

In re: United Consumer Financial Services, Inc.
(d/b/a EZPaydayCash.com)
Case No.: 13-253

CONSENT ORDER

The State of New Hampshire Banking Department (the "Department") finds and Orders as follows:

Respondent

1. United Consumer Financial Services, Inc. (d/b/a EZPaydayCash.com) ("EZPayday") is a corporation formed in the State of Utah on March 8, 2002 with a principal office location in Midvale, Utah. EZPayday is not registered with the New Hampshire Secretary of State and never held a Small Loan (Payday Loan) Lender license with the Department.

Jurisdiction

2. The Department is authorized to regulate small loans (payday loans) pursuant to RSA Chapter 399-A. *RSA 399-A:2,I.*
3. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter 399-A and to assess penalties pursuant to RSA Chapter 399-A. *RSA 399-A:7,I and II, RSA 399-A:8,I and RSA 399-A:18,V and VI.*
4. A person may be assessed an administrative fine not to

exceed \$2,500.00 for each violation of RSA Chapter 399-A. RSA 399-A:18,V and VI.

5. The Department may require EZPayday to provide restitution. RSA 399-A:2,IV.

Facts

6. EZPayday conducted unlicensed small loan (payday loan) lender activity with at least six (6) New Hampshire consumers without a valid Small Loan Lender license issued by the Department, in violation of RSA 399-A:2,I.

- a. Of the six (6) New Hampshire consumers, four (4) were charged off by EZPayday since the consumers failed to repay the payday loans.

- b. The remaining two (2) consumers require restitution.

7. Pursuant to RSA 399-A:2,IV, EZPayday shall refund \$1,699.65 in interest charged and collected from two of the six New Hampshire consumers as follows:

Consumer 1: \$799.65 Consumer 2: \$900.00

8. During the request for information, EZPayday fully cooperated with the Department and provided the information to show that EZPayday did violate RSA Chapter 399-A.

Violation(s) of Law and Penalties

9. EZPayday conducted unlicensed small loan (payday loan) lender activity, in violation of RSA 399-A:2,I.

Respondent's Consent and Acknowledgments

10. EZPayday hereby acknowledges that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that EZPayday violated RSA Chapter 399-A.
11. EZPayday voluntarily enters into this Consent Order without reliance upon any discussions between the Department and EZPayday, without promise of a benefit of any kind (other than concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind. EZPayday further acknowledges its understanding of the nature of the allegations set forth in this action, including the potential penalties provided by law.
12. EZPayday hereby acknowledges, understands, and agrees that it has the right to notice and hearing and hereby waives said rights. EZPayday hereby further acknowledges it waives the filing of any civil actions related to this matter.

Order

13. **Whereas pursuant to RSA 399-A:16,VI,** this Consent Order is necessary, appropriate and in the public interest and consistent with the intent and purposes of New Hampshire banking laws, the Department Orders as follows:

a. EZPayday shall reimburse the 2 New Hampshire Consumers the fees charged as set out in Paragraph 7 above (a total of \$1,699.65), which shall be payable contemporaneously with EZPayday's execution of this Consent Order. All checks shall be bank checks or guaranteed funds and made payable to each individual consumer and submitted directly to each consumer via first class mail by EZPayday as follows:

(1). Each check shall be accompanied by written correspondence containing only the following language: "This refund check is being sent to you pursuant to a public consent order that United Consumer Financial Services, Inc. (d/b/a EZPaydayCash.com) entered into with the New Hampshire Banking Department. You may find a copy of the public consent order on the Banking

Department's website, which is located at www.nh.gov/banking/orders/enforcement/index.htm by searching for Docket #13-253. For further questions, please contact the New Hampshire Banking Department at (603) 271-3561;"

(2). Any verbal communications with consumers about the restitution shall be limited to the language found in the written correspondence, and EZPayday shall refer the consumer to the Department for further information;

(3). EZPayday shall also forward to the Department copies of cancelled checks or copies of cancelled check images;

(4). EZPayday shall make a second attempt to locate the consumer, if the address to which the restitution check is mailed is no longer valid. Such attempt shall be documented and reported to the Department;

(5). EZPayday shall follow up at least once with any consumer who does not cash each check within three months of receipt. Such follow up shall be documented and reported

to the Department; and

(6). If, after six months, a consumer has failed to cash or deposit the restitution check(s), EZPayday shall begin the process to escheat the funds to the New Hampshire State Treasurer's Abandoned Property division. Such process shall be documented and reported to the Department. The process of escheatment may begin prior to six months, if so approved or directed by the Department; and

b. EZPayday shall pay to the Department \$2,500.00 in administrative fines, which shall be bank check or guaranteed funds and made payable to "State of New Hampshire."

14. The Consent Order finally and completely concludes this matter against EZPayday. This Consent Order may still be revoked and the Department may pursue any and all remedies available under law, if the Department later finds that EZPayday knowingly or willfully withheld information used and relied upon in this Consent Order.
15. This Consent Order is binding on all heirs, assigns, and/or successors in interest.

