

Terms Complete

ORDER SUMMARY – Case Number: C-14-1411

Names: Ashland Enterprises Limited and Blackthorn Enterprises, LLC

Order Number: C-14-1411-14-CO01

Effective Date: December 29, 2014

License Number: Unlicensed

Or NMLS Identifier [U/L]

License Effect: N/A

Not Apply Until: December 29, 2019

Not Eligible Until: December 29, 2019

Prohibition/Ban Until: December 29, 2019

Investigation Costs	\$2,136.24	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 12/26/2014
Fine	\$5,000.00	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 12/26/2014
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$12,445.00	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
No. of Victims:	12			

Comments: See C-14-1411-14-CO01 Refund paragraph for restitution details

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

IN THE MATTER OF DETERMINING
Whether there has been a violation of the Check
Cashers and Sellers Act of Washington by:

ASHLAND ENTERPRISES LIMITED d/b/a
ASHLAND ENTERPRISES LTD, ABL
MANAGEMENT, ABL FUNDING, and
ABLFUNDING.COM; BLACKTHORN
ENTERPRISES, LLC, Director
of Ashland Enterprises Limited; CHRISTOPHER
T. KAMBERIS, Manager and Fifty Percent
Owner of Blackthorn Enterprises, LLC; and
BRIAN LISTON, Fifty Percent Owner of
Blackthorn Enterprises, LLC,

Respondents.

No.: C-14-1411-14-CO01

CONSENT ORDER AS TO ASHLAND
ENTERPRISES LIMITED and
BLACKTHORN ENTERPRISES, LLC

COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Deborah Bortner, Division Director, Division of Consumer Services, and Ashland
Enterprises, Limited and Blackthorn Enterprises, LLC (Respondents), 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 as to Ashland Enterprises Limited and Blackthorn Enterprises, LLC (Consent
Order). This Consent Order is entered pursuant to chapter 31.45 of the Revised Code of Washington
(RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and
Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges
No. C-14-1411-14-SC01 (Statement of Charges), entered September 5, 2014 (copy attached hereto)
as to Ashland Enterprises Limited and Blackthorn Enterprises, LLC only. Pursuant to chapter 31.45

1 RCW, the Check Cashers and Sellers Act (Act), and RCW 34.05.060 of the Administrative Procedure
2 Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that
3 the issues raised in the above-captioned matter may be economically and efficiently settled by entry
4 of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of
5 Charges as to Respondents Ashland Enterprises Limited and Blackthorn Enterprises, LLC only.

6 Based upon the foregoing:

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

9 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a
10 hearing before an administrative law judge, and hereby waive their right to a hearing and any and all
11 administrative and judicial review of the issues raised in this matter, or of the resolution reached
12 herein. Accordingly, Respondents, by the signatures of their representatives below, withdraw their
13 appeal to the Office of Administrative Hearings.

14 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the
15 Statement of Charges and agree that Respondents neither admit nor deny any of the allegations
16 contained in the Statement of Charges.

17 **D. Prohibition from Industry.** It is AGREED that, for a period of five years from the date
18 of entry of this Consent Order, Respondents are prohibited from participating, in any capacity, in the
19 conduct of the affairs of any check casher or seller licensed by the Department or subject to licensure
20 or regulation by the Department.

21 **E. Application for License.** It is AGREED that, for a period of five years from the date of
22 entry of this Consent Order, Respondents shall not apply to the Department for any license under any
23 name. It is further AGREED that, should Respondents apply to the Department for any license under

any name at any time later than five years from the date of entry of this Consent Order, such applying Respondents shall be required to meet any and all application requirements in effect at that time.

F. No further Collection. It is AGREED that Respondents represent that they have ceased and desisted from attempting to collect on small loans to Washington State consumers. It is further AGREED that Respondents will not attempt to collect on or sell any loans previously made to Washington State consumers.

G. Refunds. It is AGREED that Respondents shall refund \$12,445 in finance fees that Washington State residents paid to Respondents. The refunds shall be paid as follows:

1. Method of Payment. Respondents shall pay, through Lane Powell PC's trust account, refunds to each Washington State resident listed in Appendix A the amount of finance fees listed in Appendix A. Within 30 days of entry of this Consent Order, Respondents shall mail the refund checks to each Washington State consumer's last known address.

