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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

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IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Consumer Loan Act of Washington by:

No.: C-14-1449-14-SC01

PENSIONS, ANNUITIES AND  
SETTLEMENTS, LLC,

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER AN  
ORDER TO CEASE AND DESIST, PROHIBIT  
FROM INDUSTRY, IMPOSE FINE, AND  
REFUND FEES AND INTEREST

Respondent.

**INTRODUCTION**

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (the Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (the Act). After having conducted an investigation pursuant to RCW 31.04.145, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Pensions, Annuities and Settlements, LLC (Respondent)** is known to have conducted business from 18300 Von Karman Avenue, Suite 410, Irvine, California 92612, and from 3535 East Coast Highway, #119, Corona del Mar, California 92625. Respondent has never been licensed by the Washington State Department of Financial Institutions (the Department) to conduct business as a consumer loan company in the State of Washington.

**1.2 Unlicensed Activity.** Between at least December 2011 and the date of this Statement of Charges, Respondent conducted the business of a consumer loan company in at least 94 loan transactions when it was not exempt from licensing and did not possess a valid license. Respondent

1 offered consumer loans to at least 94 Washington residents and collected a fee for those services. A  
2 list of Washington consumers with whom Respondent conducted business as a consumer loan  
3 company, and the amount of the loan and associated interest, fee, or other charge, is appended hereto  
4 and incorporated herein by reference.<sup>1</sup>

5 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act  
6 by Respondent continues to date.

## 7 **II. GROUNDS FOR ENTRY OF ORDER**

8 **2.1 Definition of Loan.** Pursuant to RCW 31.04.015(11) and WAC 208-620-010, a "Loan" means  
9 a sum of money lent at interest or for a fee or other charge and includes both open-end and closed-end  
10 loan transactions.

11 **2.2 Definition of Making a Loan.** Pursuant to RCW 31.04.015(13) and WAC 208-620-010,  
12 "Making a Loan" means advancing, offering to advance, or making a commitment to advance funds to  
13 a borrower for a loan.

14 **2.3 Requirement to Obtain and Maintain a License in Accordance with the Act.** Based on the  
15 Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW 31.04.035  
16 and WAC 208-620-230 for engaging in the business of making secured or unsecured loans to  
17 Washington residents without first obtaining and maintaining a license in accordance with the Act or  
18 meeting an exemption from the Act under RCW 31.04.025.

19 **2.4 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above,  
20 Respondent is in apparent violation of RCW 31.04.027(2) and (3) for engaging in an unfair or  
21 deceptive practice toward any person and for obtaining property by misrepresentation.

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25 <sup>1</sup> At least 23 of the Washington consumers are either retired or disabled military veterans.

1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 31.04.093(5)(a), the  
3 Director may issue an order directing any person subject to the Act to cease and desist from conducting  
4 business in a manner that is injurious to the public or violates any provision of the Act.

5 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 31.04.093(6), the Director may issue  
6 an order prohibiting from participation in the conduct of the affairs of any licensee, any person subject  
7 to this chapter for a violation of RCW 31.04.027 or failure to obtain a license for activity that requires  
8 a license.

9 **3.3 Authority to Impose a Fine.** Pursuant to RCW 31.04.093(4), the Director may impose fines of  
10 up to one hundred dollars per day, per violation, upon any person subject to the Act for any violation of  
11 the Act.

12 **3.4 Authority to Order Refund of Fees and Interest.** Pursuant to RCW 31.04.035(2) and RCW  
13 31.04.093(5)(b), the Director may issue an order directing the refund of all fees and interest charged in any  
14 transaction violating RCW 31.04.035(1).  
15

16 **IV. NOTICE OF INTENTION TO ENTER ORDER**

17 Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as set  
18 forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions,  
19 constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, and RCW 31.04.205.

20 Therefore, it is the Director's intention to ORDER that:  
21

- 22 **4.1** Respondent Pensions, Annuities and Settlements, LLC immediately cease and desist  
23 from making consumer loans to Washington state residents until such time as Respondent  
24 obtains a license in accordance with the Act from the Department or qualifies for an  
25 exemption from licensing as delineated in the Act;
- 4.2** Respondent Pensions, Annuities and Settlements, LLC be prohibited from participation,  
in any manner, in the conduct of the affairs of any consumer loan business subject to  
licensure by the Director under chapter 31.04 RCW for a period of five (5) years;

- 1           **4.3**    Respondent Pensions, Annuities and Settlements, LLC pay a fine which as of the date of  
2            this Statement of Charges totals \$250,000; and
- 3           **4.4**    Respondent Pensions, Annuities and Settlements, LLC refund all fees and interest to all  
4            Washington borrowers who paid fees or interest in the amounts set forth in Appendix A  
             and in any additional amount(s) determined at hearing.

**V. AUTHORITY AND PROCEDURE**

6            This Statement of Charges is entered pursuant to the provisions of RCW 31.04.093, RCW  
7            31.04.165, RCW 31.04.202, and RCW 31.04.205, and is subject to the provisions of chapter 34.05 RCW  
8            (The Administrative Procedure Act). Respondent may make a written request for a hearing as set forth  
9            in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
10           accompanying this Statement of Charges.

