STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Department of Insurance and Financial Services

Petitioner,

v

Get eCash, eCash, Loan Pointe
System ID No. Unlicensed

Respondent.
_____/

Enforcement Case No. 14-12201
Agency No. 14-058-RL

Issued and entered,
this 26th day of March, 2015
by Rhonda J. Fossitt
Senior Deputy Director

ORDER TO CEASE AND DESIST

FINDINGS OF FACT and CONCLUSIONS OF LAW

1. On December 2, 2014, the Senior Deputy Director issued an Administrative Complaint and Notice of Intention to Issue a Cease and Desist Order (Notice) pursuant to Section 9a of the Michigan Regulatory Loan Act (RLA), MCL 493.9a, against Respondent.

2. The Notice contained a statement of the facts describing the alleged practice or violation.

3. The Notice included a Notice of Hearing and an Order for Hearing setting a hearing date of March 5, 2015.

4. The Notice was mailed to Respondent at its last known address of record.

5. Respondent failed to appear at the time and place set for the hearing.

6. Section 9a(3) of the RLA, MCL 493.9a(3), provides, "If the [Respondent] fails to appear at the hearing by a duly authorized representative, the [Respondent] shall have consented to the issuance of the cease and desist order."

7. Because Respondent failed to appear at the properly noticed hearing, pursuant to Section 9a(3) of the RLA, Respondent has consented to the issuance of a cease and desist order.

8. Pursuant to the RLA, a person engaged in the business of making loans to Michigan residents for personal, family, or household use is limited to charging, contracting for, or receiving an interest rate that does not exceed the usury limit of 7% per annum on a written agreement (or 5% on an unwritten agreement) provided in the Michigan Interest Rates Act, 1966 P.A. 326, as amended, MCL 438.31 *et seq*., unless the person has first obtained a license from the Director under the RLA, the Michigan Consumer Financial Services Act (CFSA), 1988 P.A. 161, as amended MCL 487.2051 *et seq*., or is exempt from licensure pursuant to Section 20 of the RLA, MCL 493.20.

9. Under the authority granted by Section 9b of the RLA, MCL 493.9b, DIFS staff conducted an investigation of Respondent and determined that Respondent, via the Internet and television, solicited, advertised, offered, and made loans to individuals who, at the time of making the loan, were residents of the State of Michigan.

10. At all pertinent times referred to herein, Respondent did not possess the requisite license under the RLA or CFSA to contract for, charge, or collect on loans to Michigan Borrowers that contained interest rates exceeding the 7% per annum interest rate permitted by the Interest Rates Act, nor was it exempt from licensure under Section 20 of the RLA, MCL 493.20.

11. All of Respondent's loans included and charged interest rates exceeding the 7% per annum interest rate permitted for unlicensed lenders under the Interest Rates Act, as well as the 25% interest rate permitted for licensed lenders under the RLA and Michigan Credit Reform Act, 1995 P.A. 162, as amended, MCL 445.1851 *et seq*.

12. At least one of Respondent's loans included an interest rate of 1,368.75% APR.

13. The ongoing business operations of Respondent pose a threat of financial loss and threat to the public welfare and constitute a continuing violation of the RLA.

NOW, THEREFORE, having considered the allegations in the Administrative Complaint and Notice of Intention to Issue a Cease and Desist Order, and the information contained in the case file, it is hereby **ORDERED**:

A. Respondent and its officers, directors, members, partners, trustees, employees, agents, and control persons shall **Cease and Desist** from providing personal loans to Michigan residents in violation of the Regulatory Loan Act, MCL 493.1 *et seq*.

B. This Order to Cease and Desist shall become effective at the date and time specified above and remain effective and enforceable unless terminated or set aside by a subsequent order of the Director.

By: Rhonda J. Fossitt
Rhonda J. Fossitt
Senior Deputy Director