

**BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT  
STATE OF OKLAHOMA**



STATE OF OKLAHOMA, )  
ex rel, DEPARTMENT OF )  
CONSUMER CREDIT )  
 )  
Petitioner )  
 )  
v. )  
 )  
SOONER QUICK CASH, )  
 )  
Respondent )

Case No. 14-0005-DIS

**EMERGENCY ORDER AND NOTICE OF HEARING**

The State of Oklahoma, ex rel., Department of Consumer Credit, alleges and states as follows:

**JURISDICTION, AUTHORITY AND REQUIREMENTS**

1. Unless a person is a supervised financial organization or has first obtained a license from the Administrator authorizing the person to make supervised loans, a person shall not engage in the business of

(a) making supervised loans; or

(b) taking assignments and undertaking direct collection of payments from or enforcement of rights against debtors arising from supervised loans. 14A O.S. § 3-502(1).

2. In addition to civil and criminal penalties, the Administrator may initiate administrative action against an unlicensed person as if the person held a license if the person is found to be engaging in the business of making supervised loans. 14A O.S. § 3-502(2).

3. After notice and hearing, the Administrator or an independent hearing examiner may order a creditor or a person acting in the creditor's behalf to cease and desist from engaging in violations of the Uniform Consumer Credit Code, 14A O.S. §§ 1-101-9-101. 14A O.S. § 6-108.

4. Any entity or individual offering to engage or engaged in making consumer credit sales, consumer leases, consumer loans

or supervised loans in this state without a license or notification filing required by the Uniform Consumer Credit Code shall be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00). 14A O.S. § 6-113(3).

5. The Administrator may, after notice and hearing, censure, probate, suspend, revoke or refuse to renew any license, or in addition to or in lieu of censure, probation, suspension or revocation, order refunds for unlawful charges if the Administrator finds that:

(a) The licensee has failed to pay the annual license fee imposed by this title, or an examination fee, investigation fee or other fee or charge imposed by the Administrator under the authority of this title,

(b) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this title or any regulation or order lawfully made pursuant to and within the authority of this title, or

(c) Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the Administrator in refusing to issue such license.

6. If the public health, safety, and welfare imperatively requires emergency action, such action, including the suspension of a license instanter or a cease and desist instanter, may be ordered pending the final outcome of proceedings instituted by the Administrator. 75 O.S. §§ 314 (C)(2) and 314.1, OKLA. ADMIN. CODE § 160:3-1-4(j).

#### **Appointment of independent hearing examiner**

The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Uniform Consumer Credit Code. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. 14A O.S. § 3-505(1).

The independent hearing examiner shall have authority to recommend penalties authorized by the Uniform Consumer Credit Code and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant

to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act.

### **Hearing costs**

Hearing costs may be assessed by the hearing examiner against the Respondent, unless the Respondent is the prevailing party. 14A O.S. § 3-505(1).

### **Appeals**

A final agency order issued by the Administrator shall be appealable by all parties to an Oklahoma district court as provided by Article II of the Administrative Procedures Act. 14A O.S. § 3-505(1).

### **Requirements for individual proceedings at the Department of Consumer Credit**

The Respondent is responsible for reviewing the administrative rules regarding procedures and requirements for references of parties, entries of appearances, continuances, subpoenas and Consent Orders for individual proceedings at the Department of Consumer Credit. The administrative rules regarding individual proceedings are located at OKLA. ADMIN. CODE § 160:3-1-4.

### **Consent Order**

The Respondent may waive the right to a hearing and enter into a Consent Order with the Department. If the Respondent wishes to waive the right to a hearing and enter into a Consent Order, the Respondent shall contact Roy John Martin, General Counsel, Oklahoma Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112, [rmartin@okdoacc.ok.gov](mailto:rmartin@okdoacc.ok.gov) or Meredith Fazendin, Legal Administrative Program Officer, 405-521-6229, [mfazendin@okdoacc.ok.gov](mailto:mfazendin@okdoacc.ok.gov). Notification that the Respondent wishes to waive the right to a hearing and enter into a Consent Order shall be submitted via electronic mail or regular United States Mail and shall be received by the Department at least five (5) calendar days prior to the scheduled hearing date. OKLA. ADMIN. CODE § 160:3-1-4(h).

### **Representation by a licensed attorney**

The Respondent, if a corporation, is required under Oklahoma law to be represented by a licensed attorney.

### **Enforcement of final agency order or settlement agreement**

Any administrative order or settlement agreement imposing a civil penalty pursuant to this section may be enforced in the same manner as civil judgments in this state. The Administrator may file an application to enforce an administrative order or settlement agreement imposing a civil penalty in the district court of Oklahoma County. 59 O.S. § 3117(B).

