

**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. 14-0006-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

The Administrator of Consumer Credit ("Administrator") may, after notice and hearing, censure, probate, suspend, revoke or refuse to renew any license or enjoin violations of the Deferred Deposit Lending Act, 59 O.S. §§ 3101-3119, if the Administrator finds that:

1. The licensee has failed to pay the annual license fee imposed by the Deferred Deposit Lending Act, or an examination fee, investigation fee or other fee or charge imposed by the Administrator under the authority of the Deferred Deposit Lending Act;

2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Deferred Deposit Lending Act or any rule or order lawfully made pursuant to and within the authority of the Deferred Deposit Lending Act;

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

4. The licensee has refused to permit examination by the Administrator;

5. The licensee has demonstrated incompetency or untrustworthiness to engage in the business of making deferred deposit loans; or

6. The licensee, as an individual, has been convicted of a felony or misdemeanor involving fraud, misrepresentation or deceit. 59 O.S. § 3115(E).

The Administrator of Consumer Credit may order and impose civil penalties upon a person subject to the provisions of the Deferred Deposit Lending Act for violations of the Deferred Deposit Lending Act or the rules promulgated to implement the Deferred Deposit Lending Act in an amount not to exceed One Thousand Dollars (\$1,000.00) per violation. The Administrator may also order repayment of unlawful fees charged to debtors. 59 O.S. § 3117(A).

If the public health, safety, and welfare imperatively requires emergency action, such action, including the suspension of a license instant or a cease and desist instant, 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 Deferred Deposit Lending Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. The independent hearing examiner shall have authority to recommend penalties authorized by the Deferred Deposit Lending Act 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. 59 O.S. § 3115(M).

Hearing costs

Hearing costs may be assessed by the hearing examiner against the Respondent, unless the Respondent is the prevailing

party. 59 O.S. § 3115(M).

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. 59 O.S. § 3115(M).

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@okdocc.ok.gov or Meredith Fazendin, Legal Research Assistant, 405-521-6229, mfazendin@okdocc.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 deferred deposit lender in the State of Oklahoma on January 14, 2013, at the business location of 1232 N. Interstate Drive, Norman, Oklahoma 73072, license number DDL00798.

2. The Petitioner conducted an examination of the Respondent's loans, transactions, books, accounts, papers, correspondence and records pertaining to the Deferred Deposit Lending Act on September 19, 2013.

3. 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 Deferred Deposit Lending Act.

4. 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 Deferred Deposit Lending Act.

5. The Respondent failed to renew its Deferred Deposit Lender license, license number DDL00798 at the business location of 1232 N. Interstate Drive, Norman, Oklahoma 73072, on or before December 31, 2013 and as a result the license expired December 31, 2013.

6. As of January 9, 2014, the Respondent is not licensed to engage in the business of making deferred deposit loans pursuant to the Deferred Deposit Lending Act at 1232 N. Interstate Drive, Norman, Oklahoma 73072.

7. As of January 9, 2014, the Respondent's business location at 1232 N. Interstate Drive, Norman, Oklahoma 73072 is open to the public.

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

9. The Respondent's Internet website includes, but is not limited to, information offering the public deferred deposit loans 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.

10. Since the Respondent is not authorized to engage in the business of making deferred deposit loans at 1232 N. Interstate Drive, Norman, Oklahoma 73072 or via its Internet website and since the Respondent has failed to respond to and correct findings of errors regarding an examination of the Respondent's deferred deposit 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 and/or operating as a deferred deposit lender at 1232 N. Interstate Drive, Norman, Oklahoma 73072 and at any location in the State of Oklahoma, including the via the Internet, pending the final outcome of this individual proceeding.

ALLEGED VIOLATIONS OF LAW

1. The Respondent, either knowingly or without the exercise of due care to prevent the same, has violated 59 O.S. § 3112(A) by engaging in the business of making deferred deposit loans without first obtaining a license pursuant to the Deferred Deposit Lending Act.

2. The Respondent, either knowingly or without the exercise of due care to prevent the same, has violated 59 O.S. § 3114(E) by failing to preserve or make available its books records in the state relating to a deferred deposit loan agreement for four (4) years from the date of the loan or two (2) years from the date of the final entry made thereon, whichever is later.

3. The Respondent, either knowingly or without the exercise of due care to prevent the same, has violated 59 O.S. § 3115(E)(5) by demonstrating incompetence or untrustworthiness to engage in the business of making deferred deposit loans by failing to respond to and correct the findings of errors in the Petitioner's Report of Examination regarding the Respondent's deferred deposit loan transactions.

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 in the business of making deferred deposit loans and/or offering to engage and/or operating as a deferred deposit lender at 1232 N. Interstate Drive, Norman, Oklahoma 73072 and at any other location in the State of Oklahoma and 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 by the Deferred Deposit Lending Act 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 or Meredith Fazendin, Legal Research Assistant, 405-521-6229, 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 14-0006-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

