

1	In re the Matter of:) Case No.: 10-011
)
2	State of New Hampshire Banking)
)
3	Department,)
)
4	Petitioner,) Order to Show Cause and
) Cease and Desist
5	and)
)
6	Impact Cash, LLC (d/b/a)
)
7	www.impactcashusa.com and a/k/a Payday)
)
8	Financial, LLC, a/k/a Lakota Cash,)
)
9	a/k/a Big Sky Cash, a/k/a Big \$ky)
)
10	Cash, a/k/a Great Sky Finance, LLC,)
)
11	a/k/a Great Sky Cash, a/k/a G\$ky,)
)
12	a/k/a Western Sky Financial, LLC,)
)
13	a/k/a Red Stone Financial, LLC, a/k/a)
)
14	Red Stone Cash, a/k/a Management)
)
15	Systems, LLC, a/k/a 24-7 Cash Direct,)
)
16	LLC, a/k/a Financial Solutions, LLC,)
)
17	a/k/a PDL Ventures d/b/a Spot on)
)
18	Loans, a/k/a High Country Ventures,)
)
19	LLC, a/k/a PDL Technologies, and a/k/a)
)
20	Red River Ventures, LLC), and Martin)
)
21	A. Webb,)
)
22	Respondents)

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

1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 399-A (including RSA 399-A:7,I and II, RSA 399-A:8,I and RSA

1 399-A:16,IV) and RSA Chapter 541-A.

2 2. The Commissioner may impose administrative penalties of up to
3 \$2,500.00 for each violation. RSA 399-A:18,V and VI.

4 RESPONDENT

5 3. Impact Cash, LLC (d/b/a www.impactcashusa.com and a/k/a Payday
6 Financial, LLC, a/k/a Lakota Cash, a/k/a Big Sky Cash, a/k/a Big \$ky Cash,
7 a/k/a Great Sky Finance, LLC, a/k/a Great Sky Cash, a/k/a G\$ky, a/k/a
8 Western Sky Financial, LLC, a/k/a Red Stone Financial, LLC, a/k/a Red Stone
9 Cash, a/k/a Management Systems, LLC, a/k/a 24-7 Cash Direct, LLC, a/k/a
10 Financial Solutions, LLC, a/k/a PDL Ventures d/b/a Spot On Loans, a/k/a High
11 Country Ventures, LLC, a/k/a PDL Technologies, and a/k/a Red River Ventures,
12 LLC) ("Respondent Impact Cash") is an online company located in North Logan,
13 Utah. The Better Business Bureau also has Respondent Impact Cash located in
14 Box Elder, Montana. Respondent Impact Cash is not registered with the New
15 Hampshire Secretary of State. Respondent Impact Cash is a "Person." RSA
16 399-A:1,XII.

17 4. The New Hampshire Banking Department ("Department") records indicate
18 Respondent Impact Cash has never held a Payday or Small Loan Lender license
19 with the Department.

20 5. Martin A. Webb (Respondent Webb) is the Founder and Owner of several
21 interconnected business entities involved with making consumer loans
22 including Respondent Impact Cash. Respondent Webb is a Direct Owner (RSA
23 399-A:1,III-b), a Principal (RSA 399-A:1,XIII), and a Person (RSA 399-
24 A:1,XII).

25 6. The New Hampshire Banking Department ("Department") records indicate

1 Respondent Webb has never held a Payday or Small Loan Lender license with
2 the Department.

3 7. The above-named Respondents are hereinafter collectively called
4 "Respondents".

5 **RIGHT TO REQUEST A HEARING**

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

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

17 10. A default may result in administrative fines as described in Paragraph
18 2 above.

19 **STATEMENT OF ALLEGATIONS**

20 **Consumer A:**

21 11. On June 24, 2008 the Department received a complaint from a New
22 Hampshire consumer ("Consumer A") against Respondents concerning a payday or
23 small loan.

24 12. On October 31, 2007, Respondents issued Consumer A the payday or small
25 loan in the amount of \$300.00, in violation of RSA 399-A:2,I.

