

## Terms Completed

### ORDER SUMMARY – Case Number: C-04-086

**Name(s):** Michael D. Frye (Collections Employee for PFH Inc, dba Fast Cash Loans)

CO IS FOR FRYE INDIVIDUALLY, NOT ANY OTHER RESPONDENTS

**Order Number:** C-04-086-05-CO03

**Effective Date:** March 24, 2005

**License Number:** DFI: 16552 plus branches

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  
If applicable, you must specifically note the ending dates of terms.

**License Effect:** n/a

**Not Apply Until:** n/a

**Not Eligible Until:**

**Prohibition/Ban Until:** n/a

<b>Investigation Costs</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$500	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 3.24.05
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:** Cooperation clause (statements, documents, testimony)

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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
CONSUMER SERVICES DIVISION**

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IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Check Cashers and Sellers of Washington by:

NO. C-04-086-05-CO03

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PFH, Inc., dba FAST CASH LOANS and  
LOAN EX, and J. BLAKE GOLDBERG,  
President and Chief Executive Officer, and  
STEVE H. SELVAR, Collections Manager, and  
MICHAEL D. FRYE, Collections Employee, and  
MARGARET COOK, Collections Employee,  
Respondents.

CONSENT ORDER

**MICHAEL D. FRYE**

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COMES NOW the Director of the Department of Financial Institutions (Director), through her designee  
Chuck Cross, Division Director, Division of Consumer Services, and Michael D. Frye (Respondent) by and  
through his attorney, Sally Garratt, and finding that the issues raised in the captioned matter may be economically  
and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter  
31.45 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based  
on the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent  
have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-04-086-04-SC01  
(Statement of Charges) entered September 24, 2004, (copy attached hereto). Pursuant to chapter 31.45 RCW, the  
Check Cashers and Sellers Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent  
hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the  
above captioned matter may be economically and efficiently settled by entry of this Consent Order.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the  
activities discussed herein.

CONSENT ORDER  
MICHAEL D. FRYE

1           **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing  
2 before an administrative law judge, and that he has waived his right to a hearing and any and all administrative and  
3 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent  
4 agrees to withdraw his application for hearing and to inform the Office of Administrative Hearings in writing of  
5 his withdrawal.

6           **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the Statement of  
7 Charges and agree that Respondent does not admit to any wrongdoing by its entry. Respondent does not admit  
8 that he has violated any laws as alleged in the Statement of Charges (No. C-04-086-04-SC01).

9           **D. Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$500.00, in the form of a  
10 cashier's check made payable to the "Washington State Treasurer," upon entry of this order.

11           **E. Complete Cooperation with the Department and the Office of the Attorney General, Consumer**  
12 **Protection Division (statements).** It is AGREED that Respondent shall provide the Department and the  
13 Consumer Protection Division truthful and complete sworn statements outlining his activities with respect to PFH,  
14 Inc., dba Fast Cash Loans and Loan Ex (PFH, Inc.), and any and all persons involved or in any way associated  
15 with PFH, Inc., including but not limited to the named Respondents, employees, businesses and persons with  
16 whom PFH, Inc. dealt, communicated, or otherwise related. The "sworn statements" may take the form of  
17 affidavits, declarations, or deposition testimony, at the Department's and the Consumer Protection Division's  
18 discretion.

19           **F. Complete Cooperation with the Department and the Office of the Attorney General, Consumer**  
20 **Protection Division.** It is AGREED that Respondent shall cooperate fully, truthfully and completely with the  
21 Department and the Consumer Protection Division and provide any and all information known to him relating in  
22 any manner to PFH, Inc. and any and all persons involved or in any way associated with PFH, Inc., including but  
23 not limited to the named Respondents, employees, businesses and persons with whom PFH, Inc. dealt,  
24 communicated, or otherwise related. It is further AGREED that Respondent shall provide any and all documents,  
25 writings or materials, or objects or things of any kind in his possession or under his care, custody, or control that

1 he is authorized to possess, obtain, or distribute relating directly or indirectly to all areas of inquiry and  
2 investigation. A failure to cooperate fully, truthfully and completely is a breach of this Consent Order. It is  
3 further AGREED that Respondent shall testify fully, truthfully and completely at any proceeding related to the  
4 Department's investigation and enforcement actions related to this matter, including, but not limited to PFH, Inc.  
5 and the named Respondents.

