

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT  
STATE OF OKLAHOMA

**FILED**  
FEB 26 2018  
STATE OF OKLAHOMA  
DEPARTMENT OF  
CONSUMER CREDIT

STATE OF OKLAHOMA *ex rel.* )  
DEPARTMENT OF CONSUMER CREDIT,) )  
 )  
Petitioner )  
 )  
v. )  
 )  
SMALYGO AUTO WHOLESALE INC. )  
 )  
Respondent )

Case No. 17-0271-DIS

CONSENT ORDER

Petitioner, State of Oklahoma *ex rel.* Department of Consumer Credit ("Petitioner") and Respondent, Smalygo Auto Wholesale Inc., ("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 1900685255, active filing status.
- b. Respondent transacts business at 420 E. Patti Page Blvd., Claremore, OK 74017.
- c. On January 5, 2018, Petitioner sent a Notice of Hearing to Respondent's registered agent listed on the Oklahoma Secretary of State's website as Kelly Smalygo, 24797 S. Hwy. 66, Ste. 2, Claremore, OK 74019. The Notice of Hearing was returned from the post office stating "attempted-not known, unable to forward" on January 16, 2018.

- d. On May 2, 2017, Jimmie Ray and Michael Thompson, consumer credit investigators, entered Respondent's business premises and spoke to John Gifford, Manager.
- e. Upon arrival to Respondent's location, the investigators spoke to Mr. Gifford about consumer auto financing. He advised Respondent does offer financing to consumers. Mr. Gifford stated the consumers sign the retail agreements at Respondent's location and Respondent utilizes Arvest Bank, Westlake and Tulsa Teachers Credit Union as lending sources. The investigators viewed the retail installment contract and scanned a photo of the retail installment contract.
- f. On October 16, 2017, Petitioner issued a subpoena duces tecum to John Gifford of Smalygo Auto Wholesale Inc. at the address of 420 E. Patti Page Blvd., Claremore, OK 74017. Respondent was requested to submit documents no later than November 16, 2017. Ten (10) Retail Installment Sale Contracts were received on October 30, 2017.
- g. The copy of the Retail Installment Sale Contract for C. Ogilvie lists the purchase of a 2007 Chevrolet Silverado. The Seller is listed as Smalygo Auto Wholesale Inc., with the business address listed. The terms of the contract are 29 monthly payments in the amount of \$316.12 with the first payment due on March 12, 2017. Total sales price of the vehicle is \$15,483.60. The interest rate is listed as 6.79%.
- h. 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.
- i. As of May 10, 2017, Respondent is licensed in the State of Oklahoma pursuant to the provisions of 14A O.S. §§ 6-201 through 6-203 of the UCCC. The notification filing license application was received on May 8, 2017.

j. Respondent did not file notification pursuant to the provisions of Section 6-202 of the UCCC, on or before January 31, 2017.

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

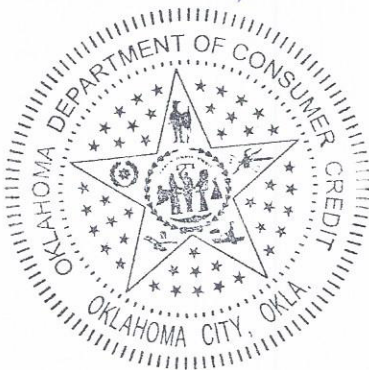
(3) Respondent agrees to pay a \$400.00 civil penalty, payable to the Oklahoma Department of Consumer Credit, on or before February 23, 2018.

(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 17-0271-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 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).

*RUBEN TORWINI  
DEPUTY ADMINISTRATOR*



\_\_\_\_\_  
Scott Leshar  
Administrator  
State of Oklahoma  
Department of Consumer Credit

Dated: 2-20-18

\_\_\_\_\_  
Smalygo Auto Wholesale Inc.

Dated: 2-20-18

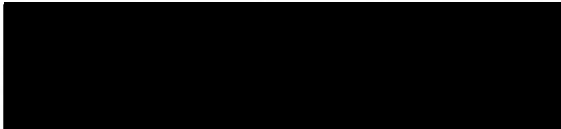
VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0271-DIS

STATE OF OKLAHOMA )  
 )  
COUNTY OF Rogers )

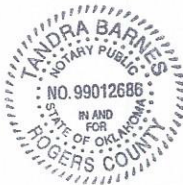
Signed and sworn to (or affirmed) before me on February 20,  
2018, by Kelly Smalygo of Smalygo Auto Wholesale Inc.



\_\_\_\_\_  
Smalygo Auto Wholesale Inc.



(Seal, if any)



\_\_\_\_\_  
Notary Public

My commission expires:

8-2-2019