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4 Department of Business Oversight
5 One Sansome Street, Suite 600
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6
7 Attorneys for Complainant

8
9 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
10 OF THE STATE OF CALIFORNIA

11 In the Matter of) APPLICATION NO. 60DBO-78996
12)
13 THE COMMISSIONER OF BUSINESS)
OVERSIGHT,)
14)
15 Complainant,) CONSENT ORDER
16)
17 v.)
18 UNITED LEASING, INC.,)
19)
20 Respondent.)
_____)

21
22 The Commissioner of Business Oversight (Commissioner) and United Leasing, Inc.
23 (United) (collectively, the parties), enter this Consent Order with respect to the following facts:

24
25 **I.**
Recitals

26 A. The Commissioner has jurisdiction over the licensing and regulation of persons and entities
27 engaged in the business of making loans in California pursuant to the California Financing Law
28 (CFL) (Fin. Code, § 22000 et seq.).

1 B. United is an Indiana corporation with a principal office address of 3700 East Morgan
2 Avenue, Evansville, Indiana 47715.

3 C. Martha Ahlers is the President of United and a control person of United and, as such, is
4 authorized to enter this Consent Order on United's behalf.

5 D. On or about November 20, 2017, United submitted an application for a finance lender
6 license under the CFL.

7 E. During the Department of Business Oversight's review of United's application, United
8 disclosed that it had funded commercial automobile and equipment loans in California without a
9 CFL license. United has not funded any loans in California since it applied for a license.

10 F. The Department of Business Oversight determined during its review of United's application
11 that United had violated Financial Code section 22100 by making 138 automobile and equipment
12 loans without a license.

13 G. It is the intention and desire of the parties to resolve this matter without the necessity of a
14 hearing and/or other litigation.

15 H. The Commissioner finds that this action is appropriate, in the public interest, and consistent
16 with the purposes fairly intended by the policies and provisions of this law.

17 NOW, THEREFORE, in consideration of the foregoing, and the terms and conditions set
18 forth herein, the parties agree as follows:

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20 **II.**
Terms and Conditions

21 1. Desist and Refrain Order. Pursuant to Financial Code section 22712, United is hereby
22 ordered to desist and refrain from engaging in the business of acting as a finance lender in the State of
23 California without first obtaining a CFL license from the Commissioner, or otherwise being exempt.

24 2. Administrative Penalties. Pursuant to Financial Code section 22713, subdivision (c), United
25 agrees to pay administrative penalties in an amount of \$20,000, due and payable to the Department
26 within 10 days of the effective date of this Order, as such date is defined by Paragraph 10. The penalty
27 shall be paid by check made payable to the "Department of Business Oversight" and mailed to the
28 attention of: Accounting, Department of Business Oversight, 1515 K Street, Suite 200, Sacramento,

1 California 95814. Notice of payment shall be made concurrently to Counsel Charles Carriere at
2 Department of Business Oversight, One Sansome Street, Suite 600, San Francisco, California 94104.

3 3. Remedy for Breach. United agrees that failure to timely comply with the conditions set forth
4 in Paragraph 2 shall result in summary denial of United’s application for a CFL license and authorize
5 the Commissioner to immediately seek to enforce of the terms of this Order as to administrative
6 penalties against United as a final order.

7 4. Waiver of Hearing Rights. United acknowledges its right to an administrative hearing under
8 the CFL in connection with the order and remedy specified herein and hereby waives its right to a
9 hearing, and to any reconsideration, appeal, or other right which may be afforded under CFL sections
10 22712 and 22718 and to judicial review of this matter pursuant to Code of Civil Procedure section
11 1094.5 with respect to the issuance of this Order.

12 5. Future Actions by the Commissioner. The Commissioner reserves the right to bring any future
13 action(s) against United or any of its partners, owners, officers, directors, shareholders, employees, or
14 successors for all unknown or future violations of the Financial Code. This Order shall not serve to
15 exculpate United or any of its partners, owners, officers, directors, shareholders, employees, or
16 successors from liability for all unknown or future violations of the CFL.

17 6. Full and Final Settlement. The Parties hereby acknowledge and agree that this Consent Order
18 is intended to constitute a full, final, and complete resolution of the violations described herein and that
19 no further proceedings or actions will be brought by the Commissioner in connection with these matters
20 either under the CFL, or any other provision of law, excepting therefrom any proceeding to enforce
21 compliance with the terms of this Consent Order, or a proceeding or action based upon discovery of
22 new and further violations of the CFL which do not form the basis for this Consent Order or which
23 United Leasing knowingly concealed from the Commissioner.

24 7. Pending Application. The Commissioner agrees that she will not consider the conduct
25 described in paragraphs E and F of this Consent Order when determining whether to approve United
26 Leasing’s pending CFL license application.

27 8. Public Record. United hereby acknowledges that this Order is a matter of public record.
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1 9. Authority to Execute. Each signatory hereto covenants that he or she possesses all
2 necessary capacity and authority to sign and enter this Order.

3 10. Effective Date. This Order shall not become effective until signed by all parties and
4 delivered by the Commissioner's counsel by email to United's President Martha Ahlers at
5 mahlers@unitedevv.com.

6

7 Dated: 12/21/18 JAN LYNN OWEN
8 Commissioner of Business Oversight

9 By _____
10 MARY ANN SMITH
11 Deputy Commissioner
12 Enforcement Division

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14 Dated: 12/21/18 UNITED LEASING, INC.

15

16 By _____
17 MARTHA AHLERS
18 President

19 APPROVED AS TO FORM AND CONTENT:

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21 _____
22 RYAN PARKER
23 Counsel for United Leasing, Inc.

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