6 **G. Compliance with the Law.** It is AGREED that Respondent shall comply with the Check Cashers  
7 and Sellers Act and the rules adopted thereunder when engaged in any activities for any person subject to that  
8 statute.

9 **H. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide  
10 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the  
11 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in  
12 pursuing such action, including but not limited to, attorney fees. However, the parties understand and intend  
13 that in the event of any new complaints which might involve the Respondent, such complaints will be  
14 processed in accordance with the established practices of the Department.

15 **I. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into  
16 this Consent Order, which is effective when signed by the Director's designee.

17 **J. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent  
18 Order in its entirety and fully understands and agrees to all of the same.

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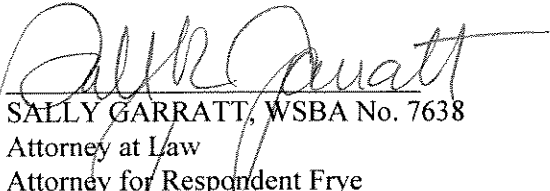
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**RESPONDENT:**

  
MICHAEL D. FRYE

3-14-05  
Date


  
SALLY GARRATT, WSBA No. 7638  
Attorney at Law  
Attorney for Respondent Frye

3-14-05  
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 24th DAY OF March, 2005.



  
CHUCK CROSS  
Director and Enforcement Chief  
Division of Consumer Services  
Department of Financial Institutions

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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Check Cashers and Sellers Act of Washington by:

NO. C-04-086-04-SC01

PFH, Inc., dba FAST CASH LOANS and  
LOAN EX, and J. BLAKE GOLDBERG,  
President and Chief Executive Officer, and  
STEVE H. SELVAR, Collections Manager, and  
MICHAEL D. FRYE, Collections Employee, and  
MARGARET COOK, Collections Employee,

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO REVOKE LICENSE,  
IMPOSE FINE, ORDER RESTITUTION,  
REMOVE AND BAN FROM INDUSTRY,  
AND COLLECT EXAMINATION FEE

Respondents.

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**INTRODUCTION**

Pursuant to RCW 31.45.110 and RCW 31.45.200, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.45 RCW, the Check Cashers and Sellers Act (Act). The referenced statutes (RCW) and rules (WAC) are attached, in pertinent part. After having conducted an investigation pursuant to RCW 31.45.100, and based upon the facts available as of September 24, 2004 the Director institutes this proceeding and finds as follows:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondents:**

A. **PFH, Inc. dba Fast Cash Loans and Loan Ex (Respondent PFH)** was licensed by the Department of Financial Institutions of the State of Washington (Department) as a check casher, with a small loan endorsement, on August 23, 1996, and has continued to be licensed to date. Respondent PFH also currently holds nineteen (19) branch check casher licenses and nineteen (19) branch small loan endorsements.

B. **J. Blake Goldberg (Respondent Goldberg)** is President and Chief Executive Officer of Respondent PFH.

C. **Steve H. Selvar (Respondent Selvar)** is employed by Respondent PFH as manager of the collections department.

1 D. **Michael D. Frye (Respondent Frye)** is employed by Respondent PFH as a collector.

2 E. **Margaret Cook (Respondent Cook)** is employed by Respondent PFH as a collector.

3 **1.2 Consumer Complaints:** To date, the Department and the Office of the Attorney General of  
4 Washington (Attorney General) have collectively received over fifty (50) consumer complaints regarding  
5 Respondent PFH's business operations, including its activities related to the collection of delinquent small  
6 loans, during the period beginning in or around July of 2000 and continuing through July of 2004.

7 **1.3 Using Improper Methods of Collecting Delinquent Small Loans:**

8 A. At least thirty-five (35) of the consumer complaints referenced in paragraph 1.2 allege that,  
9 during contacts with borrowers related to their delinquent small loans, Respondent PFH's employees told  
10 borrowers that they were being investigated for criminal felony check fraud and threatened borrowers with  
11 criminal prosecution for felony check fraud, and while attempting to contact borrowers related to their  
12 delinquent small loans, Respondent PFH's employees told non-borrowers that borrowers were being  
13 investigated for criminal felony check fraud. Of these thirty-five (35) consumer complaints, at least sixteen  
14 (16) allege that such activity occurred on or after July 27, 2003. Of these sixteen (16) consumer complaints, at  
15 least ten (10) allege that such contacts were made by a person identifying himself as Dave Holt, and at least two  
16 (2) allege that such contacts were made by a person identifying herself as Olivia Cruz. During the period from  
17 July 27, 2003 through July 2004, Respondents Frye and Cook regularly used the aliases Dave Holt and Olivia  
18 Cruz, respectively, while making collection telephone calls to borrowers and non-borrowers for Respondent  
19 PFH.

