.

1           25.     Respondent violated NRS 604A.440(5) which states that it is a violation of this  
2 Chapter to engage in any deceptive trade practice as defined in NRS Chapter 598.  
3 Pursuant to NRS 598.0923(1), it is a deceptive trade practice to conduct "the business or  
4 occupation without all required state, county or city licenses."

5           26.     Respondent has engaged in unlicensed activity either under NRS Chapter 604A  
6 or under NRS Chapter 675.

7           27.     Respondent made loans to residents of the State of Nevada.

8           28.     Respondent has operated its unlicensed lending operation from a location in the  
9 State of Nevada.

10          29.     NRS 604A.900 states the following remedies for conducting lending practices  
11 without a license.

12                   NRS 604A.900 Remedies for certain willful violations.

13                   1. Except as otherwise provided in this section, if a licensee  
14 willfully:

15                   (a) Enters into a loan agreement for an amount of interest or  
16 any other charge or fee that violates the provisions of this Chapter  
17 or any regulation adopted pursuant thereto;

18                   (b) Demands, collects or receives an amount of interest or any  
19 other charge or fee that violates the provisions of this Chapter or  
20 any regulation adopted pursuant thereto; or

21                   (c) Commits any other act or omission that violates the  
22 provisions of this Chapter or any regulation adopted pursuant  
23 thereto,

24                   (d) the loan is void and the licensee is not entitled to collect,  
25 receive or retain any principal, interest or other charges or fees  
26 with respect to the loan.

27                   2. The provisions of this section do not apply if:

28                   (a) A licensee shows by a preponderance of the evidence that  
the violation was not intentional and resulted from a bona fide  
error of computation, notwithstanding the maintenance of  
procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee  
notifies the customer of the error and makes whatever  
adjustments in the account are necessary to correct the error.

30.     The Division has the authority to impose an administrative fine against any  
person engaged in 604A activity without a license.

1 NRS 604A.910 Administrative fines for unlicensed activity. In  
2 addition to any other remedy or penalty, the Commissioner may  
3 impose an administrative fine of not more than \$50,000 upon a  
4 person who, without a license, conducts any business or activity  
for which a license is required pursuant to the provisions of this  
Chapter.

5 31. Further, the Division has the power to order that Respondent cease and desist  
6 from any and all activity in violation of NRS Chapter 604A, pursuant to NRS 604A.810(1).

7 Whenever the Commissioner has reasonable cause to believe that  
8 any person is violating or is threatening to or intends to violate any  
9 provision of this Chapter, he may, in addition to all actions  
10 provided for in this Chapter and without prejudice thereto, enter an  
order requiring the person to desist or to refrain from such  
violation.

11 32. Cause to believe that Respondent is violating or threatening to or intends to  
12 violate provisions of NRS Chapters 604A and 675.

13 33. The Division believes that the actions by Respondent are willful and intentional.

14 34. As all contracts were done in intentional violation of the law, all contracts  
15 entered into by Respondent after the date the Order was received are void and Respondent  
16 "is not entitled to collect, receive or retain any principal, interest or other charges or fees"  
17 from those contracts.

#### 18 ORDER

19 IT IS HEREBY ORDERED that Respondent WESTERN SKY FINANCIAL, LLC, shall  
20 **CEASE AND DESIST** from operating and/or engaging in deferred deposit loan service and  
21 high interest loan service or other lending activity defined in NRS Chapters 604A and 675  
22 within the State of Nevada unless and until such time as Respondent has become licensed by  
23 the Division pursuant to NRS Chapter 604A, or, if applicable, NRS Chapter 675, to operate  
24 and/or engage in such activity.

25 IT IS FURTHER ORDERED that all loan contracts made after receipt of this Order by  
26 Respondent are void and Respondent shall immediately remit to each and every customer all  
27 principal, interest and charges received from such contracts and cease and desist from any  
28 and all collection efforts based upon those contracts.

1 DATED this 28<sup>th</sup> day of June, 2013.

2  
3 STATE OF NEVADA  
4 DEPARTMENT OF BUSINESS AND INDUSTRY  
5 FINANCIAL INSTITUTIONS DIVISION

6 By:

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9 GEORGE E. BURNS,  
10 Commissioner  
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1 **APPEAL RIGHTS**

2 **RESPONDENT HAS THE RIGHT TO REQUEST A HEARING IN THIS MATTER.** If  
3 you wish to request a hearing you must file a request **within fifteen (15) days** after this Order  
4 to Cease and Desist was served on the Respondent. A copy of the Order is attached hereto.

5 Your request for a hearing must be delivered to:

6 FINANCIAL INSTITUTIONS DIVISION  
7 STATE OF NEVADA, DEPARTMENT OF BUSINESS  
AND INDUSTRY  
8 2785 E. Desert Inn Road, Suite 180  
Las Vegas, Nevada 89121

9 Other important rights you have are listed in Nevada Revised Statutes Chapters 604A  
10 and 233B and the Nevada Administrative Code Chapter 604A.

