BEFORE THE STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY

FINANCIAL INSTITUTIONS DIVISION

IN THE MATTER OF:

FINANCIAL INSTITUTIONS DIVISION,

Petitioner,

v.

SPEEDEE CASH OF NEVADA, INC.,

Respondent.

CONSENT ORDER

The Commissioner of the Financial Institutions Division for the State of Nevada, with the agreement of SPEEDEE CASH OF NEVADA, INC., (hereafter, “Respondent”), through its Owner, Judith W. Ring (“Ring”), and the Financial Institutions Division of the State of Nevada, Department of Business and Industry, (hereafter, “Division”), finds, agrees, and orders as follows:

JURISDICTION

Respondent stipulates and agrees that it was at all relevant times, licensed in Nevada by the Division as alleged in the Order to Cease and Desist Violations of NRS 604A and NAC 604 Activities (“Order”). Respondent further agrees that it is subject to Nevada Revised Statutes (“NRS”) Chapter 604A and Nevada Administrative Code (“NAC”) Chapter 604A and to the jurisdiction of the Division.

SUMMARY OF FACTS

1. Respondent is incorporated as a domestic corporation under the laws of Nevada, and its principal Nevada office is located at 351 S. Frontage Road, Pahrump, Nevada 89048.

2. Giana Racine, is Respondent’s registered agent and is located at 1791 South Upland Avenue, Pahrump, Nevada 89048.
3. Respondent currently holds licenses to conduct lending activities under the provisions of NRS Chapter 604A, specifically deferred deposit and title loans, at the following locations: 351 S. Frontage Road, Pahrump, Nevada 89048; 1500 E. Charleston Boulevard, Las Vegas, Nevada 89104; 1363-8 Highway 395, Gardnerville, Nevada 89410; and 444 E. Williams Street, Suite 17, Carson City, Nevada 89701.

4. Respondent is a Nevada corporation conducting the aforementioned lending activities in the State of Nevada, and is therefore doing business in the State of Nevada.

5. On or about September 1, 2016, the Division commenced a follow up examination upon the business locations of Respondent for the primary purpose of determining compliance with NRS Chapter 604A and NAC Chapter 604A. The examination included, but was not limited to, a review of active, paid, delinquent, and declined loans, a review of surety bond terms, completion of the manager’s statutory compliance questionnaires, and a review of the company’s policies and procedures and forms used in operation of the business.

6. Violations of NRS Chapter 604A and NAC Chapter 604A were discovered during said examination and are discussed in further detail below. Several of the violations are repeat violations for which Respondent was previously cited or notified of by the Division.

7. Respondent participated in an Exit Meeting at the conclusion of the examination to discuss the violations, in which Respondent was represented by Melissa Hynson, Director of Quality Control, and Charity Kilgore, Regional Director. Additionally, Respondent was provided with a Report of Examination, (hereafter, “Report”), which explained the violations in further detail and provided recommendations and comments regarding the violations.

8. As a result of the examination and its findings, the Division issued the Order on or about February 3, 2017.


10. On or about February 24, 2017, this matter was referred to an Administrative Law Judge (“ALJ”) for hearing.
11. Based upon the findings of the examination and in order to avoid further administrative action, the parties have agreed to resolve this matter.

12. The Consent Order shall memorialize the corrective action, which the Respondent shall take in order to resolve any concerns by the Division related to the aforementioned Report.

VIOLATIONS OF LAW

13. During the examination, it was discovered that Respondent has engaged in violations of NRS Chapter 604A and NAC Chapter 604A, including, but not limited to the following:

   a. NRS 604A.425 and NAC 604A.180 as repeat violations for extending loans to two borrowers exceeding twenty five percent (25%) of the borrowers’ gross monthly income and for failure to maintain the required supporting documentation;

   b. NRS 604A.450 as a repeat violation for underwriting title loans without consideration of the borrowers’ ability to repay the loan;

   c. NRS 604A.700 and NAC 604A.200 for failing to maintain copies of all documents, including extension contracts and proof of income, for at least three years;

   d. NRS 604A.475 and NAC 604A.170 for failing to send repayment plan notices on defaulted loans prior to commencing civil action; and,

   e. NAC 604A.485 for imposing additional charges on delinquent accounts in excess of the amounts allowed.