20 B. From November of 2001, when Respondent Cook was hired by Respondent PFH, until the end  
21 of 2003, she was employed as a "soft" collector, with responsibility for accounts delinquent thirty days or less  
22 at particular branches. In January of 2004, she began working with Respondent Frye as a "hard" collector,  
23 collecting on accounts delinquent for over thirty days. From January of 2004 until mid-May of 2004, according  
24 to Respondent Cook, her standard introduction to borrowers was as follows:

1 "My name is Olivia Cruz [an alias used by Respondent Cook], I'm a fraud  
2 investigator, I'm conducting an investigation into the felony check fraud that you  
3 were involved in when you wrote your check to Fast Cash Loans. Check fraud is  
4 a felony under RCW 9A.56.060. Do you want to go ahead and resolve that or do  
5 you want me to take further action?"

6 For the period from January of 2004 until mid-May of 2004, Respondent Cook, while attempting  
7 to contact delinquent borrowers, would regularly tell non-borrowers that she was a fraud  
8 investigator investigating the felony check fraud that the delinquent borrower had committed and  
9 would regularly ask borrowers and non-borrowers if the delinquent borrower had ever been  
10 arrested.

11 C. From November of 2001, when Respondent Frye was hired by Respondent PFH, until the end  
12 of July of 2004, he was a "hard" collector, meaning he had collection responsibility over accounts that the  
13 "soft" collectors were unable to collect, usually borrowers delinquent over forty-five days. From November of  
14 2001 until July of 2003, according to Respondent Frye, his standard introduction to borrowers was as follows:

15 "My name is [generally an alias used by Respondent Frye], I'm a fraud  
16 investigator hired by Fast Cash Loans conducting a felony fraud investigation on  
17 you under the RCW 9A.56.060. If you would like to resolve this without me  
18 having to turn this over to [law enforcement agency in County where loan was  
19 originated, such as "King County Sheriff's Office"], you have until [specific  
20 date] to pay it. Do you want to resolve it?"

21 After July of 2003, Respondent Frye used the same introduction except that he would tell borrowers they would  
22 be turned over to a County, rather than a specific law enforcement agency within that County (i.e. "King  
23 County" rather than "King County Sheriff's Office"). Respondent Frye claimed he always indicated that he had  
24 been hired by Fast Cash Loans. However, in or around September 2003 Respondent Frye left the following  
25 voicemail for a customer:



1 "You need to give Dave Holt [an alias used by Respondent Frye] a call, you are  
2 currently under investigation by my office for the felony fraud that you  
3 committed against Fast Cash Loans back on July 27. It is under the Revised  
4 Code of Washington 9A.56.060. If this is something that you would like to go  
5 ahead and resolve without me having to proceed against you under this statute, I  
6 can be reached at 253-954-1207."

7 For the period from November of 2001 through July of 2004, Respondent Frye, while attempting to contact  
8 delinquent borrowers, would regularly tell non-borrowers that he was a fraud investigator investigating the  
9 felony check fraud that the delinquent borrower had committed and would regularly ask borrowers and non-  
10 borrowers if the delinquent borrower had ever been arrested.

11 **1.4 Using a Fictitious Name Indicating a Third Person is Attempting to Collect Loans:** At least thirty-  
12 two (32) of the consumer complaints referenced in paragraph 1.2 allege that, during contacts with borrowers  
13 related to their delinquent small loans and while attempting to contact borrowers related to their delinquent  
14 small loans, Respondent PFH's collection employees represented that they were fraud investigators or  
15 investigators, or that they were employed by Western Washington Fraud Unit or the Fraud Unit. Of these  
16 thirty-two (32) consumer complaints, at least seventeen (17) allege that such activity occurred on or after July  
17 27, 2003. Of these seventeen (17) consumer complaints, at least twelve (12) allege that such contacts were  
18 made by a person identifying himself as Dave Holt, and at least two (2) allege that such contacts were made by  
19 a person identifying herself as Olivia Cruz. During the period from July 27, 2003 through July 2004,  
20 Respondents Frye and Cook regularly used the aliases Dave Holt and Olivia Cruz, respectively, while making  
21 collection telephone calls to borrowers and non-borrowers for Respondent PFH. Respondents Frye and Cook  
22 regularly identified themselves as fraud investigators between November of 2001 and May of 2004, and for an  
23 indeterminate period of time, the main telephone number (253-927-4200) associated with Respondents Frye and  
24 Cook, while they were employed as "hard" collectors as discussed in paragraphs 1.3B and 1.3C, had an  
25 outgoing voice mail message for callers stating they had reached Western Washington Fraud Unit. As late as

