ORDER TO CEASE AND DESIST ACTIVITIES

The State of Nevada, Department of Business and Industry, Financial Institutions Division (hereinafter "Division") hereby orders ON CALL CASH, LLC, (hereinafter "Respondent") to cease and desist from any and all activities which are in violation of Nevada Revised Statutes (NRS) Chapter 604A.

JURISDICTION

1. Deferred deposit loan, high interest loan, title loan, and check cashing services in the State of Nevada are governed by 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, high interest loan, title loan 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. Pursuant to the authority vested by NRS 604A, the Division hereby makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

3. Respondent is incorporated under the laws of the State of Nevada and its resident agent is Michael Sorrillo, located at 467 E. Silverado Ranch Blvd. Suite 110, Las Vegas, Nevada 89183.

4. Respondent possesses a license pursuant to NRS Chapter 604A and its place of business is located at 467 E. Silverado Ranch Blvd. Suite 110, Las Vegas, Nevada 89183.

5. The Division received the complaint from Customer A on March 21, 2016. On April 16, 2016, the Division sent a copy of the complaint, reference complaint number 70643, to the licensee's place of business with an allegation of extending a title loan to Customer A using a boat (non-land transportation vehicle) as collateral.

6. On April 21, 2016, the respondent submitted a response to the complaint via email attaching documents for a title loan to a Customer A entered on October 6, 2015 under loan number ending 8800 using collateral stated in the certificate of title as Year 2002, Make EXTR, Model Boat, Vehicle Body 4W, Owner Customer A.

7. The transaction is a violation of NRS 604A.125 which expressly excludes non-land transportation vehicles as security for a title loan under NRS 604A.435.

8. The respondent was aware that the loan was being secured by a non-land transportation vehicle because the vehicle was evaluated prior to the loan and listed the security in the loan contract as “Eliminator” and listed “BOAT” as the model. The respondent was also cited in its 2013 examination for violation of NRS 604A.125 by extending a title loan using a boat as collateral.

9. The respondent repossessed the “BOAT” listed in the title loan contract.

10. The respondent knowingly violated NRS 604A.125.
11. If any finding of fact is more properly characterized as a conclusion of law, it shall be construed as such.

CONCLUSIONS OF LAW

12. NRS 604A.125 reads as follows:

NRS 604A.125 “Vehicle” defined.
1. “Vehicle” means any vehicle, whether or not self-propelled, that is designed or intended for land transportation if the legal owner of the vehicle is required to have a title.
2. The term includes, without limitation:
   (a) Passenger vehicles;
   (b) Recreational vehicles; and
   (c) House trailers and travel trailers.
3. The term does not include:
   (a) Farm vehicles;
   (b) Vehicles of a common or contract carrier;
   (c) Commercial vehicles;
   (d) Construction vehicles;
   (e) Military vehicles;
   (f) Vehicles used exclusively upon stationary rails or tracks; or
   (g) Any other vehicles which are similar in nature to the vehicles listed in paragraphs (a) to (f), inclusive, and which the Commissioner, by regulation, excludes from the definition of “vehicle.”

13. NRS 604A.435 defines prohibited acts by a licensee as follows:

NRS 604A.435 Prohibited acts by licensee: Accepting certain collateral or other types of security; failing to make certain disclosures; taking incomplete instruments; requiring the purchase of insurance or other goods or services; failing to comply with payment plan; charging fee to cash certain checks. A licensee shall not:
1. Accept:
   (a) Collateral as security for a loan, except that a title to a vehicle may be accepted as security for a title loan.
   (b) An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, as security for a loan.
   (c) A check as security for a high-interest loan or title loan.
   (d) More than one check or written authorization for an electronic transfer of money for each deferred deposit loan.
   (e) A check or written authorization for an electronic transfer of money for any deferred deposit loan in an amount which exceeds the total of payments set
forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer.

2. Take any note or promise to pay which does not disclose the date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.

3. Take any instrument, including a check or written authorization for an electronic transfer of money, in which blanks are left to be filled in after the loan is made.

