IN THE MATTER OF:

FINANCIAL INSTITUTIONS DIVISION,

Petitioner,

v.

PRESTAMEX, LLC,

Respondent.

CONSENT ORDER

FILED

MAR 06 2018

NEVADA
LABOR COMMISSIONER-CC

The Commissioner of the Financial Institutions Division for the State of Nevada, with the agreement of PRESTAMEX, (hereafter, "Respondent"), through its Owner, Javier Avila, (hereafter, "Avila"), 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, operating and/or engaging in deferred deposit loan service, high interest loan service, title loan service, and/or check cashing service activities in the State of Nevada, as governed by Nevada Revised Statutes ("NRS") Chapter 604A and Nevada Administrative Code ("NAC") Chapter 604A without having first obtained a license, as alleged in the Order to Cease and Desist Violations of NRS 604A and NAC 604 Activities ("C&D"). Respondent further agrees that it is subject to NRS Chapter 604A, NAC Chapter 604A, and to the jurisdiction of the Division.

SUMMARY OF FACTS

1. Respondent registered under the laws of the State of Nevada on or about October 20, 2015, and its resident agent was Javier Avila ("Avila").

2. Respondent's business license expired on or about October 31, 2017, and it is currently listed in a "default" status with the Nevada Secretary of State.

3. While in operation, Respondent's physical business location was 1514 S Eastern Avenue, Las Vegas, Nevada 89104. Respondent has since closed said location.
4. Respondent’s website address was www.prestamex.com. Said website is no-longer active.

5. Respondent conducted a lending business at 1514 S Eastern Avenue, Las Vegas, Nevada 89104, offering deferred deposit loan services, high interest loan services, title loan services, and/or check cashing services.

6. Respondent has never possessed a license from the Financial Institutions Division to conduct the business of lending in the State of Nevada pursuant to NRS Chapters 604A or 675. As such, Respondent has engaged in the business of lending in the State of Nevada without having first obtained a license under NRS Chapter 604A or Chapter 675.

7. During an investigation of a complaint filed by Customer A, it was discovered that Respondent extended a title loan to Customer A, a resident of the State of Nevada, on or about September 6, 2016.

8. The Division inspected the Respondent’s physical location on December 1, 2016. At that time, the building was under renovation and loan payments were received through a mail drop box.

9. As a result of its investigation and findings, the Division issued the C&D on or about January 9, 2017.

10. On or about January 26, 2017, Respondent filed a response to the C&D.

11. On or about February 3, 2017, this matter was referred to an Administrative Law Judge ("ALJ") for hearing.

12. Based upon the findings of the investigation and in order to avoid further administrative action, the parties have agreed to resolve this matter.

13. 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 investigation and as detailed in the C&D.

**VIOLATIONS OF LAW**

14. During the course of the Division’s investigation, it was discovered that Respondent has
engaged in unlicensed activity under NRS Chapter 604A by advertising and offering deferred deposit loan services, high interest loan services, title loan services, and/or check cashing services in the State of Nevada without having first obtained a license with the Division.

CONSENT ORDER

15. The Division was prepared to present its case to the assigned ALJ based upon the C&D 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.

16. 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:

17. Respondent admits to the facts and violations of law as alleged in the C&D.

18. Respondent further admits and acknowledges that any and all loan activity by Respondent was done without first having obtained a license from the Division, and Respondent is therefore liable for its unlicensed activities.

19. Respondent therefore agrees to:

a. Pay an administrative fine in the amount of $25,000.00 at $5,000 per month for 5 months beginning March 15, 2018;

b. Respondent will sign a personal guarantee for the debt;

c. Immediately return all automobile titles currently in Respondent or Avila’s possession and re-convey title back to the borrower(s); and,

d. Immediately cease and desist any and all collection efforts and any and all loan activity on borrower account(s).