11          Dated this 7<sup>th</sup> day of May, 2014.



[Redacted Signature]

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

17          Presented by:

18          [Redacted Signature]

19          BARBARA PENTTILA  
20          Financial Legal Examiner

21          Approved by:

22          [Redacted Signature]

23          CHARLES E. CLARK  
24          Enforcement Chief

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WASHINGTON CONSUMERS

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Borrower	Loan Amount	Total Payments	Effective Interest, Fee, and Other Charge	Payment Start Date	Term for Monthly Payments
A.C.	\$3,400	\$18,600	\$15,200	01/02/2014	60
A.W.	\$7,700	\$20,820	\$13,120	09/02/2013	60
A.M.	\$9,700	\$60,600	\$50,900	03/01/2014	60
A.P.*	\$1,300	\$12,231.60	\$10,931.60	02/01/2014	120
A.P.*	\$4,400	\$46,568.40	\$42,168.40	02/01/2014	120
B.M.	\$9,700	\$25,860	\$16,160	10/02/2013	60
B.A.	\$3,400	\$18,600	\$15,200	01/01/2014	60
C.H.	\$24,700	\$54,840	\$30,140	01/03/2013	60
C.G.	\$9,700	\$25,920	\$16,220	05/01/2013	60
D.F.*	\$8,400	\$22,554	\$14,105.40	05/02/2013	60
D.F.*	\$1,300	\$3,306	\$2,006	05/02/2013	60
D.G.W.	\$14,700	\$38,520	\$23,820	12/01/2013	60
D.M.	\$9,700	\$25,860	\$16,160	09/04/2013	60
D.R.*	\$500	\$1,821.60	\$1,321.60	08/02/2013	120
D.R.*	\$9,200	\$40,178.40	\$30,978.40	08/02/2013	120
D.M.W.	\$4,700	\$24,900	\$20,200	10/22/2013	60
E.C.	\$9,700	\$42,000	\$32,300	03/02/2013	120
E.T.	\$36,600	\$109,360.80	\$72,760.80	02/07/2012	120
G.C.	\$4,700	\$10,980	\$6,280	05/02/2013	36
G.G.*	\$39,000	\$116,796	\$77,796	04/01/2012	120
G.G.*	\$10,000	\$30,000	\$20,000	04/01/2012	120

\*Washington consumers with the same initials are borrowers with multiple loans.

1	<b>Borrower</b>	<b>Loan Amount</b>	<b>Total Payments</b>	<b>Effective Interest, Fees, and Other Charges</b>	<b>Payment Start Date</b>	<b>Term for Monthly Payments</b>
2						
3	G.S.	\$9,700	\$31,080	\$21,380	11/01/2012	120
4	H.B.*	\$9,700	\$18,240	\$8,540	01/01/2013	60
5	H.B.*	\$17,200	\$32,700	\$15,500	07/01/2012	60
6	J.C.*	\$5,800	\$15,952.20	\$10,152.20	09/25/2013	60
7	J.C.*	\$1,900	\$4,867.80	\$2,967.80	09/25/2013	60
8	J.F.R.	\$9,700	\$31,080	\$21,380	12/15/2012	120
9	J.L.R.	\$9,700	\$31,080	\$21,389	12/01/2012	120
10	J.D. R.	\$14,700	\$38,520	\$23,820	09/01/2013	60
11	J.G.G.	\$7,700	\$20,820	\$13,120	08/02/2013	60
12	J.M.*	\$3,147.21	\$8,766.60	\$5,619.39	11/02/2013	60
13	J.M.*	\$8,552.79	\$22,193.40	\$13,640.61	11/02/2013	60
14	J.S.	\$14,700	\$38,520	\$23,820	10/01/2013	60
15	J.B.	\$9,700	\$25,860	\$16,160	07/02/2013	60
16	J.L.G.	\$5,200	\$33,600	\$28,400	02/01/2014	60
17	K.V.	\$5,500	\$15,300	\$9,800	01/01/2014	60
18	K.A.S.	\$4,700	\$11,016	\$6,316	03/01/2013	36
19	K.K.	\$13,300	\$42,397.20	\$29,097.20	07/01/2012	120
20	K.R.	\$7,700	\$20,820	\$13,120	08/02/2013	60
21	K.S.*	\$30,000	\$63,900	\$33,900	04/07/2012	60
22	K.S.*	\$20,000	\$53,220	\$33,220	06/07/2012	60
23	L.C.	\$4,700	\$13,260	\$8,560	06/02/2013	60
24	L.S.*	\$6,400	\$17,563.80	\$11,163.80	07/02/2013	60

