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NO. C-05-139-09-FO01

FINAL ORDER

Respondents.

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1 overnight delivery were delivered. The documents sent via First-Class mail were not returned to the
2 Department by the United States Post Office as undeliverable. On May 12, 2009, the Department
3 received confirmation from the Honolulu, Hawaii Branch Office of the United States Post Office that
4 mail addressed to Respondent Meyer was being delivered to 2112 Mott-Smith Drive, Honolulu,
5 Hawaii.

6 Respondents V American Financial Services, LLC, and John S. Meyer did not request an
7 adjudicative hearing within twenty calendar days after the Department served them with the Notice of
8 Opportunity to Defend and Opportunity for Hearing, as provided for in WAC 208-08-050(2).

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10 B. Record Presented. The record presented to the Director's designee for her review and
11 for entry of a final decision included the following:

- 12 1. Statement of Charges, cover letter dated March 2, 2009, Notice of Opportunity to
13 Defend and Opportunity for Hearing, and blank Applications for Adjudicative
14 Hearing for V American Financial Services, LLC, and John S. Meyer, with
documentation of service;
- 15 2. Post Office Address Verification Request form completed by the Honolulu, Hawaii,
16 Branch Office of the United States Post Office received by the Department on May
17 12, 2009.

18 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
19 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

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1 II. FINAL ORDER

2 Based upon the foregoing, and the Director's designee having considered the record and
3 being otherwise fully advised, NOW, THEREFORE:

4 A. IT IS HEREBY ORDERED, that:

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- 6 1. Respondents V American Financial Services, LLC, and John S. Meyer's license to
7 conduct the business of a Consumer Loan Company is revoked; and
 - 8 2. Respondents V American Financial Services, LLC, and John S. Meyer shall jointly
9 and severally pay the delinquent 2003 Annual Assessment late penalty in the amount
10 of \$3,000; and
 - 11 3. Respondents V American Financial Services, LLC, and John S. Meyer shall jointly
12 and severally pay an investigation fee of \$552.07.

13 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
14 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
15 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
16 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
17 Washington 98504-1200, within ten days of service of the Final Order upon Respondents. The Petition
18 for Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a
19 prerequisite for seeking judicial review in this matter.

20 A timely Petition for Reconsideration is deemed denied if, within twenty days from the date the
21 petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written
22 notice specifying the date by which it will act on a petition.

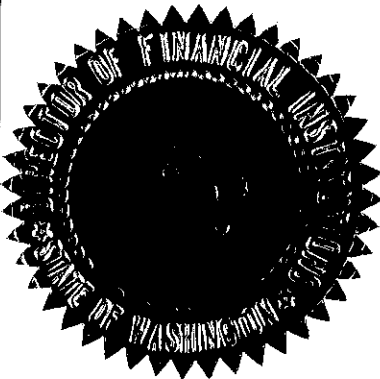
23 C. Stay of Order. The Director's designee has determined not to consider a Petition
24 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
25 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

1 D. Judicial Review. Respondents have the right to petition the superior court for
2 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements
3 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

4 E. Non-compliance with Order. If you do not comply with the financial terms of this order,
5 the Department may seek its enforcement by the Office of Attorney General to include the collection of
6 the late penalty and investigation fee imposed herein.

7 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for
8 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
9 attached hereto.
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11 DATED this 27th day of May, 2009.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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DEBORAH BORTNER
DIRECTOR
DIVISION OF CONSUMER SERVICES

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

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

V AMERICAN FINANCIAL SERVICES, LLC,
and
JOHN S. MEYER, Owner,

Respondents.

NO. C-05-139-09-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE,
COLLECT ANNUAL ASSESSMENT
LATE PENALTY, AND COLLECT
INVESTIGATION FEE

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 (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (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 Respondents.

A. **V American Financial Services, LLC (Respondent V American)**, was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a Consumer Loan Company on February 2, 2005, and continues to be licensed to date. Respondent V American is licensed to conduct business from one location at 1357 Kapiolani Blvd., Suite 1070, Honolulu, Hawaii.

1 **B. John S. Meyer (Respondent Meyer)** is known to be the sole Owner of Respondent V.
2 American.

3 **1.2 Failure to Pay 2003 Annual Assessment Late Penalty.** Respondents' 2003 Annual
4 Assessment Report was due on or before March 1, 2004. The Department did not receive
5 Respondents' 2003 Annual Assessment Report until April 5, 2004. Based upon Respondents' late
6 filing, the Department imposed a late penalty in the amount of \$3,000. Respondents were notified of
7 their obligation to pay this penalty by letter dated September 22, 2004. To date, Respondents have not
8 paid the 2003 Annual Assessment late penalty.