e. Provide a full and complete accounting to the Division for any and all loans ever issued by Respondent. Respondent has provided the Division an initial accounting during the course of this action. However, Respondent must provide the Division with a final, updated accounting and/or verify via a sworn statement that the final accounting
provided is accurate, complete, and final within (30) days of the ALJ's execution of the Consent Order. The accounting must include, at a minimum:

i. Loan numbers

ii. Date of loan

iii. Borrower name(s)

iv. Borrower address(es)

v. Borrower telephone number(s)

vi. Borrower email address(es)

vii. Amount borrowed

viii. Due date of last payment

ix. Principal and interest paid (to date)

x. Total fees, charges, etc. paid (to date)

xi. Full payment history record

xii. For title loans, if the vehicle collateral was repossessed

xiii. Disposition of any civil actions

f. Provide via certified mail notice of the unlicensed activity to all customers listed in the accounting. The notice must include, at a minimum, an acknowledgement of the unlicensed activity and reference to the customers' remedies available under NRS and NAC Chapter 604A. The notice must be provided in both English and Spanish. The notice must also include contact information for Respondent, Avila, and the Division. The notice shall be provided to customers within (30) days of the date of the ALJ's execution of the Consent Order, and the Division must review the proposed notice before it is submitted to customers. A copy of the final notice must be provided to the Division within (30) days of the ALJ's execution of the Consent Order, along with a sworn statement acknowledging that said notice is an accurate and true copy of the notice provided to customers.
g. Provide notice to the Division and all past customers of any change of address for Mr. Avila for six (6) years from the date of the notice that is provided to customers as referenced in section 19(c); and,
h. Maintain proof of mailing the above referenced notices, loan files, and any other related documents and information for at least six (6) years.

20. 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 C&D. 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), and shall subject Respondent to additional administrative fines and costs as well as remedies available pursuant to NRS 604A.910, 604A.920, 604A.930, and any other applicable section of NRS Chapter 604A.

21. Respondent acknowledges and understands that past customers/borrowers are entitled to seek separate remedies, solely at the election of the customers/borrowers, pursuant to NRS 604A.920 and 604A.930. Respondent further acknowledges and understands that the terms of this Consent Order shall not preclude customers/borrowers from pursuing said remedies.

22. 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 C&D, 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.

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

24. 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 C&D if the Division must ultimately present its case based on the C&D filed in this matter.

25. In consideration of execution of this Consent Order, the Respondent and Avila in his personal capacity, its/their 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.

26. Respondent and Avila 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.
27. If Respondent fails to comply with any terms of this Consent Order, Respondent shall be subject to disciplinary action for violation of the Consent Order, NRS Chapter 604A, and NAC Chapter 604A as stated in the C&D, which may result in further disciplinary action. Additionally, the complete terms of the C&D shall stand, and Respondent shall be liable for the remainder of the $50,000.00 administrative fine as stated in the C&D and any other remedies allowed by law. Respondent has signed and dated this Consent Order 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 8th day of March, 2018.

Shanilla M. Chambers
Administrative Law Judge/Hearing Officer
Labor Commissioner
State of Nevada

CONSENTED TO this 24th day of January, 2018.

PRESTAMEX, LLC

Javier Avila, Owner

Approved as to form:

ADAM PAUL LAXALT
Attorney General

Vivienne Rakowsky
Rickisha Highsower-Singleton
Deputy Attorney General
Attorney for the Division
CERTIFICATE OF MAILING

I, Rosiland M. Hooper, do hereby certify that I mailed a true and correct copy of
the foregoing CONSENT ORDER, via the United States Postal Service, Carson City,
Nevada, in a postage-prepaid envelope to the following:

Ross Goodman, Esq.
GOODMAN LAW GROUP
520 So. 4th Street
Las Vegas, Nevada  89101

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Las Vegas, Nevada  89104

Attn: Javier Avila
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David Pope, Esq.
Vivienne Rakowsky, DAG
Office of the Attorney General
Division of Business and Taxation
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada  89101

Mary Young, Deputy Division Administrator
Financial Institutions Division
3300 W. Sahara Boulevard, Suite 250
Las Vegas, Nevada  89102

Dated this 6th day of March, 2018.

[Signature]

Rosalind M. Hooper, an employee of the
Nevada State Labor Commissioner