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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.

CASHVANT FINANCE SERVICES
LLC,

Respondent.

Docket No. 2023-6-02

**VERIFIED COMPLAINT FOR
ORDER TO CEASE AND
DESIST**

AND

**NOTICE OF THE
OPPORTUNITY TO REQUEST
A HEARING**

The State of Idaho, Department of Finance, Consumer Finance Bureau (Department), pursuant to the Idaho Credit Code, Idaho Code § 28-41-101 et seq. (the ICC) hereby alleges the following facts that constitute a basis for the issuance of an order pursuant to Idaho Code §§ 28-46-108(1) and 28-46-

301(1)(a), requiring CASHVANT FINANCE SERVICES LLC (the Respondent), to immediately cease and desist from violating the ICC, to include engaging in regulated lending activities in Idaho without maintaining the license required by the ICC. The Department also provides the underlying notice of the opportunity for hearing.

ALLEGATIONS

1. The Director of the Idaho Department of Finance has jurisdiction over this matter under Idaho Code §§ 28-46-108(1) and 28-41-201.
2. The Respondent purports to be a limited liability company conducting regulated lending business from Dover, New Jersey. On its website, www.cashvantfinanceservices.com, the Respondent lists a branch office address of 100 Enterprise Drive, Dover, New Jersey 07801. A Department examiner was unable to locate any incorporation information for the Respondent from the State of New Jersey, Department of Treasury, Division of Revenue and Enterprise Services.
3. A Department examiner could not find any registration information with the Idaho Secretary of State and has never applied for or held an Idaho regulated lender license issued by the Department authorizing it to engage in a regulated lending business in Idaho.
4. On September 12, 2022, an Idaho resident, D.R., filed a complaint with the Department against the Respondent regarding a \$650 insurance fee

associated with a personal loan he applied for from the Respondent. D.R.'s complaint also named the entities, "SmartWoods Finance," and "Mallington LLC". A Department staff member contacted D.R. for more information and later received more information from D.R. The Department staff member learned that a representative from "SmartWoods Finance," later clarified as Startwoods Finance, contacted D.R. by phone for some follow-up questions after he completed an online loan application through Respondent's website. D.R. was sent a series of loan documents, including a Promissory Note, Insurance Letter, and Invoice Letter. D.R. provided copies including the executed Promissory Note and insurance letter and invoice letter to the Department.

5. The Invoice Letter contained details of the loan, including, among other things, a prepayment penalty if the loan is paid before 5 years of the loan period expires and a \$650 insurance fee.

6. Respondent gave D.R. a bill for a \$650 insurance fee and requested it be paid before the requested loan funds would be disbursed to him. An email from Respondent's representative, Steven Smith, instructed D.R. to send a cashier's check or money order in the amount of \$650, made out to "Mallington LLC," to Mallington LLC at 500 Westover Drive #18796, Sanford, North Carolina 27330. D.R. indicated that he signed and sent loan

documents to Respondent and also sent a cashier's check to Mallington LLC via FedEx but was able to stop the delivery of it.

7. No records were located with any Secretary of State nor were any licensing records found with any state for Startwoods Finance or Mallington LLC. The only documentation related to Mallington LLC was the email discussed above in paragraph 6.

8. On November 3, 2022, the Department's Consumer Affairs Officer (CAO) sent an email to the Respondent at info@cashvantfinanceservices.com, which is the same email address the Respondent's representative, Mr. Smith, used to email D.R. instructions regarding the \$650 insurance fee. The Department's email to the Respondent included an attachment of D.R.'s complaint and requested that the Respondent review it and provide a response by November 17, 2022.

9. On November 3, 2023, the CAO received a Return Receipt email message from the Respondent's email address, acknowledging "that the message was displayed on the recipient's computer." No response, however, was received from the Respondent.

10. On November 3, 2023, a Department examiner sent a letter via certified mail to the Respondent at the address listed on the Respondent's website. This letter requested that the Respondent provide information to the Department, to include a copy of D.R.'s complete loan file, a response to

D.R.'s complaint, and copies of all communications such as logs/transaction notes, emails, and recorded conversations between the Respondent and D.R. The letter was returned to the Department for "insufficient address."

11. Department staff then attempted to reach the Respondent by telephone but were unable to reach anyone.

12. Based on the above information, Respondent:

- a. Was engaged in the business of making regulated consumer loans.
- b. Advertised, offered, and solicited to make a loan for a consumer purpose in this state by means of mail, telephone, the internet, email, or other electronic means and was engaging in business in this state.
- c. Required a prepayment penalty on a closed end regulated loan.

13. The Department reserves the right to amend this Verified Complaint or seek a new action against the Respondent for reasons, including learning of new facts demonstrating additional unlicensed or other activity in violation of Idaho law for which the Department has enforcement authority.

CONCLUSIONS OF LAW AND VIOLATIONS

14. Idaho Code § 28-46-301(1) provides in relevant part that:

...[u]nless a person is exempt under federal law or under this section or has first obtained a license from the administrator authorizing him to make regulated consumer loans, he shall not engage in the business of:

(a) Making regulated consumer loans

Here, the Respondent engaged in the business of making a consumer loan to D.R.

