

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

STATE OF IDAHO, DEPARTMENT OF
FINANCE, SECURITIES BUREAU,

Complainant,

vs.

SMART PAYMENT PLAN, LLC.,

Respondent.

Docket No. 2015-12-01

AGREEMENT AND ORDER

The Director of the Department of Finance (Complainant), pursuant to the authority under the Idaho Money Transmitters Act, Idaho Code § 26-2901, *et seq.*, has reasonable grounds to believe that violations of the Idaho Money Transmitters Act (“Act”) have occurred. The Director and Respondent have agreed to resolve this matter without a public hearing or adjudication of this matter. Therefore, the Director deems it appropriate and in the public interest that this Agreement and Order be entered, and the Respondent consents to the entry of this Agreement and Order.

RESPONDENT

1. Smart Payment Plan, LLC (Respondent), is a Florida Limited Liability Company doing business in Idaho, Kansas, Wisconsin, Missouri and elsewhere. Respondent’s principal office address is 999 Vanderbilt Road, Suite 200, Naples, Florida, 34108.
2. Respondent is in the for-profit business of collecting money from consumers and using that money to make payments on the consumers’ debts by forwarding money to the consumers’ creditors.

FINDINGS OF FACTS

3. On or about April 28, 2015, Respondent submitted its application for a money transmitter license in Idaho. The accompanying documentation reflected unlicensed money transmission activity occurring in Idaho prior to the submission of the application.

VIOLATIONS

4. Idaho Code § 26-2903(1), of the Idaho's Money Transmitters Act, provides that "no person except a person exempt pursuant to the provisions of section 26-2904, Idaho Code, shall engage in the business of money transmission without a license as provided in accordance with the provisions of this chapter."

5. Respondent is not an exempt person under Idaho Code § 26-2904, or any other law or rule.

6. Each payment by each consumer constitutes a violation of Idaho's Money Transmitters Act.

REMEDIES

7. Respondent neither admits nor denies the Complainant's findings of facts and conclusions of law. To economically and efficiently resolve the pending dispute, the parties agree to this Agreement and Order in lieu of proceeding with additional administrative adjudicatory proceedings.

8. Respondent represents that management has brought its money transmission activities into compliance with the Idaho Money Transmitters Act. Based on those representations, Respondent's pending money transmitter license application will be approved. In the event that Respondent commits violations of Idaho's Money Transmitters Act or fails to adhere to the terms of this Order, Respondent acknowledges that Complainant can incorporate the allegations giving rise to this Order in any future proceeding.

9. Respondent agrees to immediately remit a fine of \$8,000.00 to the Complainant.
10. In conjunction with this Order, Respondent agrees to fully cooperate with the Complainant in any further related investigation or enforcement action.

DATED this 7th day of December, 2015.

J. D. Bigham

Jackson D. Bigham
Chief Compliance Officer and General Counsel,
SMART Payment Plan LLC

SUBSCRIBED AND SWORN to before me this 7th day of December, 2015.

Crizuna

Notary Public

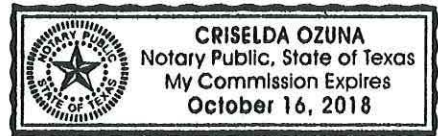
Residing at: _____

My Comm. Exp.: 10/16/18

IT IS SO ORDERED.

DATED this 12/15/15 day of Dec, 2015.

Gavin M. GEE
GAVIN M. GEE, Director
Idaho Department of Finance

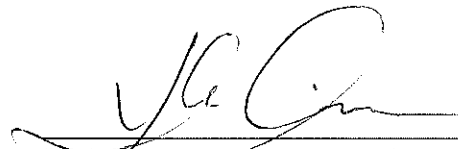


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of DECEMBER, 2015, I caused a true and correct fully-executed copy of the foregoing AGREEMENT AND ORDER to be served on the following by the designated means:

Jackson Bigham
Smart Payment Plan LLC
1600 Barton Springs Road, Unit 1503
Austin, TX 78704

- U.S. mail, postage prepaid
- Certified mail
- Facsimile:
- Email: jackson.bigham@smartpaymentplan.com



KARABETH TILLMAN, Securities Technician
Idaho Department of Finance