

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT  
STATE OF OKLAHOMA

**FILED**

JAN 22 2018

STATE OF OKLAHOMA  
DEPARTMENT OF  
CONSUMER CREDIT

STATE OF OKLAHOMA *ex rel.* )  
DEPARTMENT OF CONSUMER CREDIT, )  
 )  
Petitioner )  
 )  
v. )  
 )  
BARBER-DYSON FORD )  
LINCOLN-MERCURY, INC., )  
 )  
Respondent )

Case No. 17-0348-DIS

CONSENT ORDER

Petitioner, State of Oklahoma *ex rel.* Department of Consumer Credit ("Petitioner") and Respondent, Barber-Dyson Ford Lincoln-Mercury, 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 1900596682, active filing status.
- b. Respondent transacts business at 501 E. Hwy 66, Elk City, OK 73644.
- c. On August 21, 2017, Jimmie Ray and Michael Thompson, consumer credit investigators, entered Respondent's business premises and spoke to Jay Manning, Finance Manager.
- d. The investigators asked Mr. Manning about consumer auto financing options offered by Respondent. Mr. Manning stated Respondent does offer financing and cash options to purchase vehicles. Mr. Manning advised

that the dealership, customers sign a retail installment contract. Mr. Manning, upon request, showed the investigators a copy of a completed retail installment contract that listed customer signatures and financing terms. The contract listed Barber-Dyson Ford-Lincoln-Mercury as the seller.

- e. On October 19, 2017, Petitioner issued a subpoena duces tecum to Jay Manning at Barber-Dyson Ford Lincoln-Mercury, Inc. at the address of 501 E. Hwy 66, Elk City, OK 73644. Respondent was requested to submit documents no later than November 20, 2017. Ten (10) Retail Installment Sale Contracts were received on November 16, 2017.
- f. The copy of the Retail Installment Sale Contract for R. Ryswyk lists the purchase of a 2012 Ford F-150. The Seller is listed as Barber-Dyson Ford-Lincoln-Mercury with the business address listed. The terms of the contract are 72 monthly payments in the amount of \$401.66 with the first payment due on December 3, 2016. Total sales price of the vehicle is \$31,419.52. The interest rate is listed as 2.49%.
- 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 January 5, 2018, 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.
- 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 February 9, 2018. In addition, Respondent agrees to pay a \$1,000.00 civil penalty, payable to the Oklahoma Department of Consumer Credit, on or before February 9, 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 17-0348-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.

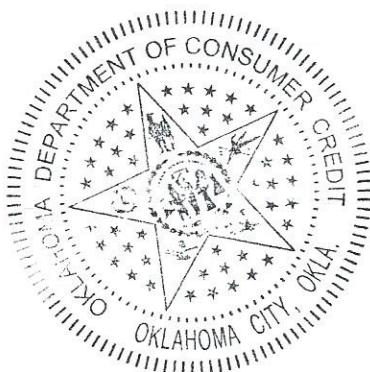
(5) A file stamped copy of this Consent Order will be returned to the Respondent upon signature of the Administrator of the Department of Consumer Credit or the Deputy Administrator of the Department Consumer Credit.

(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 Leshner  
Administrator  
State of Oklahoma  
Department of Consumer Credit

Dated: 1/22/18



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Barber-Dyson Ford Lincoln-Mercury,  
Inc.

Dated: 1.18.18



VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0348-DIS

STATE OF OKLAHOMA )

COUNTY OF beckham )

Signed and sworn to (or affirmed) before me on January 18,  
2018, by Lisa Barber of Barber-Dyson Ford Lincoln-  
Mercury, Inc.



Barber-Dyson Ford Lincoln-Mercury,  
Inc.



(Seal, if any)



Notary Public

My commission expires:

09.01.18