15. Idaho Code § 28-42-306(1) allows a debtor to prepay in full the unpaid balance of a regulated consumer credit transaction at any time without penalty. Here, the Respondent outlined its loan terms with D.R. that he would be charged a prepayment penalty before five years of the loan period expires.

16. The Respondent's acts of engaging in the business of offering to make regulated loans in Idaho, as referenced above, while not licensed under the ICC to do so, constitute a violation of Idaho Code § 28-46-301(1)(a).

REQUESTED RELIEF

17. Idaho Code § 28-46-108(1) provides "After notice and hearing the administrator may order a creditor or a person acting in his behalf to cease and desist from violating this act."

18. The Respondent be ordered to cease and desist from violating the ICC.

19. The Respondent pay any costs and/or fees provided by law; and

20. The Respondent comply with the Department's directives in effectuating this cease and desist order, including issues related to licensing, business ownership, loan ownership, transfers of outstanding loans, bonding, etc.

NOTICE OF DUTY TO ANSWER AND NOTICE OF RIGHT TO A HEARING

21. Pursuant to Idaho Code §§ Idaho Code § 28-46-108(1), Idaho Code § 67-5242, and IDAPA 04.11.01.270.01, a hearing will be granted to the Respondent if a written Answer is received by the Department, within twenty-one (21) days following the mailing of this Notice, the date of which is set forth in the below Certificate of Mailing. The Answer and Request for Hearing must be mailed to the following address:

Attn: Lisa Baker
Assistant to the Director
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

A copy of the Answer and Request for Hearing shall also be served on the Department's counsel in this matter, Erick M. Shaner, Deputy Attorney General, at the following address:

Erick M. Shaner
Deputy Attorney General
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

22. Alternatively, the Answer and Request for Hearing may be served upon counsel for the Department electronically at the email address set forth on the tope of page one. Upon receipt of the Answer, the Director will likely appoint a Hearing Officer. The Hearing Officer shall set the time and place for the hearing and the procedures for the hearing shall be in compliance with the Idaho Administrative Procedures Act (title 67, chapter 52, Idaho Code) and the Idaho Rules of Administrative Procedure (IDAPA 04.11.01).

23. Failure of the Respondent to file and serve an Answer within the time prescribed shall be deemed a waiver of the opportunity for a hearing and to contest the allegations in the Complaint, and the Department will seek to have the Director enter a default order granting the relief sought in this Notice and imposing civil monetary penalty.

DATED this 22nd day of May 2023.

STATE OF IDAHO
OFFICE OF ATTORNEYGENERAL



By ERICK M. SHANER
Deputy Attorney General

VERIFICATION

STATE OF IDAHO)
) ss.
County of Ada)

TOM NATE, Idaho Department of Finance, Consumer Finance Bureau,
Financial Examiner / Investigator, being first duly sworn, deposes and says:

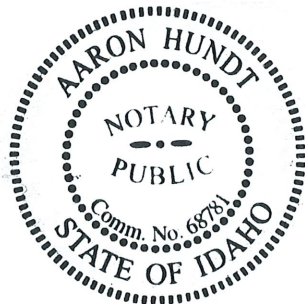
I have read the foregoing Verified Complaint for Order to Cease and
Desist and Notice of the Opportunity to Request a Hearing, and know the
contents thereof; and that the same are true to the best of my knowledge and
belief.


DATED this 22 day of May 2023.



TOM NATE

SUBSCRIBED AND SWORN to before me this 22nd day of May
2023.





Notary Public for Idaho
Residing at: Ada county
My Commission Expires: 11/3/28

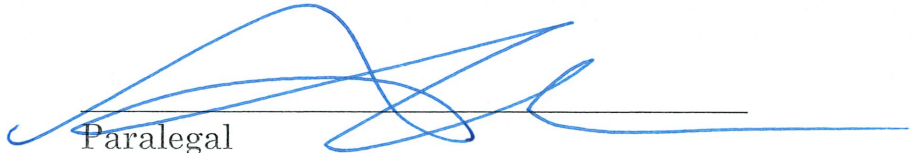
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of _____, 2023, I served a true and correct copy of the foregoing VERIFIED COMPLAINT FOR ORDER TO CEASE AND DESIST AND NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING upon the following by the designated means:

Cashvant Finance Services, LLC	<input checked="" type="checkbox"/> U.S. mail, postage prepaid
100 Enterprise Drive,	<input checked="" type="checkbox"/> Certified mail
Dover, NJ 07801	<input type="checkbox"/> Facsimile

Smartwoods Finance	<input checked="" type="checkbox"/> U.S. mail, postage prepaid
c/o Cashvant Finance Services, LLC	<input checked="" type="checkbox"/> Certified mail
100 Enterprise Drive,	<input type="checkbox"/> Facsimile
Dover, NJ 07801	

Mallington LLC	<input checked="" type="checkbox"/> U.S. mail, postage prepaid
500 Westover Drive #18796	<input checked="" type="checkbox"/> Certified mail
Sanford, NC 273301	<input type="checkbox"/> Facsimile



Paralegal