1 June 8, 2004, when calling the same telephone number (253-927-4200), the outgoing voice mail message  
2 referred to Western Washington Fraud Unit.

3 **1.5 Using Abusive Debt Collection Practices:** All of the consumer complaints referenced in paragraph  
4 1.4 allege abusive debt collection practices by employees in Respondent PFH's collection department,  
5 including:

- 6 (a) Contacting non-borrowers in an attempt to locate borrowers, and telling such non-borrowers  
7 that borrowers either owed Respondent PFH for a delinquent small loan or were under  
8 investigation for felony check fraud. (In this and following descriptions of alleged collection  
9 activities, non-borrowers include adult and juvenile members of the borrowers' households,  
10 family members, friends, coworkers, supervisors, Human Resource employees at borrowers'  
11 places of employment, landlords, neighbors, grocery store employees, and non-borrowers listed  
12 as references on small loan applications);
- 13 (b) Contacting non-borrowers multiple times in an attempt to locate borrowers, even after being  
14 told by such non-borrowers multiple times that they did not know the location of the borrowers;
- 15 (c) Contacting borrowers early in the morning, late in the evening, or at inconvenient locations  
16 such as while shopping at local supermarkets;
- 17 (d) Contacting borrowers at their place of employment, even after being asked to stop by  
18 borrowers, supervisors or employers;
- 19 (e) Contacting non-borrowers and telling such non-borrowers that borrowers either owed  
20 Respondent PFH for a delinquent small loan or were under investigation for felony check fraud,  
21 even after the location of the borrowers was known;
- 22 (f) Using profanity while communicating with borrowers;
- 23 (g) Contacting or attempting to contact borrowers and non-borrowers more than five times in a  
24 given day, or more than twenty times in a given week;

- (h) Telling borrowers that they were "a nobody", because if they were somebody they wouldn't need to use a payday lender;
- (i) Telling borrowers that they would lose custody of their children, and telling children of borrowers that their parents would be going to jail;
- (j) Representing themselves as fraud investigators or investigator, as discussed in paragraph 1.4; and
- (k) Representing or implying that non-payment of the delinquent small loan would lead to the borrowers' arrest or imprisonment, as discussed in paragraph 1.3.

**1.6 Charging Excess Interest or Fees on Small Loans:** During an examination of two hundred eighty-eight (288) loan files conducted by Department personnel in August of 2004, twenty (20) loans were identified as having been charged excess interest or fees. The interest or fee overpayments on these loans totaled one hundred dollars (\$100.00). The overcharges occurred when individual borrowers took out more than one loan from Respondent PFH, and the aggregated principal of all loans made to such individual borrowers exceeded five hundred dollars (\$500.00) at any one time. In such instances, Respondent PFH charged interest or fees equal to fifteen percent (15%) of the entire principal balance. As stated in Section II below, RCW 31.45.073 limits interest or fees on the portion of principal balances that exceed five hundred dollars (\$500.00) to ten percent (10%) of such balances.

**1.7 Charging Excess Fees on Small Loan Payment Plans:** At Respondent PFH, all borrower requests for small loan payment plans are referred to the collection department. During the period from September 2003 through at least July 2004, the collection department would not enter into a small loan payment plan until the requesting borrower's check was returned by the bank it was drawn on as insufficient funds (NSF). This procedure was applied to all borrower requests for small loan payment plans, including requests by borrowers who qualified for mandatory conversion to a small loan payment plan under the Act (request made after four successive loans and prior to default upon the last loan). Once a small loan payment plan was set up, Respondent PFH charged borrowers a one-time fee for the payment plan equal to the fee or interest on the

1 outstanding principal of the loan as allowed by the Act. Beginning in or around October of 2003 and ending in  
2 or around May of 2004, Respondent PFH also charged such borrowers an NSF fee of \$25. After May of 2004,  
3 Respondent PFH no longer charged the NSF fee, but borrowers must still bear any fees charged by the  
4 borrower's bank.

