

1 **The State of New Hampshire**

2 \_\_\_\_\_ )  
3 State of New Hampshire Banking Department )  
4 and )  
5 SFS Inc. and One Click Cash and all Officers, )  
6 Directors, Employees, and Agents )  
7 Respondent(s) )  
8 \_\_\_\_\_ )

**Case No: 10-081**

**Order to Cease and Desist**

**And**

**Order to Show Cause**

9 **Notice of Order to Show Cause and Cease and Desist Order (Order)**

10 This Order commences an adjudicative proceeding under the provisions of RSA §399-A,  
11 RSA §541-A and RSA §383:10-d.

12 **Respondent(s)**

- 13 1. SFS Inc. and/ or d/b/a One Click Cash is a business (One Click Cash) with a principal  
14 office location at 52946 Highway 12, Suite 3, Niobrara, Nebraska 68760.  
15 2. One Click Cash does not have a New Hampshire small loan license pursuant to RSA  
16 §399-A.

17  
18 **Legal Authority**

- 19 3. The Commissioner may issue, amend, or rescind such orders as are reasonably  
20 necessary to carry out the provisions of RSA §399-A. RSA §399-A:16, IV.  
21 4. All Respondent(s) are “Persons” as defined by RSA §399-A:1, XII.  
22 5. No person shall engage in the business as a small loan payday lender in New  
23 Hampshire or with consumers located in New Hampshire, without first obtaining a  
24 small loan license from the Banking Department. RSA §399-A:2, I.  
25

- 1 6. Any person violating the provisions of RSA §399-A:12 through RSA §399:15 or  
2 engaging in the business of a small loan lender, payday loan lender, or title lender  
3 without first obtaining a license if a license is required shall be barred from recovering  
4 any finance charge, delinquency, or collection charge on the contract. RSA §399-  
5 A:18, II.
- 6 7. The Commissioner may assess penalties if it is in the public interest and Respondent(s)  
7 have engaged in dishonest or unethical practices in the conduct of the business of  
8 making or collecting small loans, payday loans or title loans. RSA §399-A:7, I (h).
- 9 8. The Commissioner may assess penalties if it is in the public interest and Respondent(s)  
10 have violated this chapter or any rule or order. RSA §399-A:7, I (i).
- 11 9. Any person, not exempt, that advertises, solicits, or holds oneself out as willing to make  
12 or procure small loans, payday loans or title loans shall be presumed to be engaged in  
13 the business of making such loans. RSA §399-A:10, IV.
- 14 10. A payday loan is a short maturity, secured or unsecured loan, other than a title loan. A  
15 payday loan lender is a person engaged in the business of making payday loans. RSA  
16 §399-A:1, X and XI.
- 17 11. The Department has jurisdiction to examine the business affairs of any licensee or any  
18 other person, whether licensed or not, as it deems necessary to determine compliance  
19 with this chapter and the rules adopted under it pursuant to statute. RSA §399-A:10, I.
- 20 12. The Commissioner has jurisdiction to order restitution and assess penalties up to a  
21 maximum fine of \$2,500.00 for each violation. RSA §399-A:18 and RSA §383:10-d.
- 22 13. The Commissioner has jurisdiction to recover the costs of investigation. RSA §399-  
23 A:10, V.
- 24
- 25

1 14. The Department may issue a Cease and Desist Order when it has reasonable cause to  
2 believe a licensee or other person is in violation or about to violate New Hampshire  
3 law, rule, or order under RSA §399-A.  
4

5 **Right to a Hearing**

6 15. Respondent(s) have the right to request a hearing of this Order. A hearing shall be held  
7 not later than ten (10) days after the Commissioner receives the Respondent's request  
8 for a hearing. The Respondent may request a hearing and waive the ten (10) day  
9 hearing requirement. The hearing shall comply with RSA §541-A. RSA §399-A:8, I.

10 16. If any person fails to request a hearing within thirty (30) days of receiving this Order,  
11 then such person shall likewise be deemed in default, and the Order shall, on the thirty-  
12 first (31<sup>st</sup>) day, become permanent and shall remain in full force and effect until  
13 modified or vacated by the Commissioner for good cause shown. RSA §399-A:7, II  
14 and RSA §399-A:8, I.

15 17. A default shall result in administrative fines up to the maximum amount of \$2,500.00  
16 per violation. Each of the acts specified shall constitute a separate violation. RSA  
17 §399-A:18, V.  
18

19 **Facts**

20 18. Six consumers (Consumers A-F) filed complaints with the Department regarding  
21 Respondent(s) services.

22 19. On information and belief these loans were in the value of \$300.00 to \$400.00 per loan.

23 20. As a result of the consumer complaints, on or about August 19, 2010, the Department  
24 conducted an investigation into the Respondent's business activities.  
25

1 21. The Department found that One Click Cash operates a website that offers consumers a  
2 loan which will be deposited into the consumer account in exchange for certain fees  
3 and/ or interest that is charged to the consumer and automatically debited from the  
4 same consumer account.

5 22. The Department also found that Nebraska's Banking and Finance Department issued a  
6 Cease and Desist Order dated August 24, 2007 ordering Respondent(s) to cease and  
7 desist from offering payday lending to Nebraska consumers.

8 23. The Department telephoned One Click Cash and verified One Click Cash's mailing  
9 address.

10 24. The Department verified by searching its licensing data base that Respondents do not  
11 hold a New Hampshire license as required by RSA §399-A:2. Unlicensed activity is  
12 unfair and deceptive pursuant to RSA §383:10-d.

13 25. On August 20, 2010, the Department mailed a certified letter to the Respondents  
14 requesting Respondents provide, within (7) days of receipt, a response regarding the  
15 unlicensed activity and the consumer complaints.

16 26. As of August 23, 2010, the United States Postal Service states the certified mail was  
17 delivered and Respondent(s) signed the return receipt on August 25, 2010.

18 27. As of September 2, 2010 the Respondent(s) have failed to respond to the Department.  
19

20 **Order**

21 28. **Whereas the Commissioner Finds** the facts as alleged above, if true, show  
22 Respondent(s) are operating as an unlicensed small loan payday lender in violation of  
23 New Hampshire banking laws RSA §399-A.

24 29. **Whereas the Commissioner Finds** this Order necessary, appropriate and in the  
25 public's best interest and consistent with the purposes of New Hampshire banking laws.



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**SO ORDERED,**

Entered this September 2, 2010.

*/s/ Robert A. Fleury for*  
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Peter C. Hildreth,  
State of New Hampshire  
Bank Commissioner  
**IT IS SO ORDERED.**

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Mailing List:

SFS Inc.  
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Niobara, NE 68760