

1 In re the Matter of:) Case No.: 09-217
)
 2 State of New Hampshire Banking)
)
 3 Department,)
)
 4 Petitioner,) Order to Show Cause and
) Cease and Desist
 5 and)
)
 6 Cash In A Wink Inc. (a/k/a CA\$H in A)
)
 7 WINK),)
)
 8 Respondent)

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

10 1. This Order commences an adjudicative proceeding under the provisions
 11 of RSA Chapter 399-A (including RSA 399-A:7,I and II, RSA 399-A:8,I and RSA
 12 399-A:16,IV) and RSA Chapter 541-A.

13 2. The Commissioner may impose administrative penalties of up to
 14 \$2,500.00 for each violation. RSA 399-A:18, V and VI.

15 RESPONDENT

16 3. Cash in A Wink Inc. (a/k/a CA\$H in A WINK) ("Respondent") is a
 17 corporation duly incorporated in the State of Delaware on July 26, 2005 with
 18 a principal office location in Wilmington, Delaware. Respondent is not
 19 registered with the New Hampshire Secretary of State. Respondent is a
 20 "Person." RSA 399-A:1,XII.

21 4. The Department records indicate Respondent has never held a PayDay or
 22 Small Loan Lender license with the New Hampshire Banking Department.

23 RIGHT TO REQUEST A HEARING

24 5. Respondent has a right to request a hearing on this Order. A hearing
 25 shall be held not later than ten (10) days after the Commissioner receives

1 the Respondent's written request for a hearing. Respondent may request a
2 hearing and waive the ten (10) day hearing requirement. The hearing shall
3 comply with RSA Chapter 541-A. RSA 399-A:7 and RSA 399-A:8.

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

10 7. A default may result in administrative fines as described in Paragraph
11 2 above.

12 **STATEMENT OF ALLEGATIONS**

13 8. On May 29, 2009, the Department received a Complaint from a New
14 Hampshire consumer ("Consumer A") against Respondent concerning a payday or
15 small loan.

16 9. On April 21, 2009, Respondent issued Consumer A the payday or small
17 loan in the amount of \$200.00, in violation of RSA 399-A:2,I.

18 10. Respondent deducted \$155.00 from Consumer A's bank account within two
19 weeks and charged Consumer A an interest rate of 1095%, in violation of RSA
20 399-A:11,XI, RSA 399-A:13,I and RSA 399-A:13,XX.

21 11. On September 8, 2009, the Department sent a letter via U.S. Certified
22 Mail return receipt requested to Respondent suggesting it apply for
23 licensure with the Department and resolution of Consumer A's complaint.
24 Respondent received this letter on September 11, 2009.

25 12. On September 28, 2009, Respondent informed the Department and Consumer

1 accompanied by all contracts, checks to and from the consumer and any other
2 documents in the New Hampshire consumers' files;

3 c. Respondent shall show cause why the Commissioner should not
4 enter an order of rescission, restitution, or disgorgement of profits;

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

7 (1). Respondent Windsor:

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

10 Violation #2: Charging additional fees on a loan (RSA 399-
11 A:11,XI)) - 1 Count;

12 Violation #3: Charging additional fees on a loan (RSA 399-
13 A:13,I) - 1 Count;

14 Violation #4: Issuing a Payday Loan at a Higher than
15 Allowed APR (RSA 399-A:13,XX) - 1 Count;

16 e. Nothing in this Order:

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

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

23 **SO ORDERED.**

24 _____/s/
RONALD A. WILBUR
25 BANK COMMISSIONER

Dated: 07/25/2011