

TERMS COMPLETED

ORDER SUMMARY – Case Number: C-19-2625

Name(s): Aperture Real Estate Ventures, LLC
 Andrew Hubbard Jewett (1338276)
 Rodolfo Cortes, Jr. (1651176)
 Matthew Burau Miles (1125081)

Order Number: C-19-2625-19-CO01

Effective Date: 8/13/19

License Number: CL-1644816
Or NMLS Identifier [U/L]

License Effect: Surrender

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	\$ 2,325.63		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 8/2/19
Fine	\$ 5,000.00	Due 8/1/21	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date \$674.37 paid 8/2/19. Balance of \$4325.63 paid in monthly payments beginning 9/1/19.
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Financial Literacy and Education	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Cost of Prosecution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:			

Comments: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

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

No. C-14-1563-14-CO01

CONSENT ORDER

MANOR RESOURCES, LLC d/b/a TURBO
TITLE LOAN, NMLS No. 1170597,
Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Charles E. Clark, Division Director, Division of Consumer Services, and Manor Resources, LLC (Respondent), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 31.04 of the Revised Code of Washington (RCW), the Consumer Loan Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

FINDINGS OF FACT

- 1.1** Respondent has not previously obtained a consumer loan license in accordance with the Act from the Department of Financial Institutions of the State of Washington (Department).
- 1.2** From at least March 2008, Respondent has made approximately 86 secured loans of money to Washington State residents.
- 1.3** On or about September 19, 2014, Respondent submitted an application to the Department to engage in the business of a consumer loan company under the Act. The application is pending.

CONCLUSION OF LAW

Based on the above Findings of Fact, Respondent violated RCW 31.04.035(1) by making secured or unsecured loans of money to Washington State borrowers without first obtaining and maintaining a license in accordance with the Act.

1 **AGREEMENT AND ORDER**

2 The Department and Respondent have agreed upon a basis for resolution of the Findings of
3 Fact and Conclusions of Law identified in this Consent Order. Pursuant to the Act and RCW
4 34.05.060, Respondent and the Department agree to entry of this Consent Order and further agree
5 that the matters alleged herein may be economically and efficiently settled by the entry of this
6 Consent Order. Respondent neither admits nor denies the Findings of Fact and Conclusions of Law
7 identified in this Consent Order.

8 Based upon the foregoing:

9 **A. Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter
10 of the activities discussed herein.

11 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a
12 hearing before an administrative law judge, and hereby waives its right to a hearing and any and all
13 administrative and judicial review of the issues raised in this matter, or of the resolution reached
14 herein.

15 **C. Consumer Loan License Required.** It is AGREED that Respondent understands that to
16 make secured or unsecured loans of money to Washington State residents, Respondent must obtain a
17 license in accordance with the Act or qualify for an exclusion from licensing as delineated in the Act.
18 It is further AGREED that Respondent will not make secured or unsecured loans of money to
19 Washington State residents until Respondent obtains a license in accordance with the Act or qualifies
20 for an exclusion from licensing as delineated in the Act.

21 **D. Refunds.** It is AGREED that Respondent shall refund to Washington State borrowers all
22 interest that Washington State borrowers paid to Respondent while Respondent did not have a
23 consumer loan license as specifically set forth in Appendix A. The refunds shall be paid as follows:

24 //

1 **1. Refund Schedule.** Upon entry of this Consent Order, Respondent shall refund at least
2 \$40,000 of the total amount of interest to be refunded. The remaining refunds shall be made in
3 quarterly installments of at least \$16,000 over the two years following entry of this order, regardless
4 of whether Respondent is issued a license.

5 **2. Each Refund to be Paid in One Lump Sum.** Respondent shall pay to each Washington
6 State borrower due a refund under paragraph D that borrower's entire refund in one lump sum in the
7 form of a cashier's check payable to the borrower.

8 **3. Open Principal Balances.** If there is an open principal balance on a loan in which a
9 refund is due, Respondent may deviate from Appendix A as follows: (i) If Respondent gives
10 appropriate notice to the borrower, Respondent may apply all or a portion of the refund against the
11 open principal balance resulting in a corresponding reduction in principal balance, and (ii) if
12 Respondent has refunded to the borrower all interest collected prior to licensure, Respondent may
13 collect interest on the borrower's open principal balance that accrues after issuance of any consumer
14 loan license SO LONG AS the interest is charged in compliance with RCW 31.04.105(1).

15 **4. Refund Reporting.** Within thirty days from the end of each fiscal quarter, Respondent
16 shall provide to the Department a written accounting of all refunds made and deviations from
17 Appendix A as allowed in paragraph 3 above, report any refunds that were returned to Respondent as
18 undeliverable, and provide proof of each refund attempted. A copy of each payment instrument shall
19 be sufficient proof of a refund attempted.

