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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.

VELASQUEZ ENTERPRISES, INC., DBA
SPEEDY LOANS,

Respondent.

Docket No. 2022-6-01

DEFAULT ORDER TO CEASE AND DESIST

Upon issuance and service of the Verified Complaint for Order to Cease and Desist and Notice of the Opportunity to Request a Hearing (Notice), VELASQUEZ ENTERPRISES, INC., DBA SPEEDY LOANS (the Respondent), failed to assert its right to request an administrative hearing on the matter twenty-one (21) days after it was served. Following that, on July 21, 2022, the Idaho Department of Finance (Department) served a Notice of Proposed Default Order upon the

Respondent. The seven (7) day period within which to file a petition showing good cause why a default order should not be entered has expired. The Director takes official notice of these documents filed in the administrative record and, by presentation of this Order to the Director, Department staff represents that it is not aware of a response from the Respondent. Therefore, the Director makes the following Findings of Fact, Conclusions of Law, and enters the following Order.

FINDINGS OF FACT

1. The Director of the Idaho Department of Finance (Director) has jurisdiction over this matter.

2. On August 8, 2003, the Respondent received a Regulated Payday Loan license (RPD) to conduct payday lending. Then, on August 2, 2007, the Respondent received its Regulated Lender License (RRL) to conduct installment and title lending.

3. On April 30, 2021, the Respondent filed an Idaho general business corporation Reinstatement Annual Report with the Idaho Secretary of State with the mailing address of 430 Blue Lakes Blvd. N., Ste. D, Twin Falls, ID 83301. Respondent previously submitted a certificate of assumed business name using the address of PMB #711, 255 Blue Lakes Blvd. N., Twin Falls, ID 83301. Antonio Velasquez (Mr. Velasquez), according to these filings, is the Owner, President, and Registered Agent of Respondent.

4. On the Respondent's website, <https://www.speedyloansonline.com/>, accessed May 19, 2022, two business addresses were listed. One was 430 Blue Lakes Blvd. N., Suite D, Twin Falls, ID 83301, and the other was 690 Yellowstone, Ste. D, Pocatello, ID 83201. On the

Respondent's website, <https://www.speedyloansonline.com/>, accessed again on July 11, 2022, only the 430 Blue Lakes Blvd. N., Suite D, Twin Falls, ID 83301 address was listed.

5. On May 31, 2021, the Respondent's licenses expired due to failure to submit a renewal request. The license(s) were automatically terminated because the Respondent failed to renew them as required under the Idaho Credit Code (ICC), Idaho Payday Loan Act, and Title Loan Act, specifically §§ Idaho Code 28-46-302(8) and 28-46-404(7).

6. On June 1, 2021, a Department staff member sent a Notice of License Expiration to the Respondent. The letter was mailed to the Respondent's Twin Falls address as indicated above. The letter informed the Respondent that its license was automatically terminated on May 31, 2021, due to its failure to file a completed renewal form, composite annual report, and the required documentation to accompany the annual report. The letter also stated that the Respondent was prohibited from engaging in regulated lending or servicing activities in Idaho until its license was reinstated and included the procedure to be followed for a reinstatement.

7. On June 3, 2021, the Respondent submitted an incomplete application for a new license to the Department. The application was subsequently deemed withdrawn due to the Respondent's failure to complete it timely.

8. From late June 2021 through mid-April 2022, multiple contact attempts from the Department went unanswered by Mr. Velasquez.

9. On April 21-22, 2022, a Department staff member conducted an onsite visit to the Respondent at 430 Blue Lakes Blvd. N., Suite D, Twin Falls, Idaho, and met and spoke with Mr. Velasquez. Mr. Velasquez confirmed that the Respondent was continuing to provide

lending services, including payday lending, title lending, and installment lending since May 31, 2021, the date its license had expired.

10. Totals and types of loans offered from June 1, 2021, to present are currently being compiled and confirmed.

11. The examiner's branch visits, as well as a review of the Respondent's website, show that the Respondent was and continues to be involved in unlicensed regulated lending and payday lending activity in violation of the ICC. 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; or
- (b) Taking assignments of and undertaking direct collection of payments from or enforcement of rights against debtors arising from regulated consumer loans.

Idaho Code § 28-46-402(1), provides that:

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.

