

1	In re the Matter of:	) Case No.: 10-155
		)
2	State of New Hampshire Banking	)
		)
3	Department,	)
		)
4	Petitioner,	) Order to Show Cause and
5	and	) Cease and Desist
		)
6	Cash Supply (d/b/a FFD Resources I,	)
		)
7	LLC), FFD Ventures LP and First	)
		)
8	Fidelity of Delaware Inc.,	)
		)
9	Respondents	)
		)
10		)

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

- 12 1.     This Order commences an adjudicative proceeding under the provisions  
13 of RSA Chapter 399-A (including RSA 399-A:7,I and II, RSA 399-A:8,I and RSA  
14 399-A:16,IV) and RSA Chapter 541-A.
- 15 2.     The Commissioner may impose administrative penalties of up to  
16 \$2,500.00 for each violation. RSA 399-A:18,V and VI.

17                    RESPONDENT

18 3.     Cash Supply (d/b/a FFD Resources I, LLC) ("Respondent Cash Supply") is  
19 a limited liability company duly incorporated in the State of Nevada on  
20 February 1, 2005 with a principal office location in Carson City, Nevada.  
21 The West Virginia Attorney General filed a Complaint for Injunction,  
22 Consumer Restitution, Civil Penalties, and other appropriate relief which  
23 listed Respondent Cash Supply as having locations in Española, New Mexico;  
24 and Atlanta, Georgia.     Respondent Cash Supply did register with the New  
25 Mexico Public Regulation Commission on June 27, 2005.     Respondent Cash

1 Supply is not registered with the Georgia Secretary of State. Respondent  
2 Cash Supply is not registered with the New Hampshire Secretary of State.  
3 Respondent Cash Supply is a "Person." RSA 399-A:1,XII.

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

7 5. FFD Ventures LP (Respondent FFD) is the Managing Member of Respondent  
8 Cash Supply and a limited partnership incorporated in the State of Nevada on  
9 February 4, 2005 with a principal office in Carson City, Nevada. Respondent  
10 FFD is not registered with the New Hampshire Secretary of State. Respondent  
11 FFD is a Direct Owner (RSA 399-A:1,III-b), a Principal (RSA 399-A:1,XIII),  
12 and a Person (RSA 399-A:1,XII).

13 6. The New Hampshire Banking Department ("Department") records indicate  
14 Respondent FFD has never held a Payday or Small Loan Lender license with the  
15 Department.

16 7. First Fidelity of Delaware, Inc. (Respondent First Fidelity) is a  
17 corporation duly incorporated in the State of Delaware on November 18, 2003  
18 with a principal office in Wilmington, Delaware. Respondent First Fidelity  
19 is not registered with the New Hampshire Secretary of State. Respondent  
20 First Fidelity is the Direct Owner of Respondent FFD and the Indirect Owner  
21 of Respondent Cash Supply. Respondent First Fidelity is a Direct Owner (RSA  
22 399-A:1,III-b), an Indirect Owner (RSA 399-A:1,V-a), a Principal (RSA 399-  
23 A:1,XIII), and a Person (RSA 399-A:1,XII).

24 8. The New Hampshire Banking Department ("Department") records indicate  
25 Respondent First Fidelity has never held a Payday or Small Loan Lender

1 license with the Department.

2 9. The above-named Respondents are hereinafter collectively called  
3 "Respondents".

4 **RIGHT TO REQUEST A HEARING**

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

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

16 12. A default may result in administrative fines as described in Paragraph  
17 2 above.

18 **STATEMENT OF ALLEGATIONS**

19 13. On August 28, 2009 the Department received a complaint from a New  
20 Hampshire consumer ("Consumer A") against Respondents concerning a payday or  
21 small loan.

22 14. In July 2008, Respondents issued Consumer A the payday or small loan  
23 in the amount of \$250.00, in violation of RSA 399-A:2,I.

24 15. On August 1, 2008, Respondents deducted \$37.50 from Consumer A's bank  
25 account in violation of RSA 399-A:11,XI and RSA 399-A:13,I.

1 16. Respondents operate a website at "www.cashsupply.com" that offered  
2 payday loans to New Hampshire consumers. The website now states that "Cash  
3 Supply is no longer making new loans."

4 17. On September 7, 2011, the Department sent a letter via U.S. Certified  
5 Mail return receipt requested to Respondents at the Espanola, New Mexico  
6 address suggesting it apply for licensure with the Department, and  
7 requesting documentation regarding Respondents New Hampshire consumer  
8 activity. The correspondence was returned to the Department by the U.S.  
9 Post Office on September 22, 2011 indicating, "Return to Sender, Not  
10 Deliverable as Addressed, Unable to Forward".

11 18. On September 7, 2011, the Department sent a letter via U.S. Certified  
12 Mail return receipt requested to Respondents at the Atlanta, Georgia address  
13 suggesting it apply for licensure with the Department, and requesting  
14 documentation regarding Respondents New Hampshire consumer activity. The  
15 U.S. Post Office website indicates that Notice of the correspondence was  
16 left at the Respondents' address on September 12, 2011; however the  
17 correspondence has not been claimed or delivered.

18 19. On September 8, 2011, the Department sent a letter via U.S. Certified  
19 Mail return receipt requested to Respondents at the Carson City, Nevada  
20 address suggesting it apply for licensure with the Department, and  
21 requesting documentation regarding Respondents New Hampshire consumer  
22 activity. The correspondence was returned to the Department by the U.S.  
23 Post Office on September 20, 2011 indicating, "Return to Sender, Not  
24 Deliverable as Addressed, Unable to Forward".

25 20. To date, Respondents have not obtained a payday or small loan license



1 charged, collected and waived (if applicable). The list shall also be  
2 accompanied by all contracts, checks to and from the consumer and any other  
3 documents in the New Hampshire consumers' files;

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

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

8 (1). Respondent Cash Supply:

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

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

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

15 Violation #4: Failure to provide requested documents (RSA  
16 399-A:10,II) - 1 count;

17 (2). Respondent FFD (as Direct Owner and Principal):

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

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

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

24 Violation #4: Failure to provide requested documents (RSA  
25 399-A:10,II) - 1 count;

1 (3). Respondent First Fidelity (as Direct Owner, Indirect  
2 Owner, and Principal):

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

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

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

9 Violation #4: Failure to provide requested documents (RSA  
10 399-A:10,II) - 1 count;

11 e. Nothing in this Order:

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

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

18  
19 **SO ORDERED.**

20 \_\_\_\_\_ /s/  
21 RONALD A. WILBUR  
22 BANK COMMISSIONER

Dated: October 3, 2011