

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT  
STATE OF OKLAHOMA

FILED  
SEP 20 2017  
STATE OF OKLAHOMA  
DEPARTMENT OF  
CONSUMER CREDIT

STATE OF OKLAHOMA *ex rel.* )  
DEPARTMENT OF CONSUMER CREDIT,) )  
 )  
Petitioner )  
 )  
v. )  
 )  
THE AUTO BIN, LLC, )  
 )  
Respondent )

Case No. 17-0109-DIS

CONSENT ORDER

Petitioner, State of Oklahoma *ex rel.* Department of Consumer Credit ("Petitioner") and Respondent, The Auto Bin, 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 3512239698, active filing status.
- b. Respondent transacts business at 25501 E. Highway 51, Broken Arrow, OK 74014.
- c. On March 1, 2017, Jimmie Ray and Michael Thompson, consumer credit examiners, entered Respondent's business premises and spoke to Jay Berger, sales associate.
- d. The examiner asked Mr. Berger what kind of consumer financing options Respondent offered. Mr. Berger advised they offer financing to their customers but they do not carry the note. When asked who they use for financing, Mr. Berger stated Respondent uses Westlake and Western Sun as lenders. Mr. Berger

advised the customers sign the retail installment contract at the dealership, and the contract is assigned to the lender, Westlake or Western Sun. Upon request the examiners reviewed the recent retail installment contracts executed by consumers at the dealership and asked if they could take photo copies of them

- e. A search of the internet shows Respondent offers financing and consumers can complete a credit application on Respondent's website.
- f. The copy of the Retail Installment Sale Contract for G. Simmons lists the purchase of a 2010 Dodge Ram 1500. The Seller is listed as The Auto Bin LLC with the business address listed. The terms of the contract are 48 monthly payments in the amount of \$427.05 with the first payment due on March 14, 2017. Total sales price of the vehicle is \$22,448.40. The interest rate is listed as 15.39%.
- 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 August 18, 2017, 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 September 15, 2017. In addition, Respondent agrees to pay a \$1,000.00 civil penalty, payable to

the Oklahoma Department of Consumer Credit in two installments of \$500.00, with first installment due on or before September 15, 2017, and second installment due on or before October 15, 2017.

(4) The payments shall be made payable by check or money order to the Oklahoma Department of Consumer Credit, shall indicate the payment is for Case Number 17-0109-DIS and shall be addressed to the attention of John T. Coyne, Chief Enforcement Attorney, Department of Consumer Credit, 3613 N.W. 56<sup>th</sup> 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).



[Redacted signature area]

Scott Leshner  
Administrator  
State of Oklahoma  
Department of Consumer Credit

Dated: 9/20/17

[Redacted signature area]

The Auto Bin, LLC

Dated: 9-18-17

VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0109-DIS

STATE OF OKLAHOMA )  
 )  
COUNTY OF Wagon )

Signed and sworn to (or affirmed) before me on September 18,  
2017, by Kelly Berger of The Auto Bin, LLC.

[Redacted]  
The Auto Bin, LLC



[Redacted]

Notary Public

My commission expires:

6-3-19