2. Unclaimed Property. Between 90 and 120 days after mailing the refund checks, Respondents shall seek permission from the Washington State Department of Revenue (DOR) to file an early unclaimed property report for any refund checks that were not negotiated. Within thirty days of receiving DOR's permission to file an early unclaimed property report, Respondents shall file the unclaimed property report with DOR in accordance with chapter 63.29 RCW and its related rules. If DOR does not grant permission to file an early unclaimed property report, Respondents shall file the unclaimed property report as soon as permitted by chapter 63.29 RCW and its related rules. Within thirty days of filing the unclaimed property report with DOR, Respondents shall provide the Department with a copy of the unclaimed property report.

3. Refund Reporting. Thirty days after entry of this Consent Order, Respondents shall provide the Department with copies of each refund check mailed to each Washington State consumer.

Between 90 and 120 days after mailing the refund checks, Respondents shall provide to the Department copies of the front and back of each cancelled refund check and a copy of the letter from Respondents to DOR seeking permission to file an unclaimed property report for those refund checks that were not negotiated. Within thirty days of receiving DOR's response, Respondents shall provide the Department with a copy of DOR's response. Within thirty days of filing the unclaimed property report with DOR, Respondents shall provide the Department with a copy of the unclaimed property report.

4. Refund-Related Costs. Respondents shall bear all costs related to making refunds, including, but not limited to, attorney fees, mailing expenses, and fees for stopping payment on any checks that are not negotiated.

H. Fine. It is AGREED that Respondents shall pay a fine to the Department in the amount of \$5,000, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

I. Investigation Fee. It is AGREED that Respondents shall pay to the Department an investigation fee of \$2,136.24, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together in one \$7,136.24 cashier's check made payable to the "Washington State Treasurer."

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

K. Non-Compliance with Order. It is AGREED that Respondents understand that failure to abide by the terms and conditions of this Consent Order may result in further legal action by the

Director. In the event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in pursuing such action, including but not limited to, attorney fees.

L. Voluntarily Entered. It is AGREED that Respondents have voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

M. Completely Read, Understood, and Agreed. It is AGREED that Respondents have read this Consent Order in its entirety and fully understand and agree to all of the same.

RESPONDENTS:

Ashland Enterprises Limited

By: 

Individual Christopher T. Kamberis
Title(s) Former Director

Date 12/18/14

Blackthorn Enterprises, LLC

By: 

Individual Brian Liston
Title(s) Former Member

Date 12/18/14

Approved for Entry:



Laura Marquez-Garrett, WSBA No. 41010
Attorney at Law
Lane Powell PC
Attorney for Respondents

Date 12/29/14

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 29th DAY OF December, 2014.




DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:


Amanda Herndon
Financial Legal Examiner

Approved by:


Charles E. Clark
Enforcement Chief

APPENDIX A

Loan ID No.	Customer Initials	Finance Fee Refund
	C.B.	\$465.00
	C.B.	\$225.00
	C.B.	\$840.00
	P.C.	\$3,000.00
	G.E.	\$350.00
	K.M.	\$165.00
	C.M.	\$270.00
	D.M.	\$870.00
	J.N.	\$300.00
	J.N.	\$375.00
	J.N.	\$155.00
	P.N.	\$90.00
	P.N.	\$1,375.00
	L.O.	\$2,400.00
	J.P.	\$270.00
	V.R.	\$350.00
	V.R.	\$540.00
	T.S.	\$225.00
	T.S.	\$135.00
	T.S.	\$45.00

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

IN THE MATTER OF DETERMINING
Whether there has been a violation of the Check
Cashers and Sellers Act of Washington by:

ASHLAND ENTERPRISES LIMITED d/b/a
ASHLAND ENTERPRISES LTD, ABL
MANAGEMENT, ABL FUNDING, and
ABLFUNDING.COM; BLACKTHORN
ENTERPRISES, LLC, Director
of Ashland Enterprises Limited;
CHRISTOPHER T. KAMBERIS, Manager and
Fifty Percent Owner of Blackthorn Enterprises,
LLC; and BRIAN LISTON, Fifty Percent Owner
of Blackthorn Enterprises, LLC,

Respondents.

No.: C-14-1411-14-SC01

STATEMENT OF CHARGES AND
NOTICE OF INTENTION TO ENTER AN
ORDER TO CEASE AND DESIST, IMPOSE
FINE, ORDER RESTITUTION, PROHIBIT
FROM INDUSTRY, AND COLLECT
INVESTIGATION FEE

INTRODUCTION

Pursuant to RCW 31.45.110 and RCW 31.45.200, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.45 RCW, the Check Cashers and Sellers Act (Act). After having conducted an investigation pursuant to RCW 31.45.100 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. Ashland Enterprises Limited (Ashland) is a Nevis corporation offering "payday loans" at www.ablfunding.com. Ashland has never had a license and small loan endorsement under the Act.

