

1	In re the Matter of:) Case No.: 10-423
)
2	State of New Hampshire Banking)
)
3	Department,)
)
4	Petitioner,) Order to Show Cause and
5	and) Cease and Desist
)
6	Alpine Direct Services, LLC, Dan)
)
7	Koetting and Jairo Perez,)
)
8	Respondents)
)
9)

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

11 1. This Order commences an adjudicative proceeding under the provisions
12 of RSA Chapter 399-A (including RSA 399-A:7,I and II, RSA 399-A:8,I and RSA
13 399-A:16,IV) and RSA Chapter 541-A.

14 2. The Commissioner may impose administrative penalties of up to
15 \$2,500.00 for each violation. RSA 399-A:18,V and VI.

16 RESPONDENT

17 3. Alpine Direct Services, LLC ("Respondent Alpine Direct") is a limited
18 liability company duly incorporated in the State of Nevada on October 8,
19 2009 with a principal office location in San Diego, California. Respondent
20 Alpine Direct is not registered with the New Hampshire Secretary of State.
21 Respondent Alpine Direct is a "Person." RSA 399-A:1,XII.

22 4. The New Hampshire Banking Department ("Department") records indicate
23 Respondent Alpine Direct has never held a Payday or Small Loan Lender
24 license with the Department.

25 5. Dan Koetting (Respondent Koetting) is listed in the Nevada Secretary

1 of State's office filings as a Managing Member of Respondent Alpine Direct.
2 Respondent Koetting is a Direct Owner (RSA 399-A:1,III-b), a Principal (RSA
3 399-A:1,XIII), and a Person (RSA 399-A:1,XII).

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

7 7. Jairo Perez (Respondent Perez) is listed in the Nevada Secretary of
8 State's office filings as a Managing Member of Respondent Alpine Direct.
9 Respondent Perez is a Direct Owner (RSA 399-A:1,III-b), a Principal (RSA
10 399-A:1,XIII), and a Person (RSA 399-A:1,XII).

11 8. The New Hampshire Banking Department ("Department") records indicate
12 Respondent Perez has never held a Payday or Small Loan Lender license with
13 the Department.

14 9. The above-named Respondents are hereinafter collectively called
15 "Respondents".

16 **RIGHT TO REQUEST A HEARING**

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

22 11. If any person fails to request a hearing within thirty (30) days of
23 receiving this Order, then such person shall be deemed in default, and the
24 Order shall, on the thirty-first (31st) day, become permanent, all
25 allegations may be deemed true, and shall remain in full force and effect

1 until modified or vacated by the Commissioner for good cause shown. RSA
2 399-A:7 and RSA 399-A:8.

3 12. A default may result in administrative fines as described in Paragraph
4 2 above.

5 **STATEMENT OF ALLEGATIONS**

6 13. On October 1, 2010 the Department received a complaint from a New
7 Hampshire consumer ("Consumer A") against Respondents concerning a payday or
8 small loan.

9 14. On June 7, 2010, Respondents issued Consumer A the payday or small
10 loan in the amount of \$200.00, in violation of RSA 399-A:2,I.

11 15. Respondents deducted \$480.00 from Consumer A's bank account over the
12 course of 3 months in violation of RSA 399-A:11,XI and RSA 399-A:13,I.
13 Consumer A should be entitled to a refund of \$280.00, the amount over the
14 \$200.00 originally borrowed.

15 16. The annual percentage rate for this loan issued by Respondents was
16 greater than 36% in violation of RSA 399-A:13,XX.

17 17. On May 25, 2011, the Department sent a letter via U.S. Certified Mail
18 return receipt requested to Respondents at the Carson City, Nevada address
19 and the San Diego, California address suggesting it apply for licensure with
20 the Department, requesting documentation regarding Respondents New Hampshire
21 consumer activity, and resolution of a consumer complaint. The
22 correspondence was received by the Respondents on May 31, 2011.

23 18. On June 27, 2011, the Department received a correspondence from
24 Attorney Christopher S. Wunder of Kaplan, Papadakis & Gournis, P.C.
25 indicating that this firm represented the Respondents. The correspondence

1 22. **Accordingly, it is hereby ORDERED that:**

2 a. Respondents shall cease and desist from violating RSA Chapter
3 399-A and rules or orders thereunder;

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

11 c. Respondents shall show cause why the Commissioner should not
12 enter an order of rescission, restitution, or disgorgement of profits
13 including at a minimum restitution of \$280.00 (for Consumer A);

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 Alpine Direct:

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

19 Violation #2: Failure to provide requested documents (RSA
20 399-A:10,II) - 1 count;

21 Violation #3: Charging additional fees on a loan (RSA 399-
22 A:11,XI)) - 1 count;

23 Violation #4: Charging additional fees on a loan (RSA 399-
24 A:13,I) - 1 count;

25 Violation #5: Making a payday loan with an Annual

1 Percentage Rate in excess of 36 percent per year (RSA 399-
2 A:13,XX) - 1 count;

3 (2). Respondent Koetting (as Direct Owner and Principal):

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

6 Violation #2: Failure to provide requested documents (RSA
7 399-A:10,II) - 1 count;

8 Violation #3: Charging additional fees on a loan (RSA 399-
9 A:11,XI)) - 1 count;

10 Violation #4: Charging additional fees on a loan (RSA 399-
11 A:13,I) - 1 count;

12 Violation #5: Making a payday loan with an Annual
13 Percentage Rate in excess of 36 percent per year (RSA 399-
14 A:13,XX) - 1 count;

15 (3). Respondent Perez (as Direct Owner and Principal):

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

18 Violation #2: Failure to provide requested documents (RSA
19 399-A:10,II) - 1 count;

20 Violation #3: Charging additional fees on a loan (RSA 399-
21 A:11,XI)) - 1 count;

22 Violation #4: Charging additional fees on a loan (RSA 399-
23 A:13,I) - 1 count;

24 Violation #5: Making a payday loan with an Annual
25 Percentage Rate in excess of 36 percent per year (RSA 399-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A:13,XX) - 1 count;

e. Nothing in this Order:

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

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

SO ORDERED.

_____/s/
RONALD A. WILBUR
BANK COMMISSIONER

Dated: September 14, 2011