20 **5. Refunds Returned as Undeliverable.** Within thirty days of receiving written notice
21 from Respondent that any refund was returned as undeliverable, the Department will determine
22 whether the borrower has an address more current than the one on file with Respondent and shall
23 provide the more current address to Respondent.

1 **6. Unclaimed Property.** Ninety days after the final refund payments are due under this
2 Consent Order, Respondent shall notify the Department of any refund payments which have not been
3 negotiated and shall, at the same time, seek permission from the Washington State Department of
4 Revenue (DOR) to file an early unclaimed property report for those un-negotiated refunds. Within
5 thirty days of receiving DOR's permission to file an early unclaimed property report, Respondent
6 shall file the unclaimed property report with DOR in accordance with chapter 63.29 RCW and its
7 related rules. If DOR does not grant permission to file an early unclaimed property report,
8 Respondent shall file the unclaimed property report as soon as permitted by chapter 63.29 RCW and
9 its related rules. Within thirty days of filing the unclaimed property report with DOR, Respondent
10 shall provide the Department with a copy of the unclaimed property report.

11 **7. Untimely Refunds.** If any refund is not made as required by this Consent Order, the
12 Department may immediately seek to revoke, suspend, or condition any consumer loan license issued
13 to Respondent in addition to the actions described in paragraphs F and K below.

14 **E. Fine.** It is AGREED that Respondent shall pay a fine to the Department in the amount of
15 \$40,000 with \$25,000 paid to the Department in the form of a cashier's check made payable to the
16 "Washington State Treasurer" within two years of entry of this Consent Order. The \$15,000 balance
17 shall be suspended pending completion of the terms of this Consent Order. The suspended \$15,000
18 shall be waived upon Respondent timely completing all terms of this Consent Order.

19 **F. Lifting of Suspended Fine.** If, and only if, the Department determines that Respondent
20 has not complied with the terms of this Consent Order, and seeks to lift the suspension of the \$15,000
21 balance, the notification and hearing process in paragraphs 1 through 6 below shall apply:

22 **1. Written Notice.** The Department shall first notify Respondent of the determination in
23 writing, which shall include:

- i. A description of the alleged noncompliance;
- ii. A statement that because of the noncompliance, the Department seeks to lift the suspension of the \$15,000 balance;
- iii. A statement that Respondent may contest the Department's determination of noncompliance in an administrative hearing before an Administrative Law Judge (ALJ) of the Office of Administrative Hearings (OAH); and
- iv. A copy of this Consent Order.

3. Opportunity for Hearing. Respondent may contest the Department's determination of noncompliance in an administrative hearing before an Administrative Law Judge (ALJ) of the Office of Administrative Hearings (OAH). If Respondent does not request the hearing within the stated time in paragraph 4 below, the Department will immediately lift suspension of the \$15,000 balance and pursue whatever action it deems necessary to collect it.

4. Timing of Hearing. The administrative hearing shall follow the timing and processes described in this Consent Order. Any written request to the Department for an administrative hearing held before an ALJ from OAH shall be submitted to the Department no later than ten business days from the date Respondent receives the Department's written notice. If requested, the hearing will be held as soon as the schedule of the ALJ permits. The parties will accommodate the prompt scheduling of the hearing.

5. Issues at Hearing. Respondent may provide a written response to the Department's written notice of noncompliance. The scope and issues of the hearing are limited solely to whether Respondent is in violation this Consent Order to a degree sufficient to warrant lifting the suspension of the \$15,000 balance.

6. Decision and Appeal. At the conclusion of the hearing, the ALJ will issue an initial decision. Either party may file a Petition for Review with the Director.

//

1 **G. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an
2 investigation fee of \$1,932 in the form of a cashier's check made payable to the "Washington State
3 Treasurer" upon entry of this Consent Order.

4 **H. Records Retention.** It is AGREED that Respondent, its officers, employees, and agents
5 shall maintain records in compliance with the Act and provide the Director with the location of the
6 books, records and other information relating to Respondent's consumer loan company and the name,
7 address and telephone number of the individual responsible for maintenance of such records in
8 compliance with the Act.

9 **I. Application for Consumer Loan License.** It is AGREED that Respondent's pending
10 application for a consumer loan license is incomplete, but will remain on file with the Department for
11 120 days following entry of this Consent Order SO LONG AS Respondent provides the Department
12 with a written update on its financial condition, including financial statements, every thirty days for
13 the 120 day period. Respondent understands that if Respondent does not provide the Department with
14 a written update every thirty days, or if 120 days elapse, whichever occurs first, the Department will
15 consider the application abandoned. It is further AGREED that SO LONG AS the required updates
16 are made, the initial refund and quarterly refunds required under paragraphs D and E of this consent
17 order are being made, all requirements under chapter 31.04 RCW and 208-620 WAC are
18 satisfactorily met, and the application is complete as determined by the Department, the Department
19 will process the license application in due course. Respondent may withdraw the pending consumer
20 loan license application without prejudice by providing written notice to the Department at any point
21 within the 120 day period referenced herein.

