

1 In re the Matter of: ) Case No.: 07-319  
 )  
 2 State of New Hampshire Banking )  
 )  
 3 Department, )  
 )  
 4 Petitioner, ) Order to Show Cause and  
 ) Cease and Desist  
 5 and )  
 )  
 6 PayDayMax.com (d/b/a www.paydaymax.com )  
 )  
 7 and a/k/a MyCashNow.com, a/k/a Credit )  
 )  
 8 Payment Services, Inc.), and Carey V. )  
 )  
 9 Brown, )  
 )  
 10 Respondents )  
 )  
 11 )

12 NOTICE OF ORDER TO SHOW CAUSE AND CEASE AND DESIST ("ORDER")

13 1. This Order commences an adjudicative proceeding under the provisions  
 14 of RSA Chapter 399-A (including RSA 399-A:7,I and II, RSA 399-A:8,I and RSA  
 15 399-A:16,IV) and RSA Chapter 541-A.

16 2. The Commissioner may impose administrative penalties of up to  
 17 \$2,500.00 for each violation. RSA 399-A:18,V and VI.

18 RESPONDENT

19 3. PayDayMax.com (d/b/a www.paydaymax.com and a/k/a MyCashNow.com, a/k/a  
 20 Credit Payment Services, Inc.) ("Respondent PayDayMax") is an online company  
 21 located in Anguilla, British West Indies. The Better Business Bureau has  
 22 Respondent PayDayMax located in Laud Lakes, Florida; Calgary, Alberta; and  
 23 White Rock, British Columbia. A Desist and Refrain Order issued by the  
 24 State of California on April 29, 2011 indicates that Respondent PayDayMax is  
 25 located in Chattanooga, Tennessee. Respondent PayDayMax is not registered

1 with the New Hampshire Secretary of State. Respondent PayDayMax is a  
2 "Person." RSA 399-A:1,XII.

3 4. The New Hampshire Banking Department ("Department") records indicate  
4 Respondent PayDayMax has never held a Payday or Small Loan Lender license  
5 with the Department.

6 5. Carey V. Brown (Respondent Brown) is the Founder and Owner of  
7 Respondent PayDayMax. Respondent Brown is a Direct Owner(RSA 399-A:1,III-  
8 b), a Principal (RSA 399-A:1,XIII), and a Person (RSA 399-A:1,XII).

9 6. The New Hampshire Banking Department ("Department") records indicate  
10 Respondent Brown has never held a Payday or Small Loan Lender license with  
11 the Department.

12 7. The above-named Respondents are hereinafter collectively called  
13 "Respondents".

14 **RIGHT TO REQUEST A HEARING**

15 8. Respondents has a right to request a hearing on this Order. A hearing  
16 shall be held not later than ten (10) days after the Commissioner receives  
17 the Respondents' written request for a hearing. Respondents may request a  
18 hearing and waive the ten (10) day hearing requirement. The hearing shall  
19 comply with RSA Chapter 541-A. RSA 399-A:7 and RSA 399-A:8.

20 9. If any person fails to request a hearing within thirty (30) days of  
21 receiving this Order, then such person shall be deemed in default, and the  
22 Order shall, on the thirty-first (31<sup>st</sup>) day, become permanent, all  
23 allegations may be deemed true, and shall remain in full force and effect  
24 until modified or vacated by the Commissioner for good cause shown. RSA  
25 399-A:7 and RSA 399-A:8.

1 10. A default may result in administrative fines as described in Paragraph  
2 2 above.

3 STATEMENT OF ALLEGATIONS

4 11. On November 19, 2007 the Department received a complaint from a New  
5 Hampshire consumer ("Consumer A") against Respondents concerning a payday or  
6 small loan.

7 12. On August 7, 2007, Respondents issued Consumer A the payday or small  
8 loan in the amount of \$660.00, in violation of RSA 399-A:2,I and RSA 399-  
9 A:13,VI.