CONSENT ORDER

14. The Division was prepared to present its case to the assigned ALJ based upon the Order filed by the Division. However, Respondent expressed its intent to comply with NRS Chapter 604A and NAC Chapter 604A and its desire to cooperate with the Division and to avoid the time and expense involved in a formal administrative enforcement hearing.

15. Pursuant to NRS 233B.121(5), the Division and Respondent desire to compromise and settle the instant controversy, and Respondent agrees to following terms and conditions:

16. Respondent admits to the facts and violations of law as alleged in the Order.
17. Respondent admits and acknowledges that the violations as stated herein were willful because Respondent was previously provided notice of the violations from the Division through prior communications, examinations, and/or Reports of Examinations, and/or Respondent violated provisions of NRS Chapter 604A and NAC Chapter 604A of which it should be aware.

18. Respondent therefore agrees to:
   
   a. Pay an administrative fine in the amount of $25,000.00 within (30) days of the ALJ’s execution of the Consent Order;
   
   b. Provide a full and complete accounting for all loans which were extended exceeding twenty five percent (25%) of the borrower’s gross monthly income in violation of NRS 604A.604A.425 and NAC 604A.180, from June 22, 2016, to present;
   
   c. Provide a full and complete accounting for all loans which were underwritten without consideration of the borrower’s ability to repay the loan in violation of NRS 604A.450, from June 22, 2016, to present;
   
   d. Provide a full and complete accounting of all loans in which additional charges on delinquent accounts were charged in excess of the amounts allowed in violation of NAC 604A.485, from June 22, 2016, to present;
   
   e. Void, remit to borrowers, and immediately cease collecting any and all of the following, from June 22, 2016, to present, and include verification of the same in an accounting:
      
      i. Amounts which exceeded twenty five percent (25%) of the borrower’s gross monthly income as identified in the accounting pursuant to item (b) above;
      
      ii. Amounts which exceeded the borrower’s ability to repay a loan as identified in the accounting pursuant to item (c) above;
iii. Additional charges on delinquent accounts which were charged in excess of the amounts allowed as identified in the accounting pursuant to item (d) above;

f. Provide a full and complete accounting for all loans in which copies of extension contracts (where applicable) and proof of income were not maintained for at least three years in violation of NRS 604A.700 and NAC 604A.200, from June 22, 2016, to present;

g. Provide a full and complete accounting for all defaulted loans in which repayment plan notices were not provided to borrowers prior to commencing a civil action in violation of NRS 604A.475 and NAC 604A.170, from June 22, 2016, to present;

h. Provide a full and complete accounting of any and all civil actions and repossessions which have been initiated against borrowers, from June 22, 2016, to present, which shall include at minimum, the dates of such actions, amounts sought, vehicle information, and disposition of the actions and/or repossession. For all civil actions which the Division determines were improperly and illegally filed, Respondent will be required to take the appropriate actions which the Division deems necessary to remedy the matters, i.e., dismiss pending actions, file a satisfaction of judgement, cancel/void loans or illegal amounts, and/or any other measures which the Division may determine are necessary and appropriate to make the borrower whole. For all repossessions which the Division determines were improper and/or illegal, the Division will determine the appropriate actions and requirements necessary by Respondent to make the borrower whole;

i. Provide a full and complete accounting of any and all accounts, loans, judgements, awards, etc., from June 22, 2016, to present, which have been referred to credit reporting bureaus. For all matters which the Division determines were improperly referred to credit reporting bureaus and/or which proper
procedures were not taken, Respondent will be required to take the appropriate and
necessary measures to have the negative information removed from the borrower’s
credit and account, i.e., notifying the credit bureau of the error(s), withdrawing the
information, etc.;

j. Provide any and all accounting requested herein to the Division no
later than (45) calendar days from the date of the ALJ’s execution of this Consent
Order. Additionally, updated accountings for all matters, payments, and the like as
detailed herein in sections (b) through (i), including all subparts, must be provided
to the Division on the 30th of each month after submission of the first accounting,
and Respondent shall continue to submit said accountings until all loans, civil
actions, repossessions, collection activities, and the like as reflected in said
accountings have been voided, dismissed, resolved, remedied, etc.; and

k. Remedy all of the cited violations contained in the February 3, 2017,
Order, satisfaction of which is at the Division’s discretion, prior to the next
examination.

