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2 STATE OF OREGON
3 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
4 DIVISION OF FINANCIAL REGULATION

4 In the Matter of

Case No. CF-19-0132

5
6 JIFFY LENDING,

ORDER TO CEASE AND DESIST, AND
ORDER ASSESSING CIVIL
PENALTIES, ENTERED BY DEFAULT

7 Respondent.
8

9 On December 13, 2019, the Director of the Department of Consumer and Business
10 Services for the State of Oregon (“Director”), by and through the Division of Financial
11 Regulation (“Division”), served Notice of Administrative Order CF-19-0132 (“Notice”) on
12 Jiffy Lending (“Respondent”), providing notice that the Director intended to issue an order
13 to cease and desist and assess civil penalties for violations of Oregon Revised Statutes
14 (“ORS”) 725.010 to 725.910 (the “Oregon Consumer Finance Act”) and the Oregon
15 Administrative Rules (“OAR”) promulgated under those laws.

16 The Division attempted to serve the Notice at all locations known or believed to be
17 addresses of Respondent, including: 7603 E Shea Boulevard, Scottsdale, Arizona 85260.
18 Those service attempts were unsuccessful. Therefore, on January 9, 2020, in accordance
19 with ORS 60.731(2)(c), the Division served the Secretary of State as an agent for
20 Respondent.

21 The Notice offered Respondent an opportunity for a hearing if requested within 30
22 days of service of the Notice. The Notice further informed Respondent that if a hearing
23 was not conducted because Respondent did not timely request a hearing or otherwise
24 defaulted, then the designated portion of the Division’s file and all materials submitted by
25 Respondent in this case would automatically become part of the contested case record for
26 the purpose of proving a prima facie case.

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1 The Director did not receive from Respondent a request for a hearing and did not
2 conduct a hearing.

3 The Director finds that the record of this proceeding proves a prima facie case.

4 Now, therefore, after considering the relevant portions of the Division's file relating
5 to this matter, the Director finds and orders as follows.

6 FINDINGS OF FACT

7 The Director FINDS that:

8 1. On or about November 3, 2018, Respondent contacted an Oregon consumer
9 identified herein as JW. Respondent informed JW that it approved her for a \$3,000 loan.

10 2. That same day, Respondent requested and JW sent \$160 on a Google Play gift
11 card in order to pay fees associated with the loan.

12 3. Respondent then told JW that the Federal Reserve Board placed a hold on her
13 loan funds and that she would need to pay half of the taxes on the funds to release them.
14 Respondent requested an additional \$190 on a Google Play gift card, which JW sent on
15 November 5, 2018.

16 4. Respondent then informed JW that in fact she would have to pay all of the taxes
17 on the funds in order to release them. Respondent requested another \$190 Google Play gift
18 card, which JW sent on November 6, 2019.

19 5. Respondent then claimed to have a software issue with sending the money, but
20 promised it could wire the money to JW if JW paid the wire transfer fees. Respondent
21 charged \$77 to JW's credit card, allegedly for this purpose, but stated that it needed an
22 additional \$77 to cover all of the fees. Respondent requested this \$77 on Google Play gift
23 card, which JW sent on November 8, 2019.

24 6. Finally, Respondent claimed that there was an additional \$120 wire transfer fee
25 that JW would have to pay to access her loan. In a telephone conversation with Respondent,
26 JW refused to pay this amount. Respondent then hung up the phone and blocked JW's

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1 number.

2 7. Respondent failed to provide any loan to JW or to refund any of the money she
3 paid.

4 8. Respondent held itself out as an Arizona company with a place of business at
5 7603 E Shea Boulevard, Scottsdale, Arizona 85260. At no time has Respondent been
6 registered to do business with the Arizona Secretary of State.

7 9. At no time has Respondent been licensed to conduct business to make consumer
8 finance loans in Oregon.

9 **CONCLUSIONS OF LAW**

10 The Director CONCLUDES that:

11 10. Under ORS 725.010(2), a “consumer finance loan” means a loan or line of
12 credit that is unsecured or secured by personal or real property and that has periodic
13 payments and terms longer than 60 days.

14 11. The loan that Respondent offered to JW constitutes a “consumer finance loan”
15 under ORS 725.010(2).

16 12. Under ORS 725.045(1), a person may not conduct a business in which the
17 person makes a consumer finance loan of \$50,000 or less or acts as an agent, broker, or
18 facilitator for a person that makes a consumer finance loan of \$50,000 or less unless the
19 person first obtains a license under the Oregon Consumer Finance Act.

20 13. By offering JW the foregoing consumer finance loan and conducting the
21 business of making a consumer finance loan without first obtaining a license under the
22 Oregon Consumer Finance Act, Respondent violated ORS 725.045(1).

23 14. Under ORS 725.400(1)(c), the Director may issue and serve upon a person
24 acting as a consumer finance lender without a license an order to cease and desist from a
25 violation when the Director has reasonable cause to believe that the person to whom the
26 order is directed is violating, has violated, or is about to violate any provision of this chapter



1 or a rule or order of the Director.

2 15. Because the Director has reasonable cause to believe that Respondent has
3 violated the Oregon Consumer Finance Act, including ORS 725.045(1), the Director may
4 issue an order to cease and desist against Respondent.

5 16. Under ORS 725.910(1), the Director may assess against any person who
6 violates any provision of this chapter, or any rule or final order of the Director under this
7 chapter, a civil penalty in an amount determined by the Director of not more than \$2,500.

8 17. Because Respondent has violated provisions of the Oregon Consumer Finance
9 Act, the Director may assess a civil penalty of not more than \$2,500 against Respondent
10 per violation of that Act.

11 **ORDERS**

12 The Director ISSUES the following ORDERS:

13 Order to Cease and Desist

14 18. Pursuant to ORS 725.400(1)(c), the Director hereby ORDERS Respondent, and
15 all entities owned or controlled by Respondent, its successors and assignees, to CEASE
16 AND DESIST from violating ORS 725.045(1).

17 Order Assessing Civil Penalties

18 19. Pursuant to the authority of ORS 725.900(1), the Director hereby ORDERS
19 the assessment of CIVIL PENALTIES against Respondent in the amount of \$2,500 for
20 violating the Oregon Consumer Finance Act, including conducting the business of
21 making a consumer finance loan without first obtaining a license under ORS chapter 725,
22 in violation of ORS 725.045(1).

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FINAL ORDER

20. This Order is a “Final Order” under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

IT IS SO ORDERED.

Dated this 18th day of February, 2020.

LOUIS SAVAGE, Acting Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

NOTICE OF RIGHT TO JUDICIAL APPEAL

Judicial review of final orders in contested cases is governed by ORS 183.482. Respondent may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date this order is served.

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