CONCLUSIONS OF LAW

12. Paragraphs 1 through 11 above are fully incorporated herein by this reference.

Regulated Consumer Loans, i.e., Title and Installment Loans

13. The Respondent has engaged in acts, practices, or omissions, constituting violations of the ICC. Specifically, the Respondent has not complied with Idaho Code § 28-46-

301(1) by conducting regulated lending activity, i.e., installment and title loan activity in Idaho without the requisite license.

Payday Loans

14. Idaho Code § 28-41-201(9) provides that “any person who, in this state, advertises, offers or solicits to make a loan for a consumer purpose, or arranges a payday loan for a third party lender, is engaging in business in this state for which a license is required under the Idaho credit code...”

15. Idaho Code § 28-46-402(1) provides that “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 [in Idaho] without having first obtained a license...” under the ICC, and particularly under the sections of the ICC referred to as “The Payday Loan Act.”

16. The Respondent’s acts of engaging in the business of making payday loans in Idaho, as referenced above, while not licensed under the ICC to do so, constitute violations of Idaho Code § 28-46-402(1).

17. The Director is given the authority to issue Cease and Desist Orders. 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. A respondent aggrieved by an order of the administrator may obtain judicial review of the order and the administrator may obtain an order of the court for enforcement of his order in the district court. The proceeding for review or enforcement is initiated by filing a petition in the court. Copies of the petition shall be served upon all parties of record.

18. 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

Based upon the foregoing and pursuant to the Idaho Credit Code, Idaho Code § 28-41-101 *et seq.* (the ICC), the Idaho Payday Loan Act, Idaho Code § 28-46-401 *et seq.* (the IPLA) included as part 4 of the ICC, and the Title Loan Act, Idaho Code §§ 28-46-501 *et. Seq.* (the TLA) included as part 5 of the ICC, Idaho Code §§ 28-46-108(1) and 28-46-402(1) and (4); the Idaho Administrative Procedure Act, Idaho Code § 67-5242(4); and the Idaho Rules of Administrative Procedure, Rule 04.11.01.702, it is hereby ordered that:

- a. As a result of engaging in the business of making regulated consumer loans, taking assignments of and undertaking direct collection of payments from or enforcement of rights against debtors arising from regulated consumer loans, engaging in the business of payday loans, offering or making a payday loan, or arranging a payday loan for a third party lender in a payday loan transaction without a license as required from the Department, the Respondent is to cease and desist its unlicensed business activity in Idaho unless and until it obtains a license therefore;
- b. Antonio Velasquez and any other owners, employees, principals, agents, or affiliates of the Respondent cease and desist any unlicensed activity in Idaho, directly, or indirectly unless and until the Respondent or they individually obtain a license therefor or engage in such conduct as may be permitted on behalf of a duly licensed business;

- c. The Respondent and/or Antonio Velasquez pay any costs and/or fees provided by law; and
- d. The Respondent and/or Antonio Velasquez 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, voiding loans, bonding, etc.

NOTIFICATION OF RIGHTS

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code.

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to 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.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one

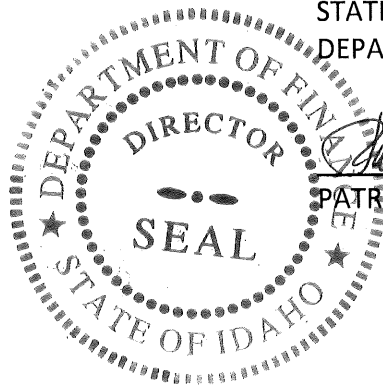
(21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Section 67-5274, Idaho Code.

This matter is hereby concluded.

IT IS SO ORDERED.

DATED and EFFECTIVE this 4th day of August 2022.

STATE OF IDAHO
DEPARTMENT OF FINANCE



Patricia R. Perkins

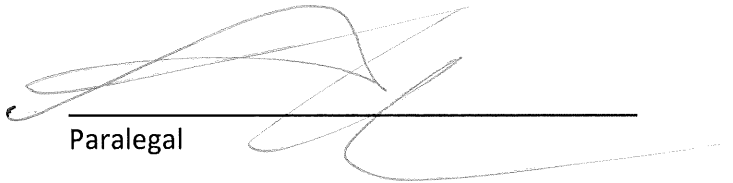
PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August 2022, I served a true and correct copy of the foregoing DEFAULT ORDER TO CEASE AND DESIST on the following by the designated means:

Velasquez Enterprises, Inc.,
Dba Speedy Loans
Attn: Antonio Velasquez
430 Blue Lakes Blvd. N., Suite D
Twin Falls, ID 83301

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



Paralegal