

STATE OF OREGON  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
DIVISION OF FINANCE AND CORPORATE SECURITIES

BEFORE THE DIRECTOR OF THE DEPARTMENT  
OF CONSUMER AND BUSINESS SERVICES

In the Matter of:

Case No. I-11-0098

LEADCLICK MEDIA, LLC,

ORDER TO CEASE AND DESIST,  
ORDER ASSESSING CIVIL PENALTY  
AND CONSENT TO ENTRY OF  
ORDER

Respondent.

WHEREAS, the Director of the Department of Consumer and Business Services for the State of Oregon (hereinafter “the Director”), acting pursuant to ORS chapter 725 (hereinafter the “Oregon Consumer Finance Act” or “the Act”), conducted an investigation of LeadClick Media, LLC (formerly LeadClick Media, Inc.) (“LeadClick” or Respondent), and

WHEREAS LeadClick wishes to resolve and settle this matter with the Director by entering into this Consent to Entry of Order, which is evidenced by the authorized signatures subscribed below;

NOW THEREFORE, as evidenced by the signature(s) subscribed on this Order, LeadClick hereby CONSENTS to entry of this Order upon the Director’s Findings of Fact and Conclusions as stated hereinafter.

I.

FINDINGS OF FACT

The Director FINDS that:

1. LeadClick is a California limited liability company with principal offices located at 12395 First American Way, Poway, California 92064. LeadClick operated the Internet websites www.tiptopcash.com and www.tiptopcash.net.

Division of Finance and Corporate Securities  
Labor and Industries Building  
350 Winter Street NE, Suite 410  
Salem, OR 97301-3881  
Telephone: (503) 378-4387





1       2.     LeadClick was not registered as a foreign business with the Oregon Secretary of  
2 State. The websites operated by LeadClick were also not registered with the Oregon  
3 Secretary of State.

4       3.     LeadClick represents that it ceased operations nationally on or about September  
5 29, 2011 and that its websites have been inactivated. As a result, LeadClick represents that it  
6 no longer refers consumers to payday lenders or other businesses. LeadClick's only current  
7 operations are those associated with the orderly winding down of its business.

8       4.     LeadClick was in the business of facilitating the making of consumer loans by  
9 referring, for a fee, prospective borrowers to payday lenders. These loans were marketed to  
10 individuals primarily for personal, family or household purposes. The loans were not made  
11 as purchase money loans and were usually evidenced by a check or electronic repayment  
12 agreement provided by or on behalf of the borrower. These loans are commonly called  
13 "payday loans". LeadClick conducted its business via Internet websites including  
14 www.tiptopcash.com and www.tiptopcash.net.

15       5.     Prospective borrowers accessed either of the tiptopcash websites and completed an  
16 online information form. In completing this form, prospective borrowers provided LeadClick  
17 with personal information including, among other items, amount of net monthly pay, and  
18 driver license number. The data collected was made available to selected payday lenders to  
19 complete LeadClick's portion of the transaction. The lender may have required the borrower  
20 to provide additional information after LeadClick's involvement, but the data collected  
21 through the use of LeadClick's online form was material information that was essential to  
22 the lender's decision to make the payday loan to the borrower.

23       6.     At all relevant times herein, LeadClick was not licensed in Oregon with the  
24 Director as a payday lender.

25       7.     On or before July 7, 2010, LeadClick sponsored or caused to be aired a radio  
26 advertisement which offered consumer loans via tiptopcash.com.

1 8. During the period January 1, 2010 to August 31, 2010, LeadClick referred no fewer  
2 than 55 Oregon residents for the purpose of obtaining payday loans from lenders with whom  
3 LeadClick contracted.

4 II.

5 CONCLUSIONS OF LAW

6 The Director CONCLUDES that:

7 9. LeadClick processed, received or accepted for delivery to a lender information  
8 about consumers seeking payday loans.

9 10. LeadClick assisted in making payday loans in a material capacity other than as a  
10 payday lender.

11 11. In referring Oregon residents to payday lenders for a fee, LeadClick acted as a loan  
12 facilitator as defined in ORS 725.010(1)(a)(A).

13 12. LeadClick facilitated at least 55 referrals for Oregon residents seeking payday loans  
14 as defined in ORS 725.600(3).

15 13. LeadClick violated ORS 725.045(1) by conducting a business in which it facilitated  
16 referrals for at least 55 Oregon residents seeking payday loans as defined by ORS 725.600(3)  
17 without first obtaining a license under ORS chapter 725. Each payday loan facilitated by  
18 LeadClick to an Oregon resident was a separate violation of ORS 725.045(1).

19 III.

20 ORDERS

21 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

22 *Order to Cease and Desist*

23 14. Pursuant to the authority of ORS 725.400, the Director hereby ORDERS  
24 LeadClick to CEASE AND DESIST from violating any provision of the Oregon Consumer  
25 Finance Act, ORS chapter 725, OAR 441-730-0000 through 441-730-0320, or any rule,  
26 order, or policy issued by the Director under that chapter.