1 **B. Blackthorn Enterprises, LLC (Blackthorn)** is, or was at all relevant times, the
2 Director of Ashland. Blackthorn is a Delaware limited liability company.

3 **C. Christopher T. Kamberis** is, or was at all relevant times, Manager and fifty percent
4 owner of Blackthorn.

5 **D. Brian Liston** is, or was at all relevant times, fifty percent owner of Blackthorn.

6 **1.2 Unlicensed Activity.** For at least the period from April 11, 2013, through July 18, 2013,
7 Respondents provided small loans to Washington residents physically located in Washington State
8 through the use of the internet or other means. Throughout this period, Respondents did not have a
9 license and small loan endorsement under the Act.

10 **1.3 Unlicensed Location.** Respondents have operated a website at www.ablfunding.com from a
11 location or locations that are not licensed by the Department.

12 **1.4 Unauthorized Interest or Fees in Excess of the Statutory Maximum.** Respondents
13 charged interest and fees in the aggregate exceeding 15 percent of the first \$500 and 10 percent of the
14 next \$200 dollars of aggregated principal of small loans outstanding at any one time.

15 **1.5 Making Small Loans in Excess of the Eight Loan Limit.** Respondents made a small loan
16 to a borrower when making that loan resulted in the borrower receiving more than eight small loans
17 from all licensees in a twelve-month period.

18 **1.6 Making Small Loans in Excess of the \$700 Loan Limit.** Respondents made a small loan to
19 a borrower when the outstanding principal balances of all small loans made by all licensees to the
20 borrower exceeded the lower of \$700 or 30 percent of the borrower's gross monthly income.

21 **1.7 Deceptive Advertisements.** Respondents advertised at www.ablfunding.com that they were
22 able to make small loans to Washington consumers when they did not have a license and small loan
23 endorsement under the Act. Respondents also advertise that borrowers may use a loan from

1 Respondents for any purpose when Respondents' loan contract states that the loan is for business
2 purposes and not personal or consumer purposes.

3 **1.8 Deceptive Contract Terms.** Respondents' website www.ablfunding.com indicates that
4 Respondents offer "payday loans" that may be used for any purpose, but Respondents' loan contract
5 states that the loan is a "micro-business loan" and requires the borrower to swear that the loan is for
6 business purposes and not personal or consumer purposes. The contract also states that Respondents
7 may charge a \$30 fee for returned checks.

8 **1.9 On-Going Investigation.** The Department's investigation into the alleged violations of the
9 Act by Respondents continues to date.

10 II. GROUNDS FOR ENTRY OF ORDER

11 **2.1 Definition of Licensee.** Pursuant to RCW 31.45.010(13), a "Licensee" is defined as a check
12 cashier or seller licensed by the director to engage in business in accordance with the Act. For the
13 purpose of the enforcement powers of the Act, including the power to issue cease and desist orders
14 under RCW 31.45.110, "licensee" also means a check cashier or seller who fails to obtain the license
15 required by the Act.

16 **2.2 Definition of Small Loan.** Pursuant to RCW 31.45.010(21), a "Small Loan" is defined as a
17 loan up to the maximum amount and for a period of time up to the maximum term specified in RCW
18 31.45.073.

19 **2.3 Requirement to Obtain a Check Cashier or Check Seller License.** Based on the Factual
20 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.45.030(1)
21 for engaging in the business of a check cashier and seller without first obtaining a license from the
22 Director.

1 **2.4 Requirement to Obtain a Small Loan Endorsement.** Based on the Factual Allegations set
2 forth in Section I above, Respondents are in apparent violation of RCW 31.45.070(1), RCW
3 31.45.073(1), and RCW 31.45.105(1)(d) for making a small loan to a person physically located in
4 Washington through use of the internet, telephone, or other means without first obtaining a small loan
5 endorsement.

6 **2.5 Statutory Maximum Interest or Fees on Small Loans.** Based on the Factual Allegations
7 set forth in Section I above, Respondents are in apparent violation of RCW 31.45.073(5) for charging
8 interest or fees in the aggregate exceeding 15 percent of the first \$500 of principal and 10 percent of
9 the next \$200 of principal of a small loan.

