

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In The Matter of: U.S. Equity Advantage Holdings, Inc.
(f/k/a U.S. Equity Advantage Holdings, LLC, which is formally known as U.S. Equity
Advantage, LLC), and U.S. Equity Advantage, Inc.
Case No. 16-054

CONSENT ORDER

WHEREAS, pursuant to RSA 399-G:2, I¹, the New Hampshire Banking Department (“Department”) is charged with regulating persons that “engage in the business of money transmission” in New Hampshire or with New Hampshire consumers.

WHEREAS, pursuant to RSA 399-G:13, I, the Department is authorized to examine the business affairs of any licensee or non-licensee money transmitter to determine compliance with the RSA 399-G.

WHEREAS, U.S. Equity Advantage Holdings, Inc. (f/k/a U.S. Equity Advantage Holdings, LLC, which is formally known as U.S. Equity Advantage, LLC) (“Equity Holdings”) is a Florida corporation and the parent company of U.S. Equity Advantage, Inc. Equity Holdings does not have a New Hampshire Money Transmitter license.

WHEREAS, U.S. Equity Advantage, Inc. (“USEA”) is a Delaware corporation, the subsidiary of Equity Holdings and a New Hampshire Money Transmitter licensee.

WHEREAS,

1. Equity Holdings provided and USEA provides bill payment services on behalf of New Hampshire consumers who wish to pay their loans on a bi-weekly basis. Equity Holdings automatically forwarded and USEA automatically forwards funds directly

¹ Since the activities that are the subject of this Consent Order occurred prior to 2016, all citations to RSA 399-G are to prior law in effect until January 1, 2016.

to consumers' billers based on a preauthorized debit schedule.

2. The Department's examination of USEA, conducted on July 21, 2015, revealed the following:

- a. USEA's parent company, Equity Holdings, conducted unlicensed money transmissions for New Hampshire consumers prior to USEA's licensure in September of 2014, in violation of RSA 399-G:3. From 2009 to September of 2014, Equity Holdings conducted 128,015 transmissions and collected a net of approximately \$74,000 in fees;
- b. USEA filed 2014 and 2015 annual reports that erroneously included the transmissions conducted by Equity Holdings, in violation of RSA 399-G:14, I; and
- c. USEA provided documentation to the Department that were misrepresented as USEA's records when they were Equity Holdings' unlicensed money transmission records, in violation of RSA 399-G:12, I and RSA 399-G:18-a, II.

WHEREAS, Equity Holdings and USEA (hereinafter collectively known as "Respondents") make the following acknowledgements:

1. Respondents acknowledge that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that Respondents violated RSA 399-G:3, RSA 399-G:14, I, RSA 399-G:12, I and RSA 399-G:18-a, II.
2. Respondents voluntarily enter into and sign this Consent Order without reliance upon any discussions between the Department and Respondents, without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and without threats, force, intimidation or coercion of any kind.

3. The conduct described above, if proven, would constitute violations of state law, which could result in penalties pursuant to RSA 399-G:21, IV.
4. Respondents acknowledge, understand, and agree that they have the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waive those rights. Respondents further acknowledge they waive the filing of any civil actions related to this Consent Order.
5. Respondents understand that their action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
6. Respondents understand the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.
7. Respondents represent and warrant that they have all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
8. Respondents acknowledge that the Department is relying upon Respondents' representations and warranties stated herein in making its determinations in this matter.
9. Respondents acknowledge that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against Respondents if the Department later learns that Respondents knowingly or willfully withheld information from the Department.
10. Respondents understand that, pursuant to RSA 399-G:13, V and RSA 383:9, III, they are responsible for paying the cost of the examination in addition to any penalty that may be imposed by this Consent Order.
11. This Consent Order is binding on all heirs, assigns and successors in interest.

WHEREAS, Respondents consent to the Department imposing the following sanctions:

1. Respondents shall remit a total penalty in the amount of \$20,000 by bank check payable to the “State of New Hampshire” as follows:
 - a. Respondents shall remit \$10,000 contemporaneously with Respondents’ execution of this Consent Order; and
 - b. Respondents shall remit the remaining \$10,000 within thirty (30) days after Respondents’ initial payment.
2. Failure by Respondents to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, up to and including license revocation and monetary penalties.

NOW THEREFORE, the Commissioner of the New Hampshire Banking Department enters the following ORDER:

1. The sanctions set forth above are hereby entered;
2. Pursuant to RSA 399-G:20,VI, the Commissioner finds this action necessary or appropriate to the public interest or for the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this title;
3. This Order fully resolves this matter and the Commissioner will not take further action against Respondents for the allegations presented herein, provided that the Department may take enforcement action against Respondents for any violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms of this Order are not being observed or if any representation made by Respondents and reflected herein is subsequently discovered to be untrue;