10 13. The payday loan agreement between Respondents and Consumer A indicated  
11 that Respondents would collect \$337.50 in fees from Consumer A in addition  
12 to the original amount loaned in violation of RSA 399-A:11,XI and RSA 399-  
13 A:13,I.

14 14. The annual percentage rate of the loan between Respondents and  
15 Consumer A was in excess of 36% in violation of RSA 399-A:13,XX.

16 15. On February 2, 2010, the Department sent a letter via facsimile to  
17 Respondents suggesting they apply for licensure with the Department. The  
18 facsimile was sent to the number listed on the Respondents' website  
19 ([www.paydaymax.com](http://www.paydaymax.com)). The Department received a report that indicated the  
20 facsimile was transmitted properly on February 2, 2010. The Department did  
21 not receive a response to the correspondence dated February 2, 2010.

22 16. On June 20, 2011, the Department sent a letter via U.S. Certified Mail  
23 return receipt requested to Respondents at the Chattanooga, Tennessee  
24 address suggesting it apply for licensure with the Department, requesting  
25 documentation regarding New Hampshire consumer activity, and resolution of a



1 all New Hampshire consumers for whom Respondents have given payday or small  
2 loans and a status of those accounts. This list must include the names and  
3 contact information of the New Hampshire consumers, along with monies  
4 charged, collected and waived (if applicable). The list shall also be  
5 accompanied by all contracts, checks to and from the consumer and any other  
6 documents in the New Hampshire consumers' files;

7 c. Respondents shall show cause why the Commissioner should not  
8 enter an order of rescission, restitution, or disgorgement of profits;

9 d. Respondents shall show cause why an administrative fine of up to  
10 a maximum of \$2,500.00 per violation should not be imposed as follows:

11 (1). Respondent PayDayMax:

12 Violation #1: Unlicensed payday or small loan activity  
13 (RSA 399-A:2,I) - 1 count;

14 Violation #2: Making a payday loan with a principal amount  
15 in excess of \$500.00 (RSA 399-A:13,VI) - 1 count;

16 Violation #3: Charging additional fees on a loan (RSA 399-  
17 A:11,XI)) - 1 count;

18 Violation #4: Charging additional fees on a loan (RSA 399-  
19 A:13,I) - 1 count;

20 Violation #5: Making a payday loan with an Annual  
21 Percentage Rate in excess of 36 percent per year (RSA 399-  
22 A:13,XX) - 1 count;

23 Violation #6: Failure to provide requested documents (RSA  
24 399-A:10,II) - 1 count;

1 (2). Respondent Brown:

2 Violation #1: Unlicensed payday or small loan activity  
3 (RSA 399-A:2,I) - 1 count;

4 Violation #2: Making a payday loan with a principal amount  
5 in excess of \$500.00 (RSA 399-A:13,VI) - 1 count;

6 Violation #3: Charging additional fees on a loan (RSA 399-  
7 A:11,XI)) - 1 count;

8 Violation #4: Charging additional fees on a loan (RSA 399-  
9 A:13,I) - 1 count;

10 Violation #5: Making a payday loan with an Annual  
11 Percentage Rate in excess of 36 percent per year (RSA 399-  
12 A:13,XX) - 1 count;

13 Violation #6: Failure to provide requested documents (RSA  
14 399-A:10,II) - 1 count;

15 e. Nothing in this Order:

16 (1). shall prevent the Department from taking any further  
17 administrative and legal action as necessary under New Hampshire law; and

18 (2). shall prevent the New Hampshire Office of the Attorney  
19 General from bringing an action against the above named Respondents in any  
20 New Hampshire superior court, with or without prior administrative action by  
21 the Commissioner.

22  
23 **SO ORDERED.**

24 \_\_\_\_\_ /s/

Dated: September 16, 2011

25 RONALD A. WILBUR  
BANK COMMISSIONER