9 **1.3 Failure to File Annual Assessment Reports for 2004, 2005, 2006, and 2007.** Annual
10 Assessment Reports are due by March 1st of each year for business conducted the previous year.
11 Respondents have failed to file their Annual Assessment Reports for the years 2004, 2005, 2006, and
12 2007 and have otherwise failed to surrender their license.¹

13 **1.4 Failure to Maintain Surety Bond.** On January 27, 2009, the Department received
14 information from Respondent's surety provider that Respondent's bond had been cancelled November
15 1, 2002, due to Respondent's failure to pay the renewal premium.

16 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
17 Act by Respondents continues to date.

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20 ¹ On November 5, 2004, the Department sent Respondents a form to surrender their license and a cover letter informing
21 Respondents that if the form was not filed, "we will presume that you intend to maintain your license...." On November
22 29, 2004, the Department sent Respondents an email reminding Respondents to file the closure form if they did not intend
23 to stay in business. On December 30, 2004, the Department sent the Respondents another copy of the closure form with a
24 cover letter asking Respondents to file the form if they did not want to continue to be licensed in Washington. On January
25 5, 2005, the Department sent Respondents the forms to file their 2005 Consolidated Annual Report. On March 25, 2005, a
representative from the Department spoke with Respondent Meyer on the telephone regarding the several delinquencies
related to Respondents' license. The Department sent Respondents a confirming letter on March 28, 2005, and provided
information and forms necessary for Respondents to maintain their license. On April 1, 2005, the Department sent
Respondents a letter addressing Respondents' failure to file their 2004 Consolidated Annual Report. Respondents did not
respond to any of the foregoing correspondence from the Department.

1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Requirement to Calculate and Pay Annual Assessment Fees and Annual Assessment Late**

3 **Penalty.** Based on the Factual Allegations set forth in Section I above, Respondents are in apparent
4 violation of RCW 31.04.085, WAC 208-620-430, and WAC 208-620-440 [prior versions WAC 208-
5 620-190(3) and WAC 208-620-220(1) and (2)] for failing to pay the annual assessment late penalty.

6 **2.2 Requirement to Maintain Adequate Surety Bond.** Based on the Factual Allegations set
7 forth in Section I above, Respondent is in apparent violation of RCW 31.04.045(3) for failure to
8 maintain a surety bond in the required amount.

9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3)(a) and (b), the Director may
11 revoke a license for failure to pay any fee due to the state of Washington or violating any provision of
12 the Act or the rules adopted thereunder.

13 **3.2 Authority to Collect Annual Assessment Fees and Late Penalties.** Pursuant to RCW
14 31.04.085, WAC 208-620-430, and WAC 208-620-440 [prior versions WAC 208-620-190(3) and
15 WAC 208-620-220(1) and (2)] the Director may collect Annual Assessment Fees and late penalties of
16 up to one hundred dollars per day upon the licensee, its employee, or any other person subject to the
17 Act.

18 **3.3 Authority to Charge Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-
19 590, every licensee investigated by the Director or the Director's designee shall pay for the cost of the
20 investigation, calculated at the rate of \$69.01 per staff hour devoted to the investigation.

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

2 Respondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as
3 set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
4 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, and RCW
5 31.04.205. Therefore, it is the Director's intention to ORDER that:

6 **4.1** Respondents V American Financial Services, LLC, and John S. Meyer's license to conduct
7 business as a consumer loan company be revoked; and

8 **4.2** Respondents V American Financial Services, LLC, and John S. Meyer jointly and severally
9 pay the 2003 Annual Assessment late penalty in the amount of \$3,000; and

10 **4.3** Respondents V American Financial Services, LLC, and John S. Meyer jointly and severely
11 pay an investigation fee which as of the date of these charges totals \$552.07, calculated at
12 \$69.01 per hour for eight staff hours devoted to the investigation to date.

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1 **V. AUTHORITY AND PROCEDURE**


2 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License,
3 Collect Annual Assessment Fee Late Penalty, and Collect Investigation Fee (Statement of Charges) is
4 entered pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202, and RCW
5 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act).
6 Respondents may make a written request for a hearing as set forth in the NOTICE OF
7 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this
8 Statement of Charges.

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10 Dated this 27th day of February, 2009.

11 


12 DEBORAH BORTNER
13 Director
14 Division of Consumer Services
15 Department of Financial Institutions

16 Presented by:

17 
18 Steven C. Sherman
19 Financial Legal Examiner



20 Approved by:

21 
22 James R. Brusselback
23 Enforcement Chief