19. The Division agrees not to pursue any other or greater remedies or fines in
connection with Respondent’s alleged conduct referenced herein solely as it relates to the scope of
the Report. However, Respondent acknowledges, agrees to, and understands, that any future
violation(s) of NRS Chapter 604A and/or NAC Chapter 604A such as described and cited herein
may be deemed willful violation(s), pursuant to NRS 604A.900, and shall subject Respondent to
additional administrative fines and costs as well as remedies available pursuant to NRS 604A.900.

20. Respondent and the Division agree that by entering into this Consent Order, the
Division does not concede any defense or mitigation Respondent may assert. Respondent agrees
and understands that by entering into this Consent Order, Respondent is waiving its right to a
hearing at which Respondent may present evidence in its defense, its right to a written decision on
the merits of the Order, its rights to reconsideration and/or rehearing, appeal and/or judicial review,
and all other rights which may be accorded by the Nevada Administrative Procedure Act, the
Nevada Deferred Deposit Loans, High-Interest Loans, Title Loans And Check-Cashing Services statutes and accompanying regulations, and the federal and state constitutions.

21. Respondent understands that this Consent Order may be subject to public records laws.

22. Respondent fully understands that it has the right to be represented by legal counsel in this matter at its own expense. Each party shall bear its own attorney’s fees and costs. Neither this Consent Order nor any statements made concerning this Consent Order may be discussed or introduced into evidence at any hearing on the Order if the Division must ultimately present its case based on the Order filed in this matter.

23. In consideration of execution of this Consent Order, the Respondent and Ring in her personal capacity, its/her successors, heirs, and assigns, and the like, hereby releases, remises, and forever discharges the State of Nevada, the Department of Business and Industry, and the Division, and each of their respective members, agents, employees and counsel in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that the Respondent ever had, now has, may have, or claim to have, against any or all of the persons or entities named in this section, arising out of or by reason of the Division’s investigation, this disciplinary action, and all other matters relating thereto.

24. Respondent and Ring hereby indemnifies and holds harmless the State of Nevada, the Department of Business and Industry, the Division, and each of their respective members, agents, employees and counsel in their individual and representative capacities against any and all claims, suits, and actions brought against said persons and/or entities by reason of the Division’s investigation, this disciplinary action and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.

25. If Respondent fails to comply with any terms of this Consent Order, as determined by the Division through an examination, investigation, review of accounting, or by any other...
means, the matter shall be immediately referred back to the ALJ for violation of the Consent Order, and Respondent shall be ordered to pay the remainder of the $50,000.00 administrative fine, void all loan contracts (including principal, interest, fees, charges, etc.) for the cited violations as stated in the Report and Order, and any other remedies allowed by law pursuant to NRS Chapter 604A. Respondent has signed and dated this Stipulation only after reading and understanding all terms herein.

IN WITNESS WHEREOF, we have each executed this Consent Order as of the date set forth below.

SO ORDERED this 16th day of September, 2017.

[Signature]
Denise S. McKay
Administrative Law Judge
State of Nevada

CONSENTED TO this 16th day of September, 2017.

[Signature]
Judith W. Ring, Owner

SPEEDEE CASH OF NEVADA, INC.
Division's investigation, this disciplinary action and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.

25. If Respondent fails to comply with any terms of this Consent Order, as determined by the Division through an examination, investigation, review of accounting, or by any other means, the matter shall be immediately referred back to the ALJ for violation of the Consent Order, and Respondent shall be ordered to pay the remainder of the $50,000.00 administrative fine, void all loan contracts (including principal, interest, fees, charges, etc.) for the cited violations as stated in the Report and Order, and any other remedies allowed by law pursuant to NRS Chapter 604A. Respondent has signed and dated this Stipulation only after reading and understanding all terms herein.

IN WITNESS WHEREOF, we have each executed this Consent Order as of the date set forth below.

SO ORDERED this ____ day of _________, 2017.

____________________________________
Denise S. McKay
Administrative Law Judge
State of Nevada

CONSENTED TO this ____ day of _________, 2017.

SPEEDEE CASH OF NEVADA, INC.

____________________________________
Judith W. Ring, Owner

Approved as to form:
ADAM PAUL LAXALT
Attorney General

__________________________
Rickisha Hightower-Singletary
Deputy Attorney General
Attorney for the Division