

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

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STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY FINANCIAL INSTITUTIONS DIVISION

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

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6	In Re:	,
7	Ruby Consumer Lending LLC d/b/a American Title Loans	
8		,
9	Respondent.	3

ORDER TO CEASE AND DESIST FROM VIOLATIONS OF NRS 604A AND NAC 604A AND FROM UNLICENSED ACTIVITIES; NOTICE OF RIGHT TO A HEARING

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

The State of Nevada, Department of Business and Industry, Financial Institutions Division (hereinafter "Division" or "NFID") hereby orders Ruby Consumer Lending, LLC d/b/a American Title Loans (hereafter "Respondent") to cease and desist from any and all activities that are in violation of Chapter 604A of the Nevada Revised Statutes ("NRS") and of the Nevada Administrative Code ("NAC").

JURISDICTION

- The business of operating a check-cashing service, deferred deposit service, highinterest loan service or title loans service in this state is governed by Nevada Revised Statutes (NRS) Chapter 604A and Nevada Administrative Code (NAC) Chapter 604A.
- 2. The Commissioner has primary jurisdiction for the licensing and regulation of persons operating and/or engaging in the business of a check-cashing service, deferred deposit service, high-interest loan service or title loans service. See NRS and NAC 604A, including, but not limited to, NRS 604A.300, NRS 604A.400, NRS 604A.625, and NAC 604A.100.

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Pursuant to the authority vested by NRS 604A, the Commissioner hereby makes
 the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- Respondent is registered under the laws of the State of Nevada, and its resident agent is Incorp Services, Inc., located at 3773 Howard Hughes Pkwy, Suite 500S, Las Vegas, NV 89169.
- Respondent operates the business of a title loan service at the following location: 171 W. Silver St., Suite 400, Elko, NV 89801.
- 6. On or about November 20, 2014, Respondent was approved for licensure to provide title loan services in the State of Nevada..
- 7. A license issued under the provisions of NRS 604A expires annually on the anniversary of the issuance of the license.
- 8. A licensee must renew the license on or before the date on which the license expires by paying the renewal fee and submitting a form prescribed by the Commissioner.
- A licensee who fails to renew his or her license on or before the date on which the license expires is not licensed pursuant to the provisions of NRS 604A.
- 10. Respondent submitted an incorrect renewal form and partial fees ninety-one (91) days after the expiration of its license, on or about February 18, 2022.
- 11. An email was sent to Respondent on February 18, 2022, to provide notice of the incorrect form and the insufficient fees.
- A second email was sent to Respondent on May 25, 2022, to remind
 Respondent that the renewal form and fees were still outstanding.
- 13. Licensees, such as Respondent, that fail to request renewal of their license are deemed expired and must be reinstated prior to recommencing Nevada title lending activity.
- 14. Jennifer Debenham, manager for Respondent, called NFID on or about June 12,2023, to confirm what actions need to be taken to reinstate the license.
- 15. Jennifer Debenham confirmed on June 13, 2023, that Respondent continued operating a title loan service, even after the expiration of the license on November 19, 2021.

- 16. NFID had repeatedly warned Respondent that Respondent must renew their license and that Respondent cannot continue to operate without a license.
- 17. If any finding of fact is more properly characterized as a conclusion of law, it shall be construed as such.

CONCLUSIONS OF LAW

Based on the findings of fact, the Commissioner finds as follows:

- 18. NRS 604A.400 states that a license is required prior to operating a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.
 - 19. NRS 604A.040 states, in part:
 - 1. A person, including, without limitation, a person licensed pursuant to <u>chapter 675</u> of NRS, shall not operate a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service unless the person is licensed with the Commissioner pursuant to the provisions of this chapter.
 - 2. A person must have a license regardless of the location or method that the person uses to operate such a service, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except that the person shall not operate such a service through any automated loan machine in violation of the provisions of subsection 3.
 - 3. A person shall not operate a deferred deposit loan service or highinterest loan service through any automated loan machine, and the Commissioner shall not issue a license that authorizes the licensee to conduct business through any automated loan machine.
- 20. NRS 604A.040(4) states that any person that violates any provision of NRS 604A.040 is guilty of a misdemeanor.
 - 21. NRS 604A.040(4) states:
 - 4. Any person, and any member, officer, director, agent or employee thereof, who violates or participates in the violation of any provision of this section is guilty of a misdemeanor.
 - 22. NRS 604A.810 states:
 - 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, the Commissioner 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.

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- 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, whether such books, papers, documents and records are in the possession of the defendant, a registered agent acting on behalf of the defendant or any other person. 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 the receiver by the court.

23. NRS 604A.910 states:

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

- 24. It is in the opinion of the Commissioner, and/or 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 by operating a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service in Nevada without a license.
- 25. Respondent has 30 days after the date of the instant ORDER TO CEASE AND DESIST FROM VIOLATIONS OF NRS 604A AND NAC 604A AND FROM UNLICENSED ACTIVITIES ("Order") to request an administrative hearing. The Order shall be deemed final if the Division does not receive a verified petition for a hearing within the time prescribed.

ORDER

IT IS HEREBY ORDERED that Respondent shall **CEASE AND DESIST** from operating and/or engaging in the business of a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service in violation of NRS Chapter 604A and NAC Chapter 604A from any and all locations, including those previously submitted to and approved by the Division.

IT IS FURTHER ORDERED that the Respondent:

- a. Cease and desist from any and all collection efforts based upon loans made while the company did not hold an active license under NRS 604A.
- b. Submit a complete application through the Nationwide Multistate Licensing System within thirty (30) days for review and approval.

DATED this Z/ day of June 2023.

STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY

EINANCIAL INSTITUTIONS DIVISION

By: Sandy O'Laughlin

Commissioner

NOTICE OF RIGHT TO A HEARING

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 Order to Cease and Desist was served on the Respondent. This Order to Cease and Desist shall be deemed final if the Division does not receive a verified petition for hearing from the Respondent within this prescribed time.

Respondent's 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 604A and 233B and the Nevada Administrative Code Chapter 604A.

DATED this _2/ day of June 2023.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

By:

Sandy O'Laughlin Commissioner

CERTIFICATE OF SERVICE

1 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 June 21, 2023, I deposited in the U.S. 4 mail, postage prepaid, via First Class Mail and Certified Return Receipt Requested, a true and 5 correct copy of the foregoing ORDER TO CEASE AND DESIST FROM VIOLATIONS OF 6 NRS CHAPTER 604A AND NAC 604A AND FROM UNLICENSED ACTIVITIES; NOTICE 7 OF RIGHT TO A HEARING, addressed as follows: 8 9 Jennifer Debenham Ruby Consumer Lending LLC 10 2253 E 11660 S Sandy, UT 84092 11 Certified Mail: 7019 1120 0000 3407 8683 James Debenham

12 Ruby Consumer Lending LLC 171 W Silver St, Suite 400 13 Elko, NV 89801 Certified Mail: 7019 1120 0000 3407 8690 14

Incorp Services Inc 3773 Howard Hughes Pkwy, Ste 500S Las Vegas, NV 89169-6014 Certified Mail: 7019 1120 0000 3407 8669

DATED this 21 day of June 2023.

By: Alvan

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