

FILED

FEB 12 2018

STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

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

STATE OF OKLAHOMA ex rel.)
DEPARTMENT OF CONSUMER CREDIT,))
)
 Petitioner)
)
v.)
)
BILLINGSLEY FORD OF DUNCAN,)
LLC,)
)
 Respondent)

Case No. 17-0413-DIS

CONSENT ORDER

Petitioner, State of Oklahoma ex rel. Department of Consumer Credit ("Petitioner") and Respondent, Billingsley Ford of Duncan, 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.

- a. Respondent is a domestic limited liability company under the State of Oklahoma, Oklahoma Secretary of State filing number 3512459818, active filing status.
- b. Respondent transacts business at 3505 N. Highway 81, Duncan, OK 73533.
- c. On March 27, 2017, Jimmie Ray and Michael Thompson, consumer credit examiners, entered Respondent's business premises and spoke to Aaron Hlavaty, Finance Manager.
- d. The examiners asked Mr. Hlavaty if Respondent had any financing available for purchasing vehicles at their location. Mr. Hlavaty advised Respondent uses Ford Motor Credit, Chase Bank, and Tinker Federal Credit Union as lenders for finance sources for their

customers. He explained the consumers sign the finance paperwork at the dealership. The examiners took photo copies of the retail installment contracts.

- e. On October 18, 2017, Petitioner issued a subpoena duces tecum to Aaron Hlavaty of Billingsley Ford of Duncan at the address of 3505 N. Highway 81, Duncan, OK 73533. Respondent was requested to submit documents no later than November 20, 2017. Ten (10) Retail Installment Sale Contracts were received on November 13, 2017.
- f. The copy of the Retail Installment Contract for H. Ramsey lists the purchase of a 2017 Ford Fusion. The Seller is listed as Billingsley Ford of Duncan Inc. with the business address listed. The terms of the contract are 74 monthly payments in the amount of \$375.89 with the first payment due on August 20, 2016. Total sales price of the vehicle is \$31,864.47. The interest rate is listed as 3.90%.
- g. 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.
- h. As of January 5, 2018, Respondent is 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).
- i. Respondent did not file notification pursuant to the provisions of Section 6-202 of the UCCC, on or before January 31, 2017.
- j. Respondent has failed to pay the notification filing fee of \$120.00 for each business location pursuant to OKLA. ADMIN. CODE § 160:5-1-2(2)(A).

(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.

(3) Respondent will submit a notification filing application and pay all applicable registration/application fees to the Department on or before February 9, 2018. In addition, Respondent agrees to pay a \$1,000.00 civil penalty, payable to

the Oklahoma Department of Consumer Credit, on or before February 9, 2018.

(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 17-0413-DIS and shall be addressed to the attention of John T. Coyne, Chief Enforcement Attorney, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

(5) A file stamped copy of this Consent Order will be returned to the 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).

RUBEN TORALINI
DEPUTY ADMINISTRATOR FOR

[REDACTED]

Scott Leshar
Administrator
State of Oklahoma
Department of Consumer Credit

Dated: 2-12-18.



[REDACTED]

Billingsley Ford of Duncan, LLC
Michael Billingsley
Dated: 01-16-18

VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0413-DIS

STATE OF OKLAHOMA)
)
COUNTY OF Stephens)

Signed and sworn to (or affirmed) before me on 2/01/18,
2018, by Victoria Gasken of Billingsley Ford of Duncan,
LLC.



Billingsley Ford of Duncan, LLC
Michael Billingsley



(Seal, if any)



Notary Public

My commission expires:

01/04/21