5 **1.8 Failure to Provide Small Loan Payment Plan:** On at least one occasion, Respondent PFH failed to  
6 provide a small loan payment plan for a borrower who qualified for mandatory conversion under the Act. In  
7 August of 2004, a branch manager of Respondent PFH stated to Department personnel that a borrower had  
8 recently attempted to set up a small loan payment plan, and had left seventy five dollars (\$75.00) in cash with  
9 the branch manager as payment for the small loan payment plan fee. A review of the borrower's loan history  
10 showed she was in her fourth successive loan, and had not yet defaulted on that loan. The branch manager  
11 stated that the collections department told her that the borrower could not be set up on a payment plan because  
12 the borrower was unemployed and was not married.

13 **1.9 Disclosing Understated Annual Percentage Rate (APR) to Borrowers:** During an examination of  
14 forty (40) loan files from Respondent PFH's Tumwater and Centralia branch offices, conducted by Department  
15 personnel in August 2004, five (5) loans were identified as having handwritten disclosures with understated  
16 APR's. In two of these loans, the understatement required refunds of \$15.94 and \$3.20, totaling \$19.14.

17 **1.10 Failure to Notify Department of Location Closure:** On or around July 22, 1999, the Department  
18 issued a license and small loan endorsement to Respondent PFH for a location at 13303 Pacific Ave S, Tacoma,  
19 Washington. On or around July 15, 2001, Respondent PFH closed this location. On or around December 13,  
20 2002, the Department issued a license and small loan endorsement to Respondent PFH for a location at 706  
21 Yelm Ave E, Yelm, Washington. This location was never opened. To date, the Department has not received  
22 any written notification of Respondent PFH's closure of these two locations.

23 **1.11 Failure to Notify Department of Significant Developments:** Respondent PFH's license application,  
24 filed with the Department in June of 1996, lists Respondent Goldberg as President and fifty percent owner of  
25 Respondent PFH, and David M. Otto as Vice President and fifty percent owner of Respondent PFH. In an

1 interview conducted by Department personnel on September 1, 2004, Respondent Goldberg stated that the  
2 ownership of Respondent PFH has changed between initial licensure and the present, that he currently owns  
3 approximately one percent of Respondent PFH, and that no individual shareholder currently owns more than  
4 fourteen percent of Respondent PFH. Respondent Goldberg further stated that between 1998 and 2000, Mike  
5 Humphries was the Chief Executive Officer of Respondent PFH. To date, the Department has not received any  
6 written notification of a change in control of Respondent PFH since initial licensure in 1996.

7 **1.12 On-Going Examination:** The Department's examination into the alleged violations of the Act by  
8 Respondents continues to date.

## 9 II. GROUNDS FOR ENTRY OF ORDER

### 10 2.1 Collection of Delinquent Small Loans:

11 A. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation  
12 of RCW 31.45.082 for threatening criminal prosecution as a method of collecting a delinquent small loan.

13 B. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation  
14 of RCW 31.45.082 and WAC 208-630-080 for failing to comply with all applicable state and federal laws when  
15 collecting a delinquent small loan, in particular, 15 USC 1692, the Fair Debt Collection Practices Act and RCW  
16 19.16, the Collection Agency Act. Pursuant to 15 USC 1692a(6), the definition of a debt collector includes any  
17 creditor who, in the process of collecting his own debts, uses any name other than his own which would indicate  
18 that a third person is collecting or attempting to collect such debts. Pursuant to RCW 19.16.100(2)(c), the  
19 definition of a collection agency includes any person who in attempting to collect or in collecting his or her own  
20 claim uses a fictitious name or any name other than his or her own which would indicate to the debtor that a  
21 third person is collecting or attempting to collect such claim. The Fair Debt Collection Practices Act and the  
22 Collection Agency Act prohibit the use of abusive debt collection practices by debt collectors, including the  
23 following activities in connection with the collection of any debt:

- 24 • Stating that a consumer owes any debt while communicating with any person other than the  
25 consumer for the purpose of acquiring location information about the consumer.

