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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

DEPARTMENT OF
BANKING AND SECURITY

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF BANKING AND :
SECURITIES, COMPLIANCE OFFICE :

v.

DOCKET NO. 19 0048 (BNK-CAO)

CONSUMER FIRST FINANCIAL :
CORPORATION :

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"), Compliance Office ("Office"), has reviewed the business practices of Consumer First Financial Corporation ("CFFC"). Based on the results of its review, together with certain disclosures CFFC has made to the Department, the Office believes that CFFC operated in violation of the Debt Settlement Services Act, ("DSSA"), 63 P.S. § 2501 et seq. The parties to the above captioned matter, in lieu of litigation, hereby stipulate that the following statements are true and correct in the settlement of the above-captioned matter, and intending to be legally bound, hereby agree to the terms of this Consent Agreement and Order ("Order").

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the DSSA.
2. The Office is primarily responsible for administering and enforcing the DSSA for the Department.
3. CFFC's principal place of business is located at 14450 46th Street Suite 104, Clearwater, FL 33762.

Unlicensed Period

4. The DSSA became effective on January 1, 2015.

5. The DSSA requires anyone marketing, soliciting, offering to provide or providing debt settlement services for a fee or other consideration to an individual residing in Pennsylvania at the time of the agreement to be licensed 63 P.S. § 2521.

6. CFFC is not, and never has been, licensed under the DSSA.

7. CFFC has been providing debt settlement services to Pennsylvania consumers while not licensed to do so.

8. CFFC ceased accepting new clients when it learned of the licensing requirements.

9. CFFC cooperated with the Department regarding the matters addressed in this Order.

Authority of the Department

10. The DSSA grants the Department the authority to issue orders as may be necessary for enforcement. 63 P.S. § 2571(4).

11. The Department may “impose a civil penalty of up to \$10,000 for each violation of this act.” 63 P.S. § 2574(a).

VIOLATION

12. CFFC violated the DSSA when it engaged in the business of a debt settlement services company while unlicensed. 63 P.S. § 2521.

RELIEF

13. Fine. CFFC agrees to pay a fine of sixteen thousand eight hundred seventy-five dollars (\$16,875) with the payment due within two hundred and ten (210) days of the Effective Date of the Order. The fine payment shall be made by ACH or wire transfer, or if ACH or wire transfer is unavailable by certified check, cashier’s check, teller’s check or money order made payable to the “Department of Banking and Securities” and shall be mailed, or delivered in person to the attention of: Department of Banking and Securities, Compliance Office, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290.

14. Corrective Action. Upon the Effective Date of this Order, CFFC shall not perform debt settlement services for a fee in Pennsylvania unless it is licensed to do so.

15. CFFC may continue to service its clients under a debt settlement program as long as the company does not charge any fees for doing so.

16. CFFC shall refund all fees and considerations in the amount of \$302,156.62 to all Pennsylvania clients in six (6) monthly installments with the first installment being made within thirty (30) days of the Effective Date of this Order. The refunds will be made pursuant to a spreadsheet that the Department provided to CFFC. This applies to all Pennsylvania Debt Settlement Agreements entered into on or after January 1, 2015. The refunds may be accomplished by crediting the refunds to the clients' settlement accounts or by mailing each client a check for the full refund. CFFC shall provide to the Department confirmation of fees refunded every month until all fees have been refunded to Pennsylvania clients.

FURTHER PROVISIONS

17. Consent. CFFC hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Department's order authority under the DSSA and agrees that it understands all of the terms and conditions contained herein. CFFC, by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Order.

18. Consumer's Rights. The Order shall not limit or impair a consumer's rights under the DSSA.

19. Publication. The Department will publish this Order pursuant to its authority in Section 302.A.(5) of the Department of Banking and Securities Code. 71 P.S. § 733-302.A.(5).

20. Entire Agreement. This Order contains the whole agreement between the parties. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kinds whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Office and CFFC.

21. Binding Nature. The Department, CFFC, and all officers, owners, directors, employees, heirs and assigns of CFFC intend to be and are legally bound by the terms of this Order.

22. Counsel. This Order is subject to review by the Department's Legal Division. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

23. Effectiveness. CFFC hereby stipulates and agrees that the Order shall become effective on the date that the Department's Legal Division docket this Order ("Effective Date").

24. Other Enforcement Action.

- a. The Department reserves all of its rights, duties, and authority to enforce all statutes, rules and regulations under its jurisdiction against CFFC in the future regarding all matters not resolved by this Order.
- b. CFFC acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department or office regarding matters within this Order.

25. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

26. Counterparts. This Order may be executed in separate counterparts and by facsimile or electronic mail in portable document format "PDF."

27. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Department of Banking and Securities, Compliance Office, and Consumer First Financial Corporation intending to be legally bound do hereby execute this Consent Agreement and Order.

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF BANKING AND SECURITIES, COMPLIANCE OFFICE

Redacted

Jane's Keiser, Chief
Compliance Office
Department of Banking and Securities

Date: April 11, 2019

FOR CONSUMER FIRST FINANCIAL CORPORATION

Redacted

(Officer Signature)

Michael Smyth
(Print Officer Name)

President
(Title)

Date: 10 April 2019

