

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

In the Matter of

Case No. PD-14-0021

ALWAYS PAYDAY INC., FKA
ALWAYS PAYDAY, LLC,

FINAL ORDER TO CEASE AND
DESIST AND ORDER REVOKING
PAYDAY LOAN LENDING LICENSE,
ENTERED BY DEFAULT

Respondent.

On May 12, 2014, the Director of the Department of Consumer and Business Services for the State of Oregon (the "*Director*"), acting under the authority of Oregon Revised Statutes ("*ORS*") 725A.010 to 725A.990, and the administrative rules promulgated thereunder, issued Administrative Order No. DM-14-0021, ORDER TO CEASE AND DESIST, PROPOSED ORDER REVOKING PAYDAY LOAN LENDING LICENSE, AND NOTICE OF RIGHT TO AN ADMINISTRATIVE HEARING (the "*Notice Order*") against Respondent Always Payday Inc., formerly known as Always Payday, LLC ("*Respondent*").

On May 12, 2014, the Notice Order was sent to Respondent by certified United States Mail, postage prepaid to the following addresses: (1) 1457 SE Stephens St., Roseburg, OR 97470 (Article No. 7010 1670 0001 7215 7058); (2) PO Box 1018, Winston, OR 97496 (Article No. 7010 1670 0001 7215 7065); (3) c/o Robert Wheeler, Registered Agent, 88 NW Main St., Winston, OR 97496 (Article No. 7010 1670 0001 7215 7072); and (4) c/o Gayla J. Ramsay, President, 103 Croxton Ln., Roseburg, OR 97471 (Article No. 7010 1670 0001 7215 7089). The Notice Order was also sent to Respondent by first class mail to the addresses noted above on May 12, 2014.

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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 In accordance with OAR 137-003-0075, the Notice Order designated the file of
2 the Oregon Department of Consumer and Business Services, Division of Finance and
3 Corporate Securities (the “*Division*”), including all materials submitted by Respondent,
4 as the record for the purpose of making a prima facie case in the event that the Director
5 entered a final order against Respondent by default.

6 Respondent did not timely or properly request a hearing.

7 Now, therefore, after consideration of the record, the Director issues the following
8 Findings of Fact, Conclusions of Law, and Final Order.

9
10 I. FINDINGS OF FACT

11 The Director FINDS that:

12 1. Respondent is an Oregon business corporation with a principal place of
13 business located at 1457 SE Stephens St., Roseburg, OR 97470.

14 2. Respondent is licensed by the Director as an Oregon-registered payday loan
15 lender, license number 0292-001-S, and conducts a business as a payday loan lender.

16 The Division is the agency authorized by the Director to enforce Oregon’s payday loan
17 statutes, ORS 725A.010, *et seq.*

18 3. Pursuant to ORS 725A.028, a payday loan lender licensee is required to pay
19 an annual renewal fee to the Director. Pursuant to Oregon Administrative Rule (“*OAR*”)
20 441-735-0030(1)(b), Respondent was required to pay a renewal fee of \$750.00 on or
21 before January 1, 2014 for the year 2014.

22 4. Respondent failed to pay the required \$750.00 license renewal fee on or
23 before January 1, 2014.

24 5. Furthermore, pursuant to ORS 725A.050(1) and (3), respectively, the Director
25 is permitted to conduct examinations of payday loan lender licensees, and licensees
26 examined by the Director are required to pay the actual costs of such examinations.





1 Pursuant to OAR 441-735-0030(2), the Division charges \$75 per hour for the work of its
2 examiners.

3 6. On July 12, 2011, the Division conducted an examination of Respondent. On
4 July 12, 2011, the Division sent Respondent an invoice for the actual costs of the five-
5 hour examination, which totaled \$375.00. Payment of the 2011 examination cost was due
6 on or before August 11, 2011. Respondent did not pay the costs of the 2011 examination
7 as invoiced.

8 7. On May 13, 2013, the Division conducted an examination of Respondent. On
9 May 13, 2013, the Division sent Respondent an invoice for the actual costs of the three-
10 hour examination, which totaled \$225.00. Payment of the 2013 examination cost was
11 due on or before June 12, 2013. Respondent did not pay the costs of the 2013
12 examination as invoiced.

13 8. Respondent has failed to pay the 2014 payday loan lender license renewal fee,
14 or the 2011 and 2013 examination costs.

16 II. CONCLUSIONS OF LAW

17 The Director CONCLUDES that:

18 9. Pursuant to ORS 725A.034(1)(c)(A) and (D), the Director may revoke a
19 payday loan lender license issued under ORS 725A.024 if the Director determines that
20 the licensee has failed to pay the annual license fee required under ORS 725A.028(1), or
21 if the licensee has failed to pay the examination costs required under ORS 725A.050(3).

22 10. Respondent violated ORS 725A.028(1) and 725A.050(3), respectively, by
23 failing to pay the 2014 annual license renewal fee for payday loan lenders, and by failing
24 to pay the costs for the examinations conducted on July 12, 2011 and May 13, 2013.

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1 III. ORDERS

2 The Director ISSUES the following ORDERS:

3 Order to Cease and Desist

4 11. Pursuant to ORS 725A.082(1), the Director hereby ORDERS Respondent, and
5 all entities owned or controlled by Respondent, their successors and assignees, to CEASE
6 AND DESIST from violating any provision of ORS 725A.010 to ORS 725A.092, or any
7 administrative rule adopted by the Director under those statutes.

8 Order Revoking License

9 12. Pursuant to the authority of ORS 725A.034(1), the Director hereby
10 REVOKES the payday loan lender license issued to Respondent under ORS 725A.024,
11 and any affiliated and/or successor person, business or company of Respondent.

12 13. The costs of the 2011 and 2013 examinations of Respondent's payday loan
13 services being offered by to Oregon consumers remain due and owing.

14 IV. AUTHORITY OF THE DIRECTOR TO SEEK OTHER REMEDIES UNDER
15 OREGON LAW

16 14. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that
17 provision, the entry of this Order does not limit other remedies, sanctions, or actions
18 which may be available to the Director under Oregon law.

19 IT IS SO ORDERED.

20 Dated this 28th day of August, 2014, at Salem,
21 Oregon NUNC PRO TUNC May 12, 2014.

22 PATRICK M. ALLEN, Director
23 Department of Consumer and Business Services

24 /s/ David Tatman
25 David C. Tatman, Administrator
26 Division of Finance and Corporate Securities

NOTICE OF RIGHT TO JUDICIAL REVIEW

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You are entitled to judicial review of this order under ORS Chapter 183. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is in accordance with ORS 183.482(1) to the Oregon Court of Appeals.

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