

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT  
STATE OF OKLAHOMA



STATE OF OKLAHOMA ex rel. )  
DEPARTMENT OF CONSUMER CREDIT,) )  
 )  
Petitioner )  
 )  
v. )  
 )  
PEMBERTON, INC., )  
D/B/A PEMBERTON CHEVROLET, )  
 )  
Respondent )

Case No. 17-0216-DIS

CONSENT ORDER

Petitioner, State of Oklahoma ex rel. Department of Consumer Credit ("Petitioner") and Respondent, Pemberton, Inc., d/b/a Pemberton Chevrolet, ("Respondent") voluntarily enter into this Consent Order as an informal disposition of this individual proceeding to avoid litigation. Respondent agrees to waive its right to a hearing under the Oklahoma Administrative Procedures Act and both parties agree as follows:

(1) Petitioner restates and incorporates by reference the allegations made by Petitioner in the Notice of Hearing filed in this matter.

- a. Respondent is a domestic for profit business corporation under the State of Oklahoma, Oklahoma Secretary of State filing number 1900489158, active filing status.
- b. Respondent transacts business at 3330 N. 14<sup>th</sup> St., Ponca City, OK 74601.
- c. On April 24, 2017, Jimmie Ray and Michael Thompson, consumer credit examiners, entered Respondent's business premises and spoke to Jason Hawkins, Sales Manager.
- d. The examiners asked Mr. Hawkins if Respondent offers financing to consumers for vehicles at their location. Mr. Hawkins explained the finance department handles all the financing paperwork for the consumers at the

dealership. Mr. Hawkins advised the consumers sign a retail dealer contract, and the contract is assigned to a lender. Mr. Hawkins, upon request showed the examiners a copy of a completed retail contract that listed customer signatures and financing terms. The examiners took a photo of the contract. Respondent's website revealed customers can complete credit applications online.

- e. On October 13, 2017, Petitioner issued a subpoena duces tecum to Jason Hawkins of Pemberton Chevrolet at the address of 3330 N. 14<sup>th</sup> St., Ponca City, OK 74601. Respondent was requested to submit documents no later than November 13, 2017. Ten (10) Retail Installment Sale Contracts were received on October 23, 2017.
- f. The copy of the Retail Installment Sale Contract for T. Lutdke lists the purchase of a 2012 Chevrolet Impala. The Seller is listed as Pemberton, Inc. with the business address listed. The terms of the contract are 59 monthly payments in the amount of \$333.92 with the first payment due on April 12, 2016. Total sales price of the vehicle is \$24,220.40. The interest rate is listed as 20.95%.
- g. Respondent is not a supervised financial organization or a person holding a license to make supervised loans issued under 14A O.S. § 3-501 *et seq.*
- h. As of November 8, 2017, Respondent is not licensed in the State of Oklahoma pursuant to the provisions of 14A O.S. §§ 6-201 through 6-203 of the UCCC. 14A O.S. § 6-203(2). Respondent previously held a Notification license (NOT78235); said license expired on January 31, 2011.
- i. Respondent did not file notification pursuant to the provisions of Section 6-202 of the UCCC, on or before January 31, 2017.
- j. Respondent has failed to pay the notification filing fee of \$120.00 for each business location pursuant to OKLA. ADMIN. CODE § 160:5-1-2(2)(A).

(2) Respondent does not admit to the allegations made by Petitioner in the Notice of Hearing filed in this matter, and

incorporated by reference in this Consent Order.

(3) Respondent will submit a notification filing application and pay all applicable registration/application fees to the Department on or before December 8, 2017. In addition, Respondent agrees to pay a \$1,000.00 civil penalty, payable in two (2) installments of \$500.00, with first installment due on or before December 8, 2017, and second installment due on or before January 8, 2018.

(4) The payment shall be made payable by check or money order to the Oklahoma Department of Consumer Credit, shall indicate the payment is for Case Number 17-0216-DIS and shall be addressed to the attention of John T. Coyne, Chief Enforcement Attorney, Department of Consumer Credit, 3613 N.W. 56<sup>th</sup> Street, Suite 240, Oklahoma City, Oklahoma 73112.

(5) A file stamped copy of this Consent Order will be returned to the Respondent upon signature of the Administrator of the Department of Consumer Credit or the Deputy Administrator of the Department Consumer Credit.

(6) If Respondent fails to comply with the terms of this Consent Order, the Administrator of the Department of Consumer Credit is authorized to file an application to enforce this Consent Order in the District Court of Oklahoma County, Oklahoma in accordance with the provisions of 14 O.S. § 6-113(4).



[Redacted signature area]

Scott Lesher  
Administrator  
State of Oklahoma  
Department of Consumer Credit

Dated: 11/17/17

[Redacted signature area]

Pemberton, Inc.  
d/b/a Pemberton Chevrolet

Dated: 10-14-17

VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0216-DIS

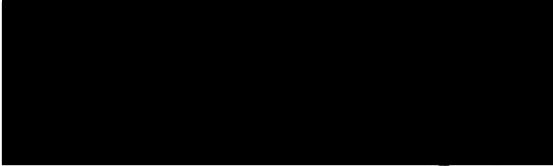
STATE OF OKLAHOMA )

COUNTY OF   Kay   )

Signed and sworn to (or affirmed) before me on November 14,  
2017, by Roy Pemberton of Pemberton Inc., d/b/a  
Pemberton Chevrolet.



Pemberton, Inc.  
d/b/a Pemberton Chevrolet



(Seal, if any)



Notary Public

My commission expires:

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