

1 STATE OF CALIFORNIA
2 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
3 DEPARTMENT OF CORPORATIONS

4 TO: Broadmore Ventures
5 The Loan Shop
6 Express Cash
7 Xpress Cash
8 Westbury Ventures
9 Plaza Processing
10 ASAP
11 PD6 Ventures
12 DMS Marketing
13 LTS Management
14 2756 N. Green Valley Parkway, Suite 871
15 Henderson, Nevada 89014
16 and
17 10120 S. Eastern Avenue, Suite 200
18 Henderson, Nevada 89052

19 **DESIST AND REFRAIN ORDER**

20 (For violations of California Financial Code sections 23005, 23036 and 23037)

21 The California Corporations Commissioner (“Commissioner”) finds that:

22 1. Broadmore Ventures, The Loan Shop, Express Cash, Xpress Cash, Westbury Ventures,
23 Plaza Processing, ASAP, PD6 Ventures, DMS Marketing, LTS Management and its affiliates (all
24 hereinafter referred to as “Broadmore”) operate at 2756 N. Green Valley Parkway, Suite 871,
25 Henderson, Nevada 99014 and at 10120 S. Eastern Avenue, Suite 200, Henderson, Nevada 89052.

26 2. The Commissioner of the Department of Corporations (“Department”) is mandated to
27 enforce the California Deferred Deposit Transaction Law (“CDDTL”) found respectively in
28 California Financial Code section 23000 et seq. The Commissioner has not issued a license to
Broadmore to engage in the business of deferred deposit transactions pursuant to California
Financial Code section 23005 et seq. Broadmore is not exempt from the licensing requirement of
the CDDTL.

3. Since at least April 2005 Broadmore has engaged in the business of deferred deposit

1 transactions by offering, originating and making deferred deposit transactions as described below.

2 4. A deferred deposit transaction is a written transaction whereby one person gives funds
3 to another person upon receipt of a personal check and it is agreed that the personal check shall
4 not be deposited until a later date. These loans are sometimes referred to as “payday advances”
5 or “payday loans.”

6 5. California consumers received unsolicited advertisements from Broadmore offering
7 potential customers funds of approximately \$300 until their next payday.

8 6. Broadmore would arrange for an electronic deposit of funds to the consumer’s
9 respective bank account and Broadmore had access to withdraw the \$300 plus their fee on the
10 due date of the deferred deposit transaction.

11 7. However, when the day due on the deferred deposit transaction came due Broadmore
12 would not withdraw the agreed upon repayment from the consumer’s bank account, even though
13 adequate funds were available to do so. Instead Broadmore would withdraw \$90, which they
14 stated consisted of their \$45 fee and a \$45 interest charge. Broadmore would make successive
15 withdrawals of \$90 from the consumer’s account. In some cases Broadmore would take \$90
16 twice in the same day from customers. One customer had 16 withdrawals made from his bank
17 account for a total of \$1,440 during a three-month period. A customer who obtained two \$300
18 payday loans from Broadmore repaid them a total of \$2,040. It was necessary for Broadmore’s
19 customers to close their bank account to prevent repeat unauthorized withdrawals. Broadmore
20 would not respond to consumer complaints and continued to overcharge them. Broadmore’s
21 representatives including, but not limited to, Kiria Cummings, Michelle Hargrove, William
22 Mashburn, Tom Rothrock, William Schlappi, would contact consumers or their employers,
23 impose deadlines for payment via Money Gram or Automatic Clearing House (ACH) and
24 threaten consumers with legal action.

25 8. To date the Department has no record of Broadmore or anyone else ever filing on
26 Broadmore’s behalf for a CDDTL license from the Department.

27 9. Broadmore engaged in deferred deposit business without a license from the
28 Commissioner and engaged in deferred deposit transactions that violated various statutory

1 provisions of the CDDTL including charging excessive fees in violation of California Financial
2 Code sections 23036 and 23037.

3 By reason of the foregoing, Broadmore Ventures, The Loan Shop, Express Cash, Xpress
4 Cash, Westbury Ventures, Plaza Processing, ASAP, PD6 Ventures, DMS Marketing, LTS
5 Management and affiliates have engaged in the business of deferred deposit transactions without
6 having first obtained a license from the Commissioner and have engaged in deferred deposit
7 transactions in violation of California Financial Code sections 23005, 23036 and 23037.

8 California Financial Code section 23050 states:

9 Whenever, in the opinion of the commissioner, any person is engaged in
10 the business of deferred deposit transactions, as defined in this division,
11 without a license from the commissioner, or any licensee is violating any
12 provision of this division, the commissioner may order that person or
13 licensee to desist and to refrain from engaging in the business or further
14 violating this division. If within 30 days, after the order is served, a
15 written request for a hearing is filed and no hearing is held within 30 days
16 thereafter, the order is rescinded.

17 Pursuant to Financial Code section 23050, Broadmore Ventures, The Loan Shop, Express
18 Cash, Xpress Cash, Westbury Ventures, Plaza Processing, ASAP, PD6 Ventures, DMS Marketing,
19 LTS Management and affiliates are hereby ordered to desist and refrain from engaging in the
20 business of deferred deposit transactions in the State of California without licensure or exemption
21 and from violations of California Financial Code sections 23036 and 23037. This Order is
22 necessary for the protection of consumers and consistent with the purposes, policies and provisions
23 of the CDDTL. This Order shall remain in full force and effect until further order of the
24 Commissioner.

25 Dated: July 27, 2007

26 Los Angeles, California

27 PRESTON DuFAUCHARD
28 California Corporations Commissioner

By _____
ALAN S. WEINGER
Lead Corporations Counsel
Enforcement Division