1 13. Respondents deducted \$140.00 from Consumer A's bank account over the
2 course of 1 month in violation of RSA 399-A:11,XI and RSA 399-A:13,I.

3 **Consumer B:**

4 14. On April 9, 2009 the Department received a complaint from a New
5 Hampshire consumer ("Consumer B") against Respondents concerning a payday or
6 small loan.

7 15. Between June 2008 and February 2009, Respondents issued Consumer B the
8 payday or small loan, in violation of RSA 399-A:2,I.

9 **Consumer C:**

10 16. On October 1, 2010 the Department received a complaint from a New
11 Hampshire consumer ("Consumer C") against Respondents concerning a payday or
12 small loan.

13 17. On July 28, 2010, Respondents issued Consumer C the payday or small
14 loan in the amount of \$400.00, in violation of RSA 399-A:2,I.

15 18. Respondents deducted \$480.00 from Consumer C's bank account over the
16 course of 2 months in violation of RSA 399-A:11,XI and RSA 399-A:13,I.
17 Consumer C should be entitled to a refund of \$80.00, the amount over the
18 \$400.00 originally borrowed.

19 **Consumer D:**

20 19. On March 28, 2011 the Department received a complaint from a New
21 Hampshire consumer ("Consumer D") against Respondents concerning a payday or
22 small loan.

23 20. On December 20, 2010, Respondents issued Consumer D the payday or
24 small loan in the amount of \$2,525.00, in violation of RSA 399-A:2,I.

25 21. The annual percentage rate of the small loan issued to Consumer D by

1 Respondents was 139.33% in violation of RSA 399-A:12,I.

2 22. The loan contract between Respondents and Consumer D did not include a
3 notice stating that the consumer or the consumer's attorney may file a
4 complaint with the commissioner in violation of RSA 399-A:11,XIV.

5 **Consumer E:**

6 23. On June 24, 2011 the Department received a complaint from a New
7 Hampshire consumer ("Consumer E") against Respondents concerning a payday or
8 small loan.

9 24. In May 2011, Respondents issued Consumer E the payday or small loan in
10 the amount of \$2,600.00, in violation of RSA 399-A:2,I.

11 25. The annual percentage rate of the small loan issued to Consumer E by
12 Respondents was in excess of 36% in violation of RSA 399-A:12,I.

13 **Consumer F:**

14 26. On July 13, 2011 the Department received a complaint from a New
15 Hampshire consumer ("Consumer F") against Respondents concerning a payday or
16 small loan.

17 27. On April 27, 2011, Respondents issued Consumer F the payday or small
18 loan in the amount of \$2,525.00, in violation of RSA 399-A:2,I.

19 28. The annual percentage rate of the small loan issued to Consumer F by
20 Respondents was 138.96% in violation of RSA 399-A:12,I.

21 29. The loan contract between Respondents and Consumer F did not include a
22 notice stating that the consumer or the consumer's attorney may file a
23 complaint with the commissioner in violation of RSA 399-A:11,XIV.

24 **Consumer G:**

25 30. On July 19, 2011 the Department received a complaint from a New

1 Hampshire consumer ("Consumer G") against Respondents concerning a payday or
2 small loan.

3 31. On April 22, 2011, Respondents issued Consumer G the payday or small
4 loan in the amount of \$1,000.00, in violation of RSA 399-A:2,I.

5 32. The annual percentage rate of the small loan issued to Consumer G by
6 Respondents was 194.42% in violation of RSA 399-A:12,I.

7 33. The loan contract between Respondents and Consumer G did not include a
8 notice stating that the consumer or the consumer's attorney may file a
9 complaint with the commissioner in violation of RSA 399-A:11,XIV.

10 **Consumer H:**

11 34. On January 4, 2011 the Department received a complaint from a New
12 Hampshire consumer ("Consumer H") against Respondents concerning a payday or
13 small loan.