4. Make any transaction contingent on the purchase of insurance or any other goods or services or sell any insurance to the customer with the loan.

5. Fail to comply with a payment plan which is negotiated and agreed to by the licensee and customer.

6. Charge any fee to cash a check representing the proceeds of a loan made by the licensee or any agent, affiliate or subsidiary of the licensee.

14. NRS 604A.810 provides the Division has the authority to impose a Cease and Desist order:

NRS 604A Order to desist and refrain; action to enjoin violation; appointment of receiver.

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

2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this Chapter through or by means of the use of property and business. A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.
15. The Division has the authority to impose an administrative fine against any person engaged in NRS 604A activity as part of a disciplinary action:

NRS 604A.820 Procedure for taking disciplinary action; authorized disciplinary action; grounds.

1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days’ written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:
   (a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.
   (b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.
   (c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney’s fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:
   (a) The licensee has failed to pay the annual license fee;
   (b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;
   (c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS;
   (d) Any fact or condition exists which would have justified the Commissioner in denying the licensee’s original application for a license pursuant to the provisions of this chapter; or
   (e) The licensee:
      (1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or
      (2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.
16. NRS 604A states the following remedies for certain willful violations:

NRS 604A.900 Remedies for certain willful violations.
1. Except as otherwise provided in this section, if a licensee willfully:
   (a) Enters into a loan agreement for an amount of interest or any other charge or fee that violates the provisions of this Chapter or any regulation adopted pursuant thereto;
   (b) Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this Chapter or any regulation adopted pursuant thereto; or
   (c) Commits any other act or omission that violates the provisions of this Chapter or any regulation adopted pursuant thereto,
   (d) the loan is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to the loan.
2. The provisions of this section do not apply if:
   (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.

17. The Commissioner of the Division has reasonable cause to believe that Respondent is violating or is threatening to or intends to violate provisions of NRS 604A as stated above.

18. The terms of the contract clearly evidence a violation of NRS 604A by securing a loan with a non-land transportation vehicle.

19. The Commissioner believes that the actions by Respondent are willful and intentional based on this same type of violation cited in an examination conducted in 2013.

20. The loan contract with Customer A is an intentional violation of the law, the loan contract with Customer A and Respondent is void and Respondent "is not entitled to collect, receive or retain any principal, interest or other charges or fees" from this contract.
ORDER

IT IS HEREBY ORDERED that the Respondent shall CEASE AND DESIST from operating and/or engaging in title loan service or other lending activities in violation of NRS Chapters 604A.

IT IS FURTHER ORDERED that the loan contract with Customer A, loan number ending 8800 is void and Respondent shall immediately remit to Customer A all principal, interest and charges received from such contract, including making arrangement for the release of the non-land transportation vehicle used as collateral and cease and desist from any and all collection efforts based upon that contract.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

By: _______________________________
LEONARD J. ESTERLY JR.
Deputy Commissioner

CC. George E. Burns
Commissioner
Nevada Financial Institutions Division
APPEAL RIGHTS

RESPONDENT HAS THE RIGHT TO REQUEST A HEARING IN THIS MATTER. If you wish to request a hearing you must file a request within thirty (30) days after this Cease and Desist order is served to the Respondent. Your request for a hearing must be delivered to:

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION
2785 E Desert Inn Road
Suite 180
LAS VEGAS, NEVADA 89121

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

DATED this 20th day of May, 2016.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

By:

LEONARD J. ESTERLY JR.
Deputy Commissioner

CC. George E. Burns
Commissioner
Nevada Financial Institutions Division
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 20th day of May, 2016, 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 ACTIVITIES, addressed as follows:

ON CALL CASH, LLC
Attn: Michael Sorrillo, Resident Agent
467 E Silverado Ranch Blvd. Suite 110
Las Vegas, NV 89183

Certified Mail: 7012 1010 0000 1168 5409

DATED this 20th day of May, 2016

By: [Signature]