10 **2.6 Requirement to Not Exceed Eight Loan Limit.** Based on the Factual Allegations set forth
11 in Section I above, Respondents are in apparent violation of RCW 31.45.073(4) for making a small
12 loan to a borrower when making that small loan resulted in the borrower receiving more than eight
13 small loans from all licensees in any twelve-month period.

14 **2.7 Requirement to Not Exceed \$700 Loan Limit.** Based on the Factual Allegations set forth in
15 Section I above, Respondents are in apparent violation of RCW 31.45.073(2) for making a loan to a
16 borrower when the outstanding principal balances of all small loans made by all licensees to the
17 borrower at any one time exceeded the lower of \$700 or 30 percent of the borrower's gross monthly
18 income.

19 **2.8 Advertising Requirements.** Based on the Factual Allegations set forth in Section I above,
20 Respondents are in apparent violation of RCW 31.45.105(2)(a) for advertising in a manner that is
21 false, misleading, deceptive, or omits material information.

22 **2.9 Prohibition on Engaging in any Unfair or Deceptive Practice.**
23

1 **A.** Based on the Allegations set forth in Section I above, Respondents are in apparent
2 violation of RCW 31.45.105(1)(b) for requiring that a borrower swear that loan proceeds will be used
3 for business purposes and not consumer purposes when Respondents' website states that borrowers
4 may use the loan for any purpose.

5 **B.** Based on the Allegations set for the in Section I above, Respondents are in apparent
6 violation of RCW 31.45.105(1)(b) for stating that Respondents may charge a \$30 returned check fee
7 when RCW 31.45.082(1) and WAC 208-630-542 limit a returned check fee to \$25.

8 **III. AUTHORITY TO IMPOSE SANCTIONS**

9 **3.1 Authority to Issue Cease and Desist Order.** Pursuant to RCW 31.45.110(2)(b), the Director
10 may order a licensee to cease and desist from practices in violation of the Act.

11 **3.2 Authority to Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the Director may
12 prohibit from participation in the conduct of the affairs of any licensee any sole proprietor, partner, or
13 controlling person of a licensee that is violating or has violated the Act including rules and orders.

14 **3.3 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a fine,
15 not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or
16 applicant, or any director, officer, sole proprietor, partner, controlling person, or employee of a
17 licensee or applicant, that is violating or has violated the Act including rules and orders, or commits
18 any act or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of
19 injury or loss to the public.

20 **3.4 Authority to Order Restitution.** Pursuant to RCW 31.45.110(2)(d), the Director may order
21 restitution to borrowers damaged by the licensee's violation of this chapter.

1 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,
2 WAC 208-630-380, and WAC 209-630-390, the Director shall collect from the licensee the actual cost
3 of an investigation at the hourly rate of \$69 per person per hour expended, plus actual expenses.

4 **IV. NOTICE OF INTENT TO ENTER ORDER**

5 Respondents' violations of the provisions of chapter 31.45 RCW and chapter 208-630 WAC, as
6 set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry
7 of an Order under RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director's intention to
8 ORDER that:

9 **4.1** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
10 Respondent Christopher T. Kamberis, and Respondent Brian Liston cease and desist
from offering or making small loans to Washington State consumers;

11 **4.2** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
12 Respondent Christopher T. Kamberis, and Respondent Brian Liston be banned from
13 participating, in any manner, in the conduct of the affairs of any person requiring
licensure under the Act for a period of five years;

14 **4.3** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
15 Respondent Christopher T. Kamberis, and Respondent Brian Liston jointly and severally
pay a fine of \$10,000;

16 **4.4** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
17 Respondent Christopher T. Kamberis, and Respondent Brian Liston jointly and severally
pay restitution to those borrowers who paid interest or fees in an amount to be
determined at hearing;

18 **4.5** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
19 Respondent Christopher T. Kamberis, and Respondent Brian Liston jointly and severally
pay an investigation fee, which totals \$2,136.24 as of the date of these charges.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist,
3 Impose Fine, Order Restitution, Ban from Industry, and Collect Investigation Fee entered pursuant
4 to the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of
5 chapter 34.05 RCW (the Administrative Procedure Act). Respondents may make a written request
6 for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND
7 OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

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9 Dated this 5th day of September, 2014.



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DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

AMANDA J. HERNDON
Financial Legal Examiner

Approved by:

CHARLES E. CLARK
Enforcement Chief