11 DATED this 28<sup>th</sup> day of June, 2013.

12  
13 STATE OF NEVADA  
14 DEPARTMENT OF BUSINESS AND INDUSTRY  
FINANCIAL INSTITUTIONS DIVISION

15 By: \_\_\_\_\_

16 GEORGE E. BURNS,  
17 Commissioner  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Financial Institutions Division, and that on July 1, 2013, I deposited in the U.S. mail, postage prepaid, via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing **ORDER TO CEASE AND DESIST UNLICENSED ACTIVITIES; APPEAL RIGHTS**, addressed as follows:

Western Sky Financial  
2285-A Renaissance Dr., Ste. 15 (u)  
Las Vegas, NV 89119

Western Sky Financial  
c/o Nevada Corporate Services, Inc.  
Resident Agent  
8883 West Flamingo Rd., Ste. 102  
Las Vegas, NV 89147

DATED this 1 day of July, 2013

By: *Chantane Chaney*  
CHANTANEE CHANEY

Certified Mail: 7012 1640 0000 6162 6402 (1)

7012 1640 0000 6162 6402

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Western Sky Financial  
2285-A Renaissance Dr., Ste 15  
Las Vegas, NV 89119

2. Article Number  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature <i>Heather Large</i>		<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>Heather Large</i>	C. Date of Delivery <i>7/3/13</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7012 1640 0000 6162 6402

7012 1640 0000 6162 6402

<p>Postmark Here</p>	<p>Postage \$</p> <p>Certified Fee</p> <p>Return Receipt Fee (Endorsement Required)</p> <p>Restricted Delivery Fee (Endorsement Required)</p>
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Total Post

Sent To: Western Sky Financial  
2285-A Renaissance Dr., Ste 15  
Las Vegas, NV 89119

Street, Apt. or PO Box, City, State

See Reverse for Instructions

**OFFICIAL USE**

For delivery information visit our website at [www.usps.com](http://www.usps.com)  
(Domestic Mail Only; No Insurance Coverage Provided)

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Department of Business and  
3 Industry, Financial Institutions Division, and that on July 1, 2013, I deposited in the U.S.  
4 mail, postage prepaid, via First Class Mail and Certified Return Receipt Requested, a true  
5 and correct copy of the foregoing **ORDER TO CEASE AND DESIST UNLICENSED**

6 **ACTIVITIES; APPEAL RIGHTS**, addressed as follows:

7  
8 Western Sky Financial  
9 2285-A Renaissance Dr., Ste. 15  
10 Las Vegas, NV 89119

11 Western Sky Financial  
12 c/o Nevada Corporate Services, Inc. (2)  
13 Resident Agent  
14 8883 West Flamingo Rd., Ste. 102  
15 Las Vegas, NV 89147

16 DATED this 1 day of July, 2013

17 By:   
18 CHANTANEE CHANEY

19 Certified Mail: 7012 1640 0000 6162 6419 (2)

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Financial Institutions Division, and that on July 5, 2013, I deposited in the U.S. mail, postage prepaid, via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing **ORDER TO CEASE AND DESIST UNLICENSED ACTIVITIES; APPEAL RIGHTS**, addressed as follows:

Western Sky Financial  
P.O. Box 370  
Timber Lake, SD 57656

Western Sky Financial (3)  
c/o Martin A. Webb  
Resident Agent  
612 E. St.  
Timber Lake, SD 57656

DATED this 5 day of July, 2013

By: *Chantane Chaney*  
CHANTANEE CHANEY

Certified Mail: 7012 1640 0000 6162 6426 (3)

7012 1640 0000 6162 6426

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Western Sky Financial  
c/o Martin A. Webb  
612 E. St  
Timber Lake, SD 57656

2. Article Number  
(Transfer from service label)

7012 1640 0000 6162 6426

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*K. Baur*  Agent  Addressee

B. Received by (Printed Name)  
*K. Baur*

C. Date of Delivery  
*7/5/13*

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, August 2008 See Reverse for Instructions

Sent To: Western Sky Financial  
Street, Apt. 1  
or PO Box # 612 E. St  
City, State, # 612 E. St  
Timber Lake, SD 57656

Total Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Postmark Here

\*3

**OFFICIAL USE**

*(Domestic Mail Only. No Insurance Coverage Provided)*  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

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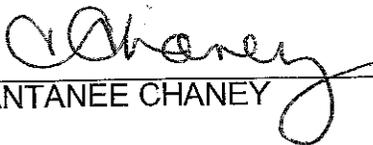
**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Financial Institutions Division, and that on July 5, 2013, I deposited in the U.S. mail, postage prepaid, via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing **ORDER TO CEASE AND DESIST UNLICENSED ACTIVITIES; APPEAL RIGHTS**, addressed as follows:

Western Sky Financial (4)  
P.O. Box 370  
Timber Lake, SD 57656

Western Sky Financial  
c/o Martin A. Webb  
Resident Agent  
612 E. St.  
Timber Lake, SD 57656

DATED this 5 day of July, 2013

By:   
CHANTANEE CHANEY