



3300 W. Sahara Avenue, Suite 250
Las Vegas, Nevada 89102
(702) 486-4120

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION**

1830 E College Parkway, Suite 100
Carson City, Nevada 89706
(775) 684-2970

In Re:

Finex Capital Group, LLC
dba LoanEx,

Respondent.

**ORDER TO CEASE AND DESIST
VIOLATIONS OF NRS 604A AND NAC
604A; APPEAL RIGHTS**

**ORDER TO CEASE AND DESIST
VIOLATIONS OF NRS 604A AND NAC 604A ACTIVITIES**

The State of Nevada, Department of Business and Industry, Financial Institutions Division (hereinafter, "Division") hereby orders Finex Capital Group, LLC dba LoanEx (hereinafter, "Respondent") to cease and desist from any and all activities that are in violation of Chapter 604A of the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC").

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 and NAC Chapter 604A. 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. See 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 675 if he (a)
3 solicits loans in this State or makes loans to persons in this State, unless these are isolated,
4 incidental or occasional transactions; or (b) is located in this State and solicits loans outside
5 of this State or makes loans to persons located outside of this State, unless these are
6 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. On or about November 15, 2005, Respondent was granted a license pursuant to
11 NRS Chapter 604A authorizing Respondent to provide title loans, deferred deposit loans,
12 and/or high-interest loans (hereinafter, "lending activities") in the State of Nevada.

13 5. Paul M. Altieri and John Grewell are the owners of the Respondent.

14 6. Respondent is registered under the laws of the State of Nevada, and its resident
15 agent is Cogency Global, Inc. located at 321 W. Winnie Lane #104, Carson City, Nevada
16 89703.

17 7. Respondent operates its lending activities at the following locations: 8565 W.
18 Sahara Avenue, Suite 112, Las Vegas, Nevada 89117 and 5514 Camino Al Norte, Suite A3,
19 North Las Vegas, Nevada 89031. Respondent is a Nevada corporation with its address
20 located in the State of Nevada, and is therefore doing business in the State of Nevada.

21 8. On or about February 21, 2017, Respondent cancelled its statutorily required
22 surety bond and failed to notify the Division.

23 9. On or about December 7, 2017, an examination was conducted at the
24 Respondent's business locations. Multiple violations of NRS Chapter 604A and NAC
25 Chapter 604A were discovered during said examination.

26 10. Respondent's license for the main location and branch location expired on
27 December 14, 2017, and December 21, 2017, respectively.

1 11. On or about January 3, 2018, Respondent submitted an incomplete renewal
2 application by failing to pay all statutorily required fees and assessments.

3 12. If any finding of fact is more properly characterized as a conclusion of law, it
4 shall be construed as such.

5 **CONCLUSIONS OF LAW**

6 13. During the aforementioned examination, Respondent was discovered to have
7 violated the following statutes and regulations:

8 a. NRS 604A.610 for operating its lending activities without a valid surety bond for the
9 statutorily required amount of \$55,000, which consist of \$50,000 for the main location and
10 \$5,000 for the branch;

11 b. NRS 604A.640 for failing to renew the license in a timely manner and not paying all
12 statutorily required fees and assessments required to renew. Respondent continues to
13 conduct lending activities without an active license;

14 c. NAC 604A.090 for failing to pay the statutorily required assessment for the certified
15 public accountant as required by NRS 658.055(2);

16 d. NRS 604A.750 for failing to submit the statutorily required annual report of financial
17 condition; and

18 e. NRS 604A.740 for failing to pay the prior annual examination bill in a timely manner.

19 14. The procedures for discipline of a licensee as well as for unlicensed activity are
20 established in NRS Chapter 604A.

21 15. Pursuant to NRS 604A.810, the Division has the statutory authority to order that
22 Respondent cease and desist from any and all activity in violation of NRS Chapter 604A and
23 NAC Chapter 604A. The procedures for taking disciplinary action are as follows:

24 NRS 604A.810 Order to desist and refrain; action to enjoin
25 violation; appointment of receiver.

26 1. Whenever the Commissioner has reasonable cause to believe
27 that any person is violating or is threatening to or intends to violate
28 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.

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

6 3. In addition to all other means provided by law for the
7 enforcement of a restraining order or injunction, the court in which
8 an action is brought may impound, and appoint a receiver for, the
9 property and business of the defendant, including books, papers,
10 documents and records pertaining thereto, or so much thereof as
11 the court may deem reasonably necessary to prevent violations of
12 this Chapter through or by means of the use of property and
13 business. A receiver, when appointed and qualified, has such
14 powers and duties as to custody, collection, administration,
15 winding up and liquidation of such property and business as may
16 from time to time be conferred upon him by the court.

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

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

23 2. At the conclusion of a hearing, the Commissioner shall:

24 (a) Enter a written order dismissing the charges, revoking the
25 license or suspending the license for a period of not more than 60
26 days, which period must include any prior temporary suspension.
27 The Commissioner shall send a copy of the order to the licensee
28 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 his
 investigative costs and attorney's fees.

 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 license within 180 days after the date his license
 was issued; or

1 (2) Has failed to remain open for the conduct of the business for a
period of 180 days without good cause therefore.

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

4 5. An order suspending or revoking a license becomes effective 5
5 days after being entered unless the order specifies otherwise or a
stay is granted.

6 NRS 604A.830 Additional grounds for disciplinary action. In
7 addition to any other lawful reasons, the Commissioner may
8 suspend or revoke a license if the licensee has engaged in any act
that would be grounds for denying a license pursuant to this
chapter.