- Communicating with any person other than the consumer for the purpose of acquiring location information about the consumer more than once unless requested to do so by such person or unless the debt collector reasonably believes that the earlier response of such person is erroneous or incomplete and that such person now has correct or complete location information.
- Communicating with a consumer at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer.
- Communicating with a consumer at a consumer's place of employment if the debt collector knows or has reason to know that the consumer's employer prohibits the consumer from receiving such communication.
- Communicating with any person other than the consumer, other than to acquire location information about the consumer.
- Engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person, including the use of obscene or profane language, or causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- Using any false, deceptive, or misleading representation, including the false representation that the debt collector is affiliated with any State, the representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any person unless such action is lawful and the debt collector or creditor intends to take such action, the threat to take any action that cannot legally be taken or that is not intended to be taken, the false representation or implication that the consumer committed any crime or other conduct in order to disgrace the consumer, the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer, or the

1 use of any business, company, or organization name other than the true name of the debt  
2 collector's business, company, or organization.

3 The Collection Agency Act requires collection agencies to be licensed by the State of Washington.

4 C. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation  
5 of RCW 31.45.110(1)(k) and (l) for committing acts of fraudulent or dishonest dealing and engaging in conduct  
6 that demonstrates incompetence or untrustworthiness, or is a source of injury and loss to the public.

7 **2.2 Maximum Interest or Fees on a Small Loan:** Based on the Factual Allegations set forth in Section I  
8 above, Respondent PFH is in apparent violation of RCW 31.45.073(3) for charging interest or fees exceeding,  
9 in the aggregate, fifteen percent of the first five hundred dollars of aggregated principal of all loans to a single  
10 borrower at any one time, and ten percent of that portion of the aggregated principal balances of all loans to a  
11 single borrower which exceed five hundred dollars at any one time.

12 **2.3 Small Loan Payment Plans:** Based on the Factual Allegations set forth in Section I above,  
13 Respondent PFH is in apparent violation of RCW 31.45.084(1) for failing to provide a small loan payment plan  
14 to a borrower who had at least four successive loans and who requested a small loan payment plan prior to  
15 default on the last loan, and for charging fees on small loan payment plans in excess of the fee or interest on the  
16 outstanding principal of the loan as allowed under RCW 31.45.073(3).

17 **2.4 Requirement to Disclose APR:** Based on the Factual Allegations set forth in Section I above,  
18 Respondent PFH is in apparent violation of RCW 31.45.088(3) and WAC 208-630-080(3) for disclosing  
19 understated APR's to the borrowers.

20 **2.5 Requirement to Notify Department of Location Closure:** Based on the Factual Allegations set forth  
21 in Section I above, Respondent PFH is in apparent violation of RCW 31.45.050(3) for failing to notify the  
22 Director in writing no less than thirty days before the licensee's proposed establishing, closing, or moving of a  
23 place of business.

24 **2.6 Requirement to Notify Department of Significant Developments:** Based on the Factual Allegations  
25 set forth in Section I above, Respondent PFH is in apparent violation of WAC 208-630-060(5) for failing to

1 notify the Director in writing within thirty days of a change of control of the licensee. In the case of a  
2 corporation, control is defined in WAC 208-630-060(5) as a change of ownership by a person or group acting in  
3 concert to acquire ten percent of the stock, or the ability of a person or group acting in concert to elect a  
4 majority of the board directors or otherwise effect a change in policy of the corporation.

5 **2.7 Authority to Issue Statement of Charges:** Pursuant to RCW 31.45.110(1)(b), (k), and (l), the  
6 Director may issue and serve upon a licensee a statement of charges if, in the opinion of the director, any  
7 licensee is violating or has violated the Act or any rules adopted thereunder, commits any act of fraudulent or  
8 dishonest dealing, or commits any act or engages in conduct that demonstrates incompetence or  
untrustworthiness, or is a source of injury or loss to the public.

9 **2.8 Authority to Impose Sanctions:** Pursuant to RCW 31.45.110(2), the Director may impose the  
10 following sanctions against any licensee, or any director, officer, controlling person, or employee of a licensee:  
11 revoke a license, impose a fine, not to exceed one hundred dollars per day for each day's violation of the Act,  
12 order restitution to borrowers damaged by the licensee's violation of this chapter, and remove from office or  
13 ban from participation in the conduct of the affairs of any licensee any director, officer, controlling person, or  
14 employee of a licensee.