1 *Order Assessing Civil Penalty*

2 15. Pursuant to the authority of ORS 725.910, the Director may assess a CIVIL  
3 PENALTY in an amount determined by the Director of not more than \$2,500 per violation  
4 against any person who violates any provision of the Oregon Consumer Finance Act, ORS  
5 chapter 725. Pursuant to this statute, the Director hereby assesses LeadClick Media a CIVIL  
6 PENALTY in the amount of \$27,500 (twenty-seven thousand five hundred dollars) assessed  
7 as follows:

8 A. A CIVIL PENALTY of \$500 (five-hundred dollars) for each violation of ORS  
9 725.045(1), conducting a business in which it facilitated payday loans as defined by ORS  
10 725.600(3) to 55 Oregon residents without first obtaining a license under ORS chapter 725.

11 *Suspension of Civil Penalty*

12 16. The Director agrees to SUSPEND the collection of the CIVIL PENALTY assessed  
13 herein providing that LeadClick complies with all of the following terms and conditions:

14 A. Within 30 days from the effective date of this Order, LeadClick must place a  
15 prominent disclaimer on its website, the websites of all affiliated companies, and in all  
16 promotional or advertising materials published or used by or for LeadClick, to the effect  
17 that its services are not available to Oregon residents. LeadClick represents that it has ceased  
18 operations nationally and that its websites are no longer be available to, or accessible by, any  
19 consumer. Under such circumstances, LeadClick is not required to place the disclaimer on  
20 its websites or the websites of its affiliated companies; and

21 B. Comply with all terms and conditions set out in this Order and commit no new  
22 violations of the Oregon Consumer Finance Act.

23 17. If LeadClick commits no new violations of the Oregon Consumer Finance Act  
24 during the three-year period from the effective date of this Order, the Director WAIVES the  
25 collection of the CIVIL PENALTY assessed herein.

26 18. The Director reserves the right to immediately impose the suspended CIVIL



Division of Finance and Corporate Securities  
Labor and Industries Building  
350 Winter Street NE, Suite 410  
Salem, OR 97301-3881  
Telephone: (503) 378-4387



1 PENALTY upon a determination that LeadClick has violated any term of this Consent  
2 Order.

3 19. The entry of this Consent Order in no way limits further remedies which may be  
4 available to the Director to address LeadClick's violation of other Oregon laws but  
5 constitutes the full and final settlement of claims that could have been brought against  
6 LeadClick arising from its referral of Oregon residents seeking payday loans to payday  
7 lenders and other businesses prior to its cessation of business on or about September 29,  
8 2011.

9 IT IS SO ORDERED.

10 Dated this 14th day of February, 2012 at Salem, Oregon.

11 PATRICK ALLEN, Acting Director  
12 Department of Consumer and Business Services

13 /s/ David Tatman  
14 David C. Tatman, Administrator  
15 Division of Finance and Corporate Securities

16 CONSENT TO ENTRY OF ORDER

17 I, Mary Siegrist, state that I am an officer of LeadClick Media, LLC ("LeadClick"),  
18 and I am authorized to act on its behalf; that I have read the foregoing Consent Order and  
19 that I know and fully understand the contents hereof; that I and this entity have been advised  
20 of the right to a hearing and of the right to be represented by counsel in this matter; that  
21 LeadClick, voluntarily and without any force or duress, stipulates to the entry of this  
22 Consent Order, expressly waiving any right to a hearing in this matter; that LeadClick  
23 neither admits nor denies liability with respect to the Findings of Fact and Conclusions of  
24 Law in the foregoing Consent Order; that LeadClick, executes this Consent Order as a  
25 settlement of the matters referred to in the foregoing Consent Order; that LeadClick,  
26 understands that the Director reserves the right to take further actions to enforce this

1 Consent Order or to take appropriate action upon discovery of other violations of the  
2 Oregon Consumer Finance Act; and that LeadClick will fully comply with the terms and  
3 conditions stated herein.

4 LeadClick further assures the Director that neither LeadClick, nor its officers,  
5 directors, employees or agents, will effect consumer loan transactions in Oregon unless such  
6 activities are in full compliance with Chapter 725 of the Oregon Revised Statutes.

7 LeadClick understands that this Consent Order is a public document.

8 LeadClick Media, LLC

9  
10 By: /s/ Mary Siegrist, President  
Mary Siegrist, President

11 APPROVED AS TO FORM:

12  
13 /s/ James Chareq Dated: 1/5/2012  
14 James Chareq  
Attorney for LeadClick Media, LLC

15  
16 CORPORATE ACKNOWLEDGMENT

17 State of CA

18 County of San Diego

19 Signed or attested before me this 5 day of January, 2012, by Mary  
20 Siegrist.

21  
22  
23 /s/ Calista Jones  
Signature of Notary Public

Division of Finance and Corporate Securities  
Labor and Industries Building  
350 Winter Street NE, Suite 410  
Salem, OR 97301-3881  
Telephone: (503) 378-4387