14 35. In April 2010, Respondents issued Consumer H the payday or small loan
15 in the amount of \$300.00, in violation of RSA 399-A:2,I.

16 36. Respondents deducted \$270.00 from Consumer H's bank account over the
17 course of 2 months in violation of RSA 399-A:11,XI and RSA 399-A:13,I.

18 **Correspondence:**

19 37. On July 24, 2008, the Department sent a letter via U.S. Certified Mail
20 Return Receipt Requested to Respondents at the Bountiful, Utah address
21 suggesting it apply for licensure with the Department, provide the
22 Department with documentation regarding New Hampshire consumer activity, and
23 resolution of a consumer complaint. The correspondence was received by the
24 Respondents on July 28, 2008. The Department did not receive a response
25 from the Respondents.

1 38. On November 14, 2008, the Department sent a letter via U.S. Certified
2 Mail Return Receipt Requested to Respondents at the Bountiful, Utah address
3 suggesting it apply for licensure with the Department, provide the
4 Department with documentation regarding New Hampshire consumer activity, and
5 resolution of a consumer complaint. The correspondence was received by the
6 Respondents on November 20, 2008. The Department did not receive a response
7 from the Respondents.

8 39. On September 17, 2009, the Department sent a letter via U.S. Certified
9 Mail Return Receipt Requested to Respondents at the Bountiful, Utah address
10 suggesting it apply for licensure with the Department, provide the
11 Department with documentation regarding New Hampshire consumer activity, and
12 resolution of a consumer complaint. The correspondence was received by the
13 Respondents on September 21, 2009. The Department did not receive a
14 response from the Respondents.

15 40. On September 15, 2010, the Department sent a letter via U.S. Certified
16 Mail Return Receipt Requested to Respondents at the North Logan, Utah
17 address suggesting it apply for licensure with the Department, provide the
18 Department with documentation regarding New Hampshire consumer activity, and
19 resolution of a consumer complaint. The correspondence was received by the
20 Respondents on September 21, 2010. The Department did not receive a
21 response from the Respondents.

22 41. On September 15, 2010, the Department sent a letter via U.S. Certified
23 Mail Return Receipt Requested to Respondents at the Box Elder, Montana
24 address suggesting it apply for licensure with the Department, provide the
25 Department with documentation regarding New Hampshire consumer activity, and

1 399-A and rules or orders thereunder;

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

9 c. Respondents shall show cause why the Commissioner should not
10 enter an order of rescission, restitution, or disgorgement of profits
11 including at a minimum restitution of \$80.00 (for Consumer C), and
12 restitution for Consumer A, Consumer B, Consumer D, Consumer E, Consumer F,
13 Consumer G and Consumer H if applicable;

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

16 (1). Respondent Impact Cash:

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

19 Violation #2: Charging additional fees on a loan (RSA 399-
20 A:11,XI)) - 3 counts;

21 Violation #3: Charging additional fees on a loan (RSA 399-
22 A:13,I) - 3 counts;

23 Violation #4: Making a small loan with an Annual
24 Percentage Rate in excess of 36 percent (RSA 399-A:12,I) -
25 4 counts;

1 Violation #5: Making a loan contract without including a
2 notice stating that the consumer or the consumer's
3 attorney may file a complaint with the commissioner (RSA
4 399-A:11,XIV) - 3 counts;

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

7 (2). Respondent Webb (as Direct Owner and Principal):

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

10 Violation #2: Charging additional fees on a loan (RSA 399-
11 A:11,XI)) - 3 counts;

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

14 Violation #4: Making a small loan with an Annual
15 Percentage Rate in excess of 36 percent (RSA 399-A:12,I) -
16 4 counts;

17 Violation #5: Making a loan contract without including a
18 notice stating that the consumer or the consumer's
19 attorney may file a complaint with the commissioner (RSA
20 399-A:11,XIV) - 3 counts;

21 Violation #6: Failure to provide requested documents (RSA
22 399-A:10,II) - 1 count;

23 e. Nothing in this Order:

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

