

**FILED**

DEC 11 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. ) Case No. 17-0352-DIS )  
 )  
WILMES SUPERSTORE, INC., )  
 )  
Respondent )

**CONSENT ORDER**

Petitioner, State of Oklahoma *ex rel.* Department of Consumer Credit ("Petitioner") and Respondent, Wilmes Superstore, Inc., ("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 for profit business corporation under the State of Oklahoma, Oklahoma Secretary of State filing number 1900305180, inactive filing status.
- b. Respondent transacts business at 108 N. Veterans Drive, Altus, OK 73521.
- c. On August 24, 2017, Jimmie Ray and Michael Thompson, consumer credit investigators, entered Respondent's business premises and spoke to Darrell Abernathy, Finance Manager.
- d. The investigators asked Mr. Abernathy about consumer auto financing options offered by Respondent. Mr. Abernathy stated Respondent does offer financing and cash options to purchase vehicles. Mr. Abernathy advised customers sign a retail installment contract

at the dealership. Mr. Abernethy stated the dealership has been in business for forty years. Upon request, Mr. Abernathy showed the investigators a copy of a completed retail installment contract that listed customer signatures and financing terms. The contract listed Wilmes Superstore as the seller. The investigators scanned a copy of the contract. The business card of Darrell Abernethy was also given at that time. Respondent's website shows customers can complete credit applications online.

- e. Respondent has engaged or offered to engage in making consumer credit sales. The copy of the Retail Installment Sale Contract for Y. Marquez lists the purchase of a 2010 Chevrolet Equinox. The Seller is listed as Wilmes Ford-Linc-Mercury Inc. with the business address listed. The terms of the contract are 36 monthly payments in the amount of \$265.61 with the first payment due on September 14, 2017. Total sales price of the vehicle is \$10,671.96. The interest rate is listed as 10.20%.
- f. 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.*
- g. As of November 28, 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). Respondent previously held a Notification license (NOT62734); said license expired on February 1, 2010.
- h. Respondent did not file notification pursuant to the provisions of Section 6-202 of the UCCC, on or before January 31, 2017.
- i. Respondent has failed to pay the notification license 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, except that Respondent admits the facts necessary to establish the Department's jurisdiction over Respondent and the subject matter

of this action.

(3) Respondent will submit a notification license application and pay all applicable registration/application fees to the Department on or before January 11, 2019. In addition, Respondent agrees to pay a \$1,500.00 civil penalty payable to the Oklahoma Department of Consumer Credit in 3 (three) monthly installments of \$500.00 each, with first installment due on or before January 11, 2019, second installment due on or before February 11, 2019 and third installment due on or before March 11, 2019.

(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 17-0352-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).

RUBEN TORRES  
ACTING ADMINISTRATOR



\_\_\_\_\_  
Scott Leshner  
Administrator  
State of Oklahoma  
Department of Consumer Credit

Dated: 12/11/18



\_\_\_\_\_  
Wines Superstore, Inc.

Dated: 12-2018



VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0352-DIS

STATE OF OKLAHOMA )  
 )  
COUNTY OF Jackson )

Signed and sworn to (or affirmed) before me on December 3rd,  
2018, by Jeff Wilmes of Wilmes Superstore, Inc.

  
\_\_\_\_\_  
Wilmes Superstore, Inc.

(Seal, if any)



  
\_\_\_\_\_

Notary Public

My commission expires:

2/27/22  
\_\_\_\_\_