22 **J. Issuance of Consumer Loan License.** Respondent understands that the Department does
23 not guarantee that a license will be issued and that the Department will issue a license only if it

1 determines that the Act's requirements are met and if Respondent has paid at least one-third of the
2 total refunds required by paragraph D above. However, it is further AGREED that, SO LONG AS
3 Respondent complies with the terms and conditions of this Consent Order, entry of this Consent
4 Order will not preclude Respondent from eligibility for a license and this Consent Order resolves and
5 settles all violations of the Act arising from Respondent engaging in the business of a consumer loan
6 company without a license through the date of this Consent Order.

7 **K. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to
8 abide by the terms and conditions of this Consent Order may result in further legal action by the
9 Director. In the event of such legal action, Respondent may be responsible to reimburse the Director
10 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

11 **L. Voluntarily Entered.** It is AGREED that Respondent has voluntarily entered into this
12 Consent Order, which is effective when signed by the Director's designee.

13 **M. Completely Read, Understood, and Agreed.** It is AGREED that Respondent's
14 representative has read this Consent Order in its entirety and fully understands and agrees to all of the
15 same.

16 **N. Authority to Execute Order.** It is AGREED that the undersigned have represented and
17 warranted that they have the full power and right to execute this Consent Order on behalf of the
18 parties represented.

19
20 **RESPONDENT:**
21 Manor Resources, LLC

22 By: 
23 _____
Kieran L. Noonan
Sole Manager and Member

24 _____
Date 2/21/15

1 Approved for Entry:

Mark D. Pollack

2/26/15

2
3 Mark D. Pollack
4 Paul Hastings LLP
5 Attorney for Respondent

Date

6 DO NOT WRITE BELOW THIS LINE

7 THIS ORDER ENTERED THIS 16th DAY OF March, 2015.



Charles E. Clark

8
9 Charles E. Clark
10 Director
11 Division of Consumer Services
12 Department of Financial Institutions

13 Presented by:

A. Herndon

14 Amanda Herndon
15 Financial Legal Examiner

16 Approved by:

Steven C. Sherman

17 Steven C. Sherman
18 Enforcement Chief

APPENDIX A

Consumer	Refund Due
KK	\$1,617.20
MS	\$2,513.58
RB	\$2,438.44
ED	\$4,501.88
CD	\$3,652.20
RG	\$3,652.20
JL	\$1,580.96
SB	\$1,189.96
TP	\$1,529.20
RS	\$2,670.88
JH	\$1,269.22
LS	\$335.77
LD	\$1,558.35
LS	\$1,529.20
DW	\$2,706.30
KK	\$388.99
TH	\$1,118.18
AJ	\$175.36
AR	\$1,909.76
KP	\$996.32
JS	\$602.21
MC	\$3,374.35
PH	\$2,748.61
MM	\$2,511.19
CW	\$1,529.20
EB	\$3,632.82
WM	\$2,172.13
TM	\$1,251.80
LH	\$920.28
AS	\$2,136.87
RL	\$979.49
PC	\$2,359.93
CP	\$3,357.40
RT	\$2,601.70
EK	\$1,253.32
ZH	\$2,440.86
RD	\$5,483.40
MN	\$704.98
AW	\$2,891.68
EF	\$526.80
YH	\$684.51
BA	\$3,534.70
CH	\$1,536.84

Consumer	Refund Due
JW	\$4,939.27
SA	\$1,915.74
TC	\$624.06
GW	\$5,566.72
BD	\$2,895.22
DL	\$3,737.52
TK	\$4,359.27
ES	\$715.72
DW	\$1,156.16
EV	\$1,676.21
TF	\$4,508.22
SD	\$951.29
EM	\$775.60
RA	\$6,577.33
RP	\$3,533.18
CS	\$1,094.60
RP	\$4,455.79
FH	\$4,174.42
JE	\$6,574.25
AD	\$559.87
EM	\$1,777.16
BP	\$2,312.44
NY	\$1,144.11
NM	\$324.56
CE	\$2,776.45
DH	\$1,321.32
JS	\$1,021.68
KL	\$1,878.78
DB	\$1,434.80
NM	\$210.56
LS	\$735.08
KB	\$2,194.43
JO	\$1,026.51
HI	\$818.98
WB	\$1,228.75
JS	\$1,260.60
FA	\$1,026.51
DB	\$1,109.45
DC	\$897.73
SS	\$324.19
LW	\$320.46
CT	\$235.80
AG	\$191.60