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1	<b>Borrower</b>	<b>Loan Amount</b>	<b>Total Payments</b>	<b>Effective Interest, Fees, and Other Charges</b>	<b>Payment Start Date</b>	<b>Term for Monthly Payments</b>
2						
3	L.S.*	\$3,300	\$8,296.20	\$4,996.20	07/02/2013	60
4	L.F.	\$9,700	\$25,860	\$16,160	10/02/2013	60
5	L.J.	\$5,700	\$15,780	\$10,080	11/03/2013	60
6	M.W.	\$9,700	\$25,860	\$16,160	03/01/2013	60
7	M.D.	\$14,700	\$38,520	\$23,820	09/02/2013	60
8	M.F.	\$9,700	\$25,860	\$16,160	08/26/2013	60
9	M.O.	\$9,700	\$31,080	\$21,380	02/16/2013	120
10	M.P.R.*	\$4,900	\$13,681.80	\$8,781.80	06/02/2013	60
11	M.P.R.*	\$800	\$2,098.20	\$1,298.20	06/02/2013	60
12	M.R.*	\$30,000	\$76,876.80	\$46,876.80	01/07/2012	120
13	M.R*.	\$30,000	\$89,827.20	\$59,827.20	02/07/2012	120
14	M.P.	\$6,700	\$18,300	\$11,600	11/02/2013	60
15	M.V.	\$3,400	\$18,600	\$15,200	09/03/2013	60
16	N.F.	\$9,700	\$25,860	\$16,160	10/01/2013	60
17	N.N.	\$7,700	\$16,128	\$8,428	01/01/2013	36
18	P.L.L.	\$3,400	\$18,600	\$15,200	08/01/2013	60
19	P.D.*	\$4,100	\$11,764.20	\$7,646.20	01/01/2014	60
20	P.D.*	\$1,600	\$4,015.80	\$2,415.80	01/01/2014	60
21	P.A.D.	\$20,000	\$59,464.80	\$39,464.80	10/05/2012	120
22	P.I.L.	\$7,700	\$20,820	\$13,120	07/02/2013	60
23	P.R.	\$7,700	\$20,820	\$13,120	10/17/2013	60
24	R.C.	\$4,700	\$30,600	\$25,900	04/16/2014	60

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	<b>Borrower</b>	<b>Loan Amount</b>	<b>Total Payments</b>	<b>Effective Interest, Fees, and Other Charges</b>	<b>Payment Start Date</b>	<b>Term for Monthly Payments</b>
1						
2						
3	R.S.	\$9,700	\$25,320	\$15,620	07/03/2013	60
4	R.R.	\$9,700	\$25,920	\$16,220	10/01/2013	60
5	R.R.H.	\$7,700	\$20,820	\$13,120	10/02/2013	60
6	R.I.	\$19,700	\$43,980	\$24,280	02/02/2013	60
7	R.D.H.	\$7,700	\$17,340	\$9,640	08/01/2012	60
8	R.E.H.	\$7,700	\$20,820	\$13,120	08/01/2013	60
9	R.F.M.*	\$4,046	\$24,876	\$20,830	03/02/2014	60
10	R.F.M.*	\$954	\$5,724	\$4,770	03/02/2014	60
11	R.L.	\$14,700	\$38,520	\$23,820	10/02/2013	60
12	R.G.*	\$8,200	\$25,663.20	\$17,463.20	10/15/2012	120
13	R.G.*	\$8,500	\$26,416.80	\$17,916.80	10/15/2012	120
14	R.A.M.	\$4,700	\$30,600	\$25,900	03/01/2014	60
15	S.V.	\$3,400	\$18,600	\$15,200	07/02/2013	60
16	S.R.	\$18,000	\$45,720	\$27,720	05/01/2012	120
17	S.S.	\$5,700	\$15,780	\$10,080	06/01/2013	60
18	S.L.H.	\$7,200	\$70,320	\$63,120	04/01/2014	120
19	S.D.H.	\$7,700	\$20,820	\$13,120	09/02/2013	60
20	S.B.	\$14,700	\$38,520	\$23,820	07/02/2013	60
21	S.G.	\$3,400	\$18,600	\$15,200	09/01/2013	60
22	T.E.W.	\$12,000	\$26,366.40	\$14,366.40	12/01/2012	60
23	T.T.	\$14,700	\$33,120	\$18,420	12/01/2012	60
24	T.D.	\$9,700	\$18,240	\$8,540	11/01/2012	60

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	<b>Borrower</b>	<b>Loan Amount</b>	<b>Total Payments</b>	<b>Effective Interest, Fees, and Other Charges</b>	<b>Payment Start Date</b>	<b>Term for Monthly Payments</b>
1						
2						
3	T.P.	\$6,700	\$18,300	\$11,600	11/07/2013	60
4	T.M.*	\$9,700	\$34,800	\$25,100	02/02/2013	120
5	T.M.*	\$15,000	\$48,000	\$33,000	02/02/2013	120
6	T.N.	\$3,400	\$18,600	\$15,200	12/02/2013	60
7	T.R.	\$7,700	\$20,820	\$13,120	09/02/2013	60
8	T.L.W.	\$3,400	\$18,600	\$15,200	01/01/2014	60
9	Y.J.	\$7,700	\$20,820	\$13,120	09/04/2013	60
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