

Terms Complete

ORDER SUMMARY – Case Number: C-14-1411

Names: Christopher T. Kamberis
Brian Liston

Order Number: C-14-1411-14-CO02

Effective Date: December 30, 2014

License Number: Unlicensed

Or NMLS Identifier [U/L]

License Effect: N/A

Not Apply Until: December 30, 2019

Not Eligible Until: December 30, 2019

Prohibition/Ban Until: December 30, 2019

Investigation Costs	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
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
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:

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**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-CO02

CONSENT ORDER AS TO CHRISTOPHER
T. KAMBERIS AND BRIAN LISTON

COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Deborah Bortner, Division Director, Division of Consumer Services, and Christopher T.
Kamberis and Brian Liston (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
Christopher T. Kamberis and Brian Liston (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 Christopher T. Kamberis and Brian Liston only. Pursuant to chapter 31.45 RCW, the Check

1 Cashers and Sellers Act (Act), and RCW 34.05.060 of the Administrative Procedure Act,
2 Respondents hereby agree to the Department's entry of this Consent Order and further agree that the
3 issues raised in the above-captioned matter may be economically and efficiently settled by entry of
4 this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges
5 as to Respondents Christopher T. Kamberis and Brian Liston only.

6 Based upon the foregoing:

7 **A. Jurisdiction.** Respondent consents to the jurisdiction of the Department to enter this
8 Consent Order, as well as the jurisdiction of the Department and Washington State courts to the
9 extent required for the Department to enforce all terms contained in this Consent Order, including but
10 not limited to this provision. The limited consent provided herein may not be construed as a waiver
11 or consent to jurisdiction for any other purpose as to the Respondent.

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

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

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

1 **E. Application for License.** It is AGREED that, for a period of five years from the date of
2 entry of this Consent Order, Respondents shall not apply to the Department for any license under any
3 name. It is further AGREED that, should Respondents apply to the Department for any license under
4 any name at any time later than five years from the date of entry of this Consent Order, such applying
5 Respondents shall be required to meet any and all application requirements in effect at that time.

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

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

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

14 **RESPONDENTS:**

15 [REDACTED]
16 Christopher T. Kamberis
17 Individually

12/18/14

Date

18 [REDACTED]
19 Brian Liston
20 Individually

12/18/14

Date

21 Approved for Entry:

22 [REDACTED]
23 Laura Marquez-Garrett, WSBA No. 41010
24 Attorney at Law
Lane Powell PC
Attorney for Respondents

12/29/14

Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 30th 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

**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 casher 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 casher 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 Casher 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 casher 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