### **ALLEGATIONS OF FACT**

1. The Respondent was initially licensed as a supervised lender in the State of Oklahoma on March 4, 2013, at the business location of 1232 N. Interstate Drive, Norman, Oklahoma 73072, license number SL007915.
2. The Respondent failed to renew its supervised lender license on or before December 31, 2013 and as a result the Respondent's supervised lender license expired December 31, 2013.
3. The Petitioner conducted an examination of the place of business of the Respondent regarding the Respondent's loans, transactions, books, accounts, papers, correspondence and records pertaining to its business regulated by the Uniform Consumer Credit Code on September 19, 2013.
4. A Report of Examination, attached and incorporated by reference herein, was delivered to the Respondent on October 16, 2013, which included findings of errors and corrections required to be made by the Respondent in order to remain in compliance with the Uniform Consumer Credit Code.
5. As of January 9, 2014, the Respondent has failed to respond to the Report of Examination and has failed to correct the findings of errors required to remain in compliance with the Uniform Consumer Credit Code.
6. As of January 9, 2014, the Respondent's business location at 1232 N. Interstate Drive, Norman, Oklahoma 73072 is open to the public.

7. As of January 9, 2014, the Respondent maintained an Internet website at <https://soonerquickcash.com>, ("Internet website") attached and incorporated by reference herein.

8. The Respondent's Internet website includes, but is not limited to, information offering consumer loans up to an amount of \$5,000.00, including loans secured by the title to a consumer's vehicle, at the Respondent's business location at 1232 N. Interstate Drive, Norman, Oklahoma 73072, a loan application form, a photograph of the exterior of the Respondent's business location and a frequently asked questions page.

9. Since the Respondent is not currently licensed as a supervised lender and since the Respondent has failed to respond to and correct findings of errors regarding an examination of the Respondent's supervised loan transactions, the public health, safety, and welfare imperatively requires emergency action ordering the Respondent to cease and desist from engaging and/or offering to engage in making consumer loans and/or supervised loans at 1232 N. Interstate Drive, Norman, Oklahoma 73072, and at any other location in the State of Oklahoma, including via the Internet, pending the final outcome of this individual proceeding.

#### **ALLEGED VIOLATIONS OF LAW**

1. The Respondent has violated 14A O.S. § 3-502 by engaging in the business of making supervised loans without obtaining a license from the Administrator.

2. The Respondent has violated 14A O.S. § 6-113(3) by offering to engage or engaging in making consumer loans and/or supervised loans in this state without a license required by the Uniform Consumer Credit Code.

3. The Respondent has violated 14A O.S. § 3-506(3) by failing to keep or make available in this state such books and records relating to loans made under the Uniform Consumer Credit Code as are necessary to enable the Administrator to determine whether the Respondent is complying with the Uniform Consumer Credit Code.

**ORDER**

The Administrator finds that the public health, safety, and welfare imperatively requires emergency action in this matter and orders as follows:

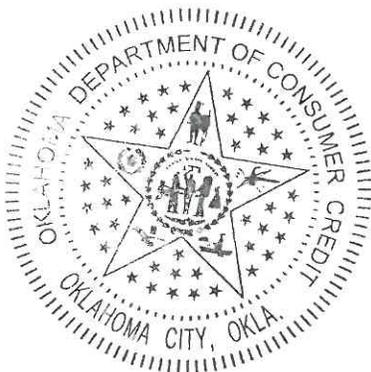
1. The Respondent shall cease and desist from engaging and/or offering to engage in making consumer loans and/or supervised loans at 1232 N. Interstate Drive, Norman, Oklahoma 73072 and/or at any other location in the State of Oklahoma and/or via the Internet, pending the final outcome of this individual proceeding.

2. A hearing will be held before an independent hearing examiner on January 27, 2014 at 1:00 P.M. at the office of the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

3. The purpose of the hearing is to address the allegations contained in this Emergency Order and Notice of Hearing and to determine if any penalties authorized pursuant to the Uniform Consumer Credit Code shall be imposed against the Respondent.

4. Correspondence regarding this matter shall be directed to Roy John Martin, General Counsel, Oklahoma Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112, [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov) or Meredith Fazendin, Legal Administrative Program Officer, 405-521-6229, [mfazendin@okdocc.ok.gov](mailto:mfazendin@okdocc.ok.gov).

So ordered on this 9th day of January 2014.



Scott Leshner  
Administrator of Consumer Credit  
State of Oklahoma

By:

Ruben Tornini  
Deputy Administrator

AFFIDAVIT OF SERVICE BY FRED BRITT

STATE OF OKLAHOMA )  
 )  
COUNTY OF OKLAHOMA )

Fred Britt states under oath as follows:

- 1. I am Fred Britt and I am over 18 years of age.
- 2. On January 9, 2014, I received the Emergency Order and Notice of Hearing in this action, Case Number 14-0005-DIS, and on January 9, 2014, I served the Emergency Order and Notice of Hearing on the manager, Daniel Brewer, a representative of the Respondent, Sooner Quick Cash, by personally delivering the Emergency Order and Notice of Hearing to him/her at 1232 N. Interstate Drive, Norman, OK 73072.

  
\_\_\_\_\_  
Fred Britt  
Affiant

Signed and sworn to (or affirmed) before me on January 9, 2014  
by Fred Britt.

  
\_\_\_\_\_

Title (and Rank) Notary Public

My commission expires:

6/26/16