15 **2.9 Authority to Charge Examination Fee:** Pursuant to RCW 31.45.050(1), RCW 31.45.100, WAC 208-  
16 630-015, WAC 208-630-020, WAC 208-630-023 and WAC 208-630-02303, upon completion of any examination  
17 of the books and records of a licensee, the Director shall collect from the licensee the actual cost of the examination.  
18 The examination charge will be calculated at the rate of sixty-nine dollars and one cent (\$69.01) per hour that each  
staff person devoted to the examination.

### 19 III. NOTICE OF INTENTION TO ENTER ORDER

20 Respondents' violations of the provisions of chapter 31.45 RCW and chapter 208-630 WAC, as set forth in  
21 the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry of an Order under  
22 RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director's intention to ORDER that:

23 3.1 Respondent PFH, Inc.'s license to conduct the business of a Check Casher with a Small Loan  
24 Endorsement be revoked; and



- 1 3.2 Respondent PFH, Inc. and Respondent J. Blake Goldberg jointly and severally pay a fine totaling  
2 \$67,500 for:
- 3 a. Seven (7) violations of RCW 31.45.082 and RCW 31.45.110(1)(b), (k) and (l) pertaining to  
collection of delinquent small loans, calculated at \$100.00 per day for 10 days (\$7,000);
  - 4 b. Twenty (20) violations of RCW 31.45.073(3), calculated at \$100.00 per day for 30 days (\$60,000);  
and
  - 5 c. Five (5) violations of RCW 31.45.088, calculated at \$100 per day for 1 day (\$500).
- 6 3.3 Respondent PFH, Inc., Respondent J. Blake Goldberg, and Respondent Michael D. Frye jointly and  
severally pay a fine of \$22,000 for twenty-two (22) violations of RCW 31.45.082 and RCW  
7 31.45.110(1)(b), (k) and (l) pertaining to collection of delinquent small loans, calculated at \$100.00  
8 per day for 10 days; and
- 9 3.4 Respondent PFH, Inc., Respondent J. Blake Goldberg, and Respondent Margaret Cook pay a fine of  
\$4,000 for four (4) violations of RCW 31.45.082 and RCW 31.45.110(1)(b), (k) and (l) pertaining to  
10 collection of delinquent small loans, calculated at \$100.00 per day for 10 days; and
- 11 3.5 Respondent PFH, Inc. pay restitution to all affected borrowers for any interest or fees charged on small  
loans in excess of statutory limits, including \$100 in restitution to the borrowers referenced in  
12 paragraph 1.6; and
- 13 3.6 Respondent PFH, Inc. pay restitution to all affected borrowers for any fees charged related to small  
loan payment plans in excess of statutory limits; and
- 14 3.7 Respondent PFH, Inc. pay restitution to all affected borrowers for any refunds due resulting from  
disclosure of understated APR's, including \$19.14 in restitution to the borrowers referenced in  
15 paragraph 1.9; and
- 16 3.8 Respondent J. Blake Goldberg be removed as President and Chief Executive Officer of Respondent  
PFH, Inc. and banned from participation in the conduct of the affairs of any check casher or seller  
subject to licensure by the Director, in any manner, for a period of five (5) years; and
- 17 3.9 Respondent Steve H. Selvar be banned from participation in the conduct of the affairs of any check  
casher or seller subject to licensure by the Director, in any manner, for a period of five (5) years; and
- 18 3.10 Respondent Michael D. Frye be banned from participation in the conduct of the affairs of any check  
casher or seller subject to licensure by the Director, in any manner, for a period of five (5) years; and
- 19 3.11 Respondent Margaret Cook be banned from participation in the conduct of the affairs of any check  
casher or seller subject to licensure by the Director, in any manner, for a period of five (5) years; and
- 20 3.12 Respondent PFH, Inc. pay an examination fee in the amount of \$21,255.08 calculated at \$69.01 per  
hour for three hundred eight (308) staff hours devoted to the examination.
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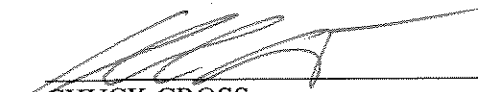
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**IV. AUTHORITY AND PROCEDURE**


This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, Order Restitution, Remove and Ban from Industry, and Collect Examination Fee is entered pursuant to the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, Order Restitution, Remove and Ban from Industry, and Collect Examination Fee.

Dated this 24<sup>th</sup> day of September, 2004.



  
CHUCK CROSS  
Director and Enforcement Chief  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

  
Mark T. Olson  
Financial Examiner