

FILED

FEB 26 2018

STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

**BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA**

STATE OF OKLAHOMA ex rel.)
DEPARTMENT OF CONSUMER CREDIT,))
)
Petitioner)
)
v.)
)
JAMES HODGE HYUNDAI, INC.,)
)
Respondent)

Case No. 17-0408-DIS

CONSENT ORDER

Petitioner, State of Oklahoma ex rel. Department of Consumer Credit ("Petitioner") and Respondent, James Hodge Hyundai, 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 1912214769, active filing status.
- b. Respondent transacts business at 1330 N. Main, Muskogee, OK 74401.
- c. On May 15, 2017, Jimmie Ray and Michael Thompson, consumer credit investigators, entered Respondent's business premises and spoke to Patrick Thompson, Finance Manager.
- d. The investigators asked Mr. Thompson if Respondent offers financing to consumers for vehicles at their location. Mr. Thompson explained the finance department handles all the financing paperwork for the consumers at the dealership. Mr. Thompson advised the

consumers sign a retail dealer contract at the dealership and the contract is assigned to a lender. Upon request, Mr. Thompson showed the investigators a copy of an executed retail contract that listed customer signatures and financing terms. The contract listed James Hodge Hyundai as the seller.

- e. On October 18, 2017, Petitioner issued a subpoena duces tecum to Patrick Thompson of James Hodge Hyundai at the address of 1330 N. Main, Muskogee, OK 74401. Respondent was requested to submit documents no later than November 20, 2017. Ten (10) Retail Installment Sale Contracts were received on December 28, 2017.
- f. The copy of the Retail Installment Sale Contract for H. Largent lists the purchase of a 2015 Hyundai Santa Fe. The Seller is listed as James Hodge Hyundai with the business address listed. The terms of the contract are 84 monthly payments in the amount of \$331.00 with the first payment due on April 1, 2016. Total sales price of the vehicle is \$27,804.00. The interest rate is listed as 3.49%.
- 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 4, 2018, 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 December 29, 2017.
- i. 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 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 17-0408-DIS and shall be addressed to the attention of John T. Coyne, Chief Enforcement Attorney, Department of Consumer Credit, 3613 N.W. 56th 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 Leshar
Administrator
State of Oklahoma
Department of Consumer Credit

Dated: 2-26-18

[Redacted signature area]

James Hodge Hyundai, Inc.

Dated: 2/22/18

VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0408-DIS

STATE OF OKLAHOMA)
)
COUNTY OF _____)

Signed and sworn to (or affirmed) before me on _____,
2018, by _____ of James Hodge Hyundai, Inc.

[Redacted Signature]

James Hodge Hyundai, Inc.

(Seal, if any)

[Redacted Signature]

Notary Public

My commission expires:

07-02-2019