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

13 NRS 604A.920 Other remedies for unlicensed activity. If a
14 person operates a check-cashing service, deferred deposit loan
15 service, high-interest loan service or title loan service without
obtaining a license pursuant to this chapter:

16 1. Any contracts entered into by that person for the cashing of a
17 check or for a deferred deposit loan, high-interest loan or title loan
are voidable by the other party to the contract; and

18 2. In addition to any other remedy or penalty, the other party to
the contract may bring a civil action against the person pursuant to
NRS 604A.930.

19 NRS 604A.930 Civil action.

20 1. Subject to the affirmative defense set forth in subsection 3, in
21 addition to any other remedy or penalty, if a person violates any
22 provision of NRS 604A.400, 604A.410 to 604A.500, inclusive,
604A.610, 604A.615, 604A.650 or 604A.655 or any regulation
23 adopted pursuant thereto, the customer may bring a civil action
against the person for:

24 (a) Actual and consequential damages;

25 (b) Punitive damages, which are subject to the provisions of NRS
42.005;

26 (c) Reasonable attorney's fees and costs; and

27 (d) Any other legal or equitable relief that the court deems
appropriate.

28 2. Subject to the affirmative defense set forth in subsection 3, in
addition to any other remedy or penalty, the customer may bring a
civil action against a person pursuant to subsection 1 to recover an

1 additional amount, as statutory damages, which is equal to \$1,000
2 for each violation if the person knowingly:

3 (a) Operates a check-cashing service, deferred deposit loan
4 service, high-interest loan service or title loan service without a
5 license, in violation of NRS 604A.400;

6 (b) Fails to include in a loan agreement a disclosure of the right of
7 the customer to rescind the loan, in violation of NRS 604A.410;

8 (c) Violates any provision of NRS 604A.420;

9 (d) Accepts collateral or security for a deferred deposit loan, in
10 violation of NRS 604A.435, except that a check or written
11 authorization for an electronic transfer of money shall not be
12 deemed to be collateral or security for a deferred deposit loan;

13 (e) Uses or threatens to use the criminal process in this State or
14 any other state to collect on a loan made to the customer, in
15 violation of NRS 604A.440;

16 (f) Includes in any written agreement a promise by the customer
17 to hold the person harmless, a confession of judgment by the
18 customer or an assignment or order for the payment of wages or
19 other compensation due the customer, in violation of NRS
20 604A.440;

21 (g) Violates any provision of NRS 604A.485;

22 (h) Violates any provision of NRS 604A.490; or

23 (i) Violates any provision of NRS 604A.442.

24 3. A person may not be held liable in any civil action brought
25 pursuant to this section if the person proves, by a preponderance
26 of evidence, that the violation:

27 (a) Was not intentional;

28 (b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the
maintenance of procedures reasonably adapted to avoid any such
error.

4. For the purposes of subsection 3, a bona fide error includes,
without limitation, clerical errors, calculation errors, computer
malfunction and programming errors and printing errors, except
that an error of legal judgment with respect to the person's
obligations under this chapter is not a bona fide error.

16. As stated above, Respondent has engaged in at least five (5) violations of NRS
Chapter 604A and NAC Chapter 604A.


17. Accordingly, the Commissioner has reasonable cause to believe that Respondent
is or was violating, or is or was threatening to, or intends or intended to violate provisions of
NRS Chapter 604A and NAC Chapter 604A.

ORDER

IT IS HEREBY ORDERED that Respondent shall immediately **CEASE AND DESIST** from operating and/or engaging in deferred deposit loan service, high interest loan service, title loans or other lending activity in violation of NRS Chapter 604A and NAC Chapter 604A at the unlicensed locations at: 8565 W. Sahara Avenue, Suite 112, Las Vegas, Nevada 89117 and 5514 Camino Al Norte Suite A3, North Las Vegas, Nevada 89031.

DATED this 14 day of February 2018

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

By: 
MARY YOUNG
Acting Deputy Commissioner

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) calendar days after this Order to Cease and Desist was received by the Respondent.

Your request for a hearing must be delivered to:

FINANCIAL INSTITUTIONS DIVISION
DEPARTMENT OF BUSINESS AND INDUSTRY
3300 W. Sahara Avenue, Suite 250
Las Vegas, Nevada 89102

Other important rights you have are listed in Nevada Revised Statutes Chapters 675 and 604A and 233B and the Nevada Administrative Code Chapter 604A.

DATED this 6th day of February 2018.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

By: _____

MARY YOUNG
Acting Deputy Commissioner

1
2 CERTIFICATE OF SERVICE

3 I certify that I am an employee of the State of Nevada, Department of Business and
4 Industry, Financial Institutions Division, and that on 6th day of February 2018, I
5 deposited in the U.S. mail, postage prepaid, via First Class Mail and Certified Return Receipt
6 Requested, a true and correct copy of the foregoing **ORDER TO CEASE AND DESIST**
7 **VIOLATIONS OF NRS CHAPTER 604A and NAC 604A; APPEAL RIGHTS**, addressed as
8 follows:

9 Finex Capital Group, LLC
10 dba: LoanEx
11 Attention: Paul M. Altieri and/or John Grewell
12 8565 W. Sahara Avenue, Suite 112
13 Las Vegas, Nevada 89117

14 Certified Mail: 7014 2870 0001 8494 7624
15 and Hand-Delivered on February 6 2018

16 Finex Capital Group, LLC
17 dba: LoanEx
18 Attention: Paul M. Altieri and/or John Grewell
19 5514 Camino Al Norte, Suite A3
20 North Las Vegas, Nevada 89031

21 Certified Mail: 7014 2870 0001 8494 7648

22 Finex Capital Group, LLC
23 dba: LoanEx
24 C/O: Cogency Global Inc.
25 321 W. Winnie Lane # 104
26 Carson City, Nevada 89703

27 Certified Mail: 7014 2870 0001 8494 7655

28 DATED this 6th day of February 2018

By: 