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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE  
OF THE STATE OF IDAHO**

STATE OF IDAHO, DEPARTMENT OF  
FINANCE, CONSUMER FINANCE  
BUREAU,

Complainant,

vs.

VINCE ENTERPRISE LTD,

Respondent.

Docket No. 2012-6-15

**AMENDED ORDER TO CEASE AND  
DESIST**

The State of Idaho, Department of Finance (Department), pursuant to the Idaho Credit Code, and specifically the provisions relating to payday loans, codified at Idaho Code § 28-46-401 *et seq.* (the payday loan provisions), hereby alleges the following facts that constitute a basis for the issuance of an order pursuant to Idaho Code § 28-46-402(4), requiring VINCE ENTERPRISE LTD, to immediately cease and desist from violating the payday loan provisions of the Idaho Credit Code.

## **RESPONDENT**

1. Respondent, Vince Enterprise Ltd, lists its principal address in Encino, California on its website. However, the business that is located at the Encino address claims that it is neither affiliated, nor has it ever been affiliated, with the Respondent. Respondent has not filed any business entity forms with the California Secretary of State or the Idaho Secretary of State. The Respondent is an entity of unknown form.

2. Respondent does not possess a license, as required by the Idaho Credit Code, to make regulated consumer loans in Idaho.

3. Respondent maintains a website, [www.vinceenterpriseloan.com](http://www.vinceenterpriseloan.com), where it offers to make small loans to consumers. Through its website, Respondent offers to make payday loans up to \$1,500.00. All applicants must be at least 18 years old, a citizen of the United States, and have a valid checking account with direct deposit.

## **FINDINGS OF FACT**

4. On or about August 9, 2012, an Idaho resident, MC, after being solicited for a loan by Respondent over the internet, entered into an agreement with Respondent to obtain a loan in the amount of \$300.00. The agreement was memorialized in a contract emailed to MC, and on or about August 10, 2012, \$300.00 was deposited into MC's bank account. Pursuant to the terms of the contract, on August 31, 2012, when the loan was due, MC could either pay off the loan in its entirety or refinance it. If MC chose to pay off the loan, \$390 would be debited from his bank account. Of that total amount, \$90 was assigned as a loan fee. If MC chose to refinance the loan, only the loan fee of \$90 would be debited and he would be given a new due date. The agreement gave Respondent authorization to debit MC's checking account on the loan due date.

5. On September 10, 2012, MC filed a complaint with the Department asserting that he became aware Respondent was not licensed. The Department sent a letter to Respondent on October 2, 2012, requesting that it provide all information relating to MC's loan and a complete listing of its Idaho customers. Respondent did not respond to the Department's request.

6. Based on information provided to the Department, the Department concludes as follows:

- a. Respondent has solicited, at least, one Idaho resident for a loan, which resulted in a contractual agreement.
- b. Respondent loaned the Idaho resident \$300, and charged him a fee of \$90.

### **CONCLUSIONS OF LAW AND VIOLATIONS**

#### *COUNTS ONE:*

#### *UNLICENSED PAYDAY LENDING IN IDAHO*

7. The allegations set forth in paragraphs 1 through 6 above are fully incorporated herein by this reference.

8. Idaho Code § 28-46-401 provides as follows, in pertinent part:

**28-46-401. Definitions.** –(1) As used in this act, unless the context otherwise requires, “payday loan” means a transaction pursuant to a written agreement between a creditor and the maker of a check whereby the creditor:

- (a) Accepts a check from the maker;
- (b) Agrees to hold the check for a period of time prior to negotiation, deposit or presentment; and
- (c) Pays to the maker of the check the amount of the check, less the fee permitted by this chapter.

...

(3) As used in this section, “check” refers to a check or the electronic equivalent of a check.

9. Idaho Code § 28-46-402 provides as follows, in pertinent part:

**28-46-402. – License required.** – (1) No person shall engage in the business of payday loans, offer or make a payday loan, or arrange a payday loan for a third party lender in a payday loan transaction without having first obtained a license under this chapter. A separate license shall be required for each location from which such business is conducted.

10. The loan between Respondent and MC constitutes a payday loan within the meaning of Idaho Code § 28-46-401. Respondent loaned money to MC and MC authorized Respondent to debit his bank account on the loan due date. This is an electronic equivalent of a check.

11. Respondent, since it is engaged in the business of making payday loans, is required to be licensed pursuant to Idaho Code § 28-46-402.

**REQUESTED RELIEF**

12. Idaho Code § 28-46-402(4) provides that whenever the Director of the Department finds “that a person subject to this part has violated, is violating, or that there is reasonable cause to believe that a person is about to violate the provisions of this part, or any rule promulgated under this act and pertinent to this part, the administrator may, in his discretion, order the person to cease and desist from the violations.”

**ORDER**

The Director, having reviewed the foregoing, good cause being shown, and the public interest being served thereby,

NOW, THEREFORE, the Director HEREBY FINDS that Respondent has violated the payday loan provisions of the Idaho Credit Code (section 400 of chapter 46, title 28, Idaho Code).

Pursuant to Idaho Code § 28-46-402, IT IS HEREBY ORDERED that Respondent and its agents and employees immediately CEASE AND DESIST from acts, practices, or omissions

which constitute a violation of the Act, including specifically from engaging in making payday loans or other similar loans in Idaho without the license required by the Act.


This AMENDED ORDER TO CEASE AND DESIST is effective upon issuance.

**IT IS SO ORDERED.**

DATED this 3<sup>RD</sup> day of APRIL, 2013.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
GAVIN M. GEE, Director

**NOTICE**

Respondent is HEREBY NOTIFIED that this AMENDED ORDER TO CEASE AND DESIST is a final order of the Director.

Respondent may file a motion for reconsideration or request for hearing concerning this final order within fourteen (14) days of the service date of this order. Any such motion for reconsideration or request for hearing must be in writing, addressed to:

Michael Larsen  
Consumer Finance Bureau Chief  
Idaho Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031

A copy of such motion for reconsideration or request for a hearing shall also be served on the Department's counsel, Brian D. Nicholas, Deputy Attorney General, at the same address.

The Department will dispose of a motion for reconsideration within twenty-one (21) days of the receipt of a motion for reconsideration, or the motion will be considered denied by operation of law. Idaho Code § 67-5246(4); Idaho Rules of Administrative Procedure of the

Attorney General (IRAP) at IDAPA 4.11.01.740.02.a. Should Respondent make a timely request for a hearing, the Department shall schedule a hearing within the twenty-one (21) day time period.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal to the district court by filing a petition in the district court of the county in which:

- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

See IDAPA 04.11.01.740.02.b.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) of an order denying a motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a motion for reconsideration or schedule a hearing, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to the district court does not itself stay the effectiveness or enforcement of the order under appeal. See IDAPA 04.11.01.740.02.c.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of April, 2013, I caused a true and correct copy of the foregoing fully-executed AMENDED ORDER TO CEASE AND DESIST to be served on the following by the designated means:

Vince Enterprises, LTD  
623 Main St, Hukins Plaza  
Charlestown, Nevis, West Indies

- U.S. mail, postage prepaid
- Certified mail
- Facsimile:
- Email:

Paralegal 