STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of: SKY GROUP USA, LLC dba SKY CASH USA, a Florida Limited Liability Company, Respondent.	Case No. PD-20-0014 ORDER TO CEASE AND DESIST, ORDER ASSESSING CIVIL PENALTIES, AND CONSENT TO ENTRY OF ORDER

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting in accordance with Oregon Revised Statutes ("ORS") Chapter 725A and Oregon Administrative Rules ("OAR") OAR Chapter 441, Division 735 (collectively, "Oregon Payday and Title Lending Law"), conducted an investigation into the activities of Sky Group USA, LLC dba Sky Cash USA ("Respondent") and determined that Respondent engaged in activities constituting violations of the Oregon Payday and Title Lending Law.

Respondent wishes to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the authorized signature subscribed on this Order, Respondent hereby CONSENTS to entry of this Order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter.

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

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is a Florida limited liability company with a principal place of business at 10750 NW 6th Court, Miami, FL 33187.

2. From in or around 2018 through the present, Respondent made $300 loans ("Oregon Loans") to at least 13 Oregon residents ("Oregon Residents"):

A. The primary purpose of which was personal use;

B. With a repayment term of 60 days or fewer; and

C. With repayment terms secured by electronic repayment agreements.

3. The Oregon Loans each:

A. Charged a $35 fee for loan payments denied due to insufficient funds;

B. Charged a rate of interest greater than 36 percent per annum;

C. Charged finance charges greater than $30;

D. Had terms of fewer than 31 days;

E. Allowed for an unlimited number of refinances, each of which triggered a new finance charge; and

F. Waived the Oregon Residents' right to participate in class actions as to any and all legal claims against Respondent.

4. The Oregon Residents paid Respondent as follows:

OREGON RESIDENT	AMOUNT PAID
KA	$180
JA	$90
CB	$0
HC	$90
KE	$90
CH	$747.57
HH	$360
JJ	$90
GK	$180
SM	$120
HW	$270

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OREGON RESIDENT	AMOUNT PAID
KW	$90
RZ	$0

5. Respondent is still pursuing collection of the remaining principal and interest owed on the Oregon Loans.

6. At no time has Respondent been licensed in Oregon as a payday loan lender.

7. The IP addresses for the Oregon Loan applications indicated the applications were submitted from states other than Oregon.[1] To ensure that future Oregon applicants are identified, Respondent is now verifying the residential addresses of its applicants.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

8. The Oregon Loans were each "payday loans" as defined under ORS 725A.010(6)(a).

9. Respondent is a "payday loan lender" as defined under ORS 725A.010(7).

10. By conducting business as a payday loan lender without a license, Respondent violated ORS 725A.020 in 13 instances.

11. Because Respondent made the Oregon Loans without a payday loan lender license, each of the Oregon Loans is void under ORS 725A.020(2).

12. By charging a $35 fee for loan payments denied due to insufficient funds, Respondent violated ORS 725A.060(1)(c)(B) in 13 instances.

13. By charging a rate of interest greater than 36 percent per annum, Respondent violated ORS 725A.064(1) in 13 instances.

14. By charging finance charges greater than $30, Respondent violated ORS

[1] The Oregon Residents each resided in Oregon at the time such applications were submitted and the Oregon Loans included the Oregon Residents' Oregon addresses.

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725A.064(2) in 13 instances.

15. By making payday loans with terms of fewer than 31 days, Respondent violated ORS 725A.064(3) in 13 instances.

16. By making payday loans that allowed for an unlimited number of refinances, each of which triggered a new finance charge, Respondent violated ORS 725A.064(6) in 13 instances.

17. By making payday loans that waived the Oregon residents' right to participate in class actions as to any and all legal claims against Respondent, Respondent violated ORS 725A.064(5)(b) in 13 instances.

18. Because the Director has reason to believe that Respondent has engaged in violations of the Oregon Payday and Title Lending Law, the Director may issue an order to Respondent to cease and desist from violations of ORS 725A.020, ORS 725A.060 and ORS 725A.064, under ORS 725A.082(1).

19. The Director may impose a civil penalty of not more than $2,500 against a person who violates the Oregon Payday and Title Lending Law, under ORS 725A.990(1).

ORDERS

Now therefore, the Director issues the following Orders:

20. As authorized by ORS 725A.082(1), the Director ORDERS Respondent to CEASE AND DESIST from violating ORS 725A.020, ORS 725A.060 and ORS 725A.064.

21. As authorized by ORS 725A.990(1), the Director hereby ORDERS that Respondent be subject to a CIVIL PENALTY of $17,500 as follows:

A. $2,500 for violating ORS 725A.020;

B. $2,500 for violating ORS 725A.060(1)(c)(B);

C. $2,500 for violating ORS 725A.064(1);

D. $2,500 for violating ORS 725A.064(2);

E. $2,500 for violating ORS 725A.064(3);

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F. $2,500 for violating ORS 725A.064(6); and

G. $2,500 for violating ORS 725A.064(5)(b).

22. The Director hereby suspends payment of $12,500 of the CIVIL PENALTY for a period of three years, provided Respondent:

A. Complies with the terms of this Order;

B. Reimburses $447.50 to CH and $60 to HH, the sums each paid in excess of their original $300 loans, within one (1) month from the effective date of this Order, and provides the Division with documentation of such payments within that timeframe;

C. Acknowledges that the Oregon Residents have no obligation to further repay the Oregon Loans, as they are void;

D. Ceases collection efforts on each of the Oregon Loans, closes their files, and provides the Division with documentation that such efforts have ceased and files closed, within one (1) month from the effective date of this Order;

E. Withdraws negative credit reports made to credit agencies in connection with the Oregon Loans, and provides the Division with documentation that such reports have been withdrawn, within one (1) month from the effective date of this Order; and

F. Does not violate the Oregon Payday and Title Lending Law within the three-year time period.

23. The suspended CIVIL PENALTY ($12,500) will be waived three years from the date this Order is finalized, provided Respondent has complied with the foregoing Order terms. The Director reserves the right to immediately assess and collect the suspended civil penalty upon a determination that Respondent has violated any term of this Order.

24. The non-suspended CIVIL PENALTY ($5,000) is due and payable on the

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effective date of this Order.

25. This Order is binding upon Respondent's successors and assigns.

26. 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.

SO ORDERED this 27th day of April, 2020.

ANDREW R. STOLFI, Acting Director
Department of Consumer and Business Services

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

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ENTITY CONSENT TO ENTRY OF ORDER

I, Efrain Betancourt, state that I am an officer of Respondent and am authorized to act on its behalf. I have read the foregoing Order and know and fully understand the contents hereof. I have been advised of Respondent's right to a hearing and right to be represented by counsel in this matter. Respondent voluntarily consents to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order. Respondent understands that the Director reserves the right to take further actions against it to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Payday and Title Lending Law with the terms and conditions stated herein.

Respondent further assures the Director that neither Respondent nor its officers, directors, employees, or agents will effect payday loan lending services in Oregon unless such activities are in full compliance with the Oregon Payday and Title Lending Law. Respondent understands that this Consent Order is a public document.

Signature: /s/ Efrain Betancourt

Position Held: CEO

State of Miami

County of Dade

Signed or attested before me on this 24th day of April, 2020 by Efrain Betancourt.

/s/ Daniela Villa
Notary Public

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