BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel. DEPARTMENT OF CONSUMER CREDI) T,)	FILED FEBRUARY 6, 2024 STATE OF OKLAHOMA DEPARTMENT OF CONSUMER CREDIT
Petitioner)	
)	
V.)	Case No. 23-0089-DIS
)	
ESMERALDAS MOTOR LLC,)	
)	
Respondent)	

CONSENT ORDER

Petitioner, State of Oklahoma ex rel. Department of Consumer Credit ("Petitioner") and Respondent, Esmeraldas Motor LLC, ("Respondent") voluntarily enter into this Consent Order as an informal disposition of this individual proceeding to avoid litigation. Respondent agrees to waive its right to a hearing under the Oklahoma Administrative Procedures Act and both parties agree as follows:

- (1) Petitioner restates and incorporates by reference the allegations made by Petitioner in the Notice of Hearing filed in this matter.
 - i. Respondent is a domestic limited liability company under the jurisdiction of the State of Oklahoma, Oklahoma Secretary of State filing number 3512792089, active filing status.
 - ii. Respondent transacts business at 5418 E. $11^{\rm th}$ St., Tulsa, OK 74112.
 - iii. On July 17, 2023, Jimmie Ray and Michael Thompson, Consumer Credit Investigators, went to Respondent's business location and spoke with Ureil Nestor, employee. Mr. Nestor advised Respondent has been in business for roughly 2 years and offers "tote-the-note" financing for consumers to purchase vehicles. Upon request, the Investigators reviewed and scanned an executed retail finance contract that showed amount financed as \$18,000.00 with 85 payments of \$200.00 a month.

- iv. Respondent is not a supervised financial organization or a person holding a license to make supervised loans issued under $14A \ O.S. \ \ 3-501 \ et \ seq.$
- v. As of the date of the Notice, Respondent was not licensed in the State of Oklahoma pursuant to the provisions of 14A O.S. §§ 6-201 through 6-203 of the UCCC. 14A O.S. § 6-203(2).
- vi. Respondent failed to pay the notification license filing fee for each business location pursuant to OKLA. ADMIN. CODE § 160:5-1-2(2) (A).
- vii. Petitioner received a Notification License application and filing fee from Respondent on January 29, 2024.
- (2) Respondent does not admit to the allegations made by Petitioner in the Notice of Hearing filed in this matter and incorporated by reference in this Consent Order, except that Respondent admits the facts necessary to establish the Department's jurisdiction over Respondent and the subject matter of this action.
- (3) Respondent agrees to pay a \$500.00 civil penalty payable to the Oklahoma Department of Consumer Credit, on or before February 9, 2024.
- (4) The payment shall be made payable by check or money order to the Oklahoma Department of Consumer Credit, shall indicate the payment is for Case Number 23-0089-DIS and shall be addressed to the attention of John T. Coyne, Chief Enforcement Attorney, Department of Consumer Credit, 629 N.E. 28th Street, Oklahoma City, Oklahoma 73105.
- (5) A file stamped copy of this Consent Order will be returned to Respondent upon signature of the Administrator of the Department of Consumer Credit or the Deputy Administrator of the Department Consumer Credit.
- (6) If Respondent fails to comply with the terms of this Consent Order, the Administrator of the Department of Consumer Credit is authorized to file an application to enforce this Consent Order in the District Court of Oklahoma County, Oklahoma in accordance with the provisions of 14 O.S. § 6-113(4).



Scott Lesher Administrator State of Oklahoma Department of Consumer Credit

Dated:

2/6/24

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Esmeraldas Motor LLC

Dated:

2/1/24

Oklahoma Department of Consumer Credit

FEB 05 2024

VERIFICATION OF CONSENT ORDER, CASE NUMBER 23-0089-DIS

STATE OF OKLAHOMA

COUNTY OF TUISA

Signed and sworn to (or affirmed) before me by a representative of Esmeraldas Motor LLC on feb / st , 2024.

Esmeraldas Motor LLC

(Seal, if any)

le (and Rank): Notary Public

commission expires:

05/25/24