

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA



STATE OF OKLAHOMA ex rel.)
DEPARTMENT OF CONSUMER CREDIT,))
)
Petitioner)
)
v.)
)
JAMES HODGE, INC.,)
D/B/A JAMES HODGE TOYOTA,)
)
Respondent)

Case No. 17-0409-DIS

CONSENT ORDER

Petitioner, State of Oklahoma ex rel. Department of Consumer Credit ("Petitioner") and Respondent, James Hodge, Inc. d/b/a James Hodge Toyota, ("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 1900584224, active filing status.
- b. Respondent transacts business at 2314 W. Shawnee, Muskogee, OK 74401.
- c. On May 15, 2017, Jimmie Ray and Michael Thompson, consumer credit investigators, entered Respondent's business premises and spoke to Bill Jordan, Finance Manager.
- d. The investigators asked Mr. Jordan if Respondent offers financing to consumers. Mr. Jordan explained the finance department handles all the financing paperwork for the consumers at the dealership. Mr.

Jordan advised the consumers sign a retail dealer contract, and the contract is assigned to a lender. Mr. Jordan advised the contracts are delivered to the Ford Dealership location in Muskogee. Mr. Jordan advised the investigators to contact Debbie at the Jim Hodge Ford Dealership located approximately a mile away to get copies of the executed contracts. The investigators arrived at the James Hodge Ford dealership and asked Debbie for an executed retail contract. The contract listed Toyota of Muskogee as the seller.

- f. On October 18, 2017, Petitioner issued a subpoena duces tecum to Bill Jordan, the Finance Manager, of James Hodge Toyota at the address of 2314 W. Shawnee, Muskogee, OK 74401. Respondent was requested to submit documents no later than November 20, 2017. Ten (10) Retail Installment Sale Contracts were received on November 15, 2017.
- g. The copy of the Retail Installment Contract for L. Atwood lists the purchase of a 2017 Toyota Tacoma. The Seller is listed as Toyota of Muskogee with the business address listed. The terms of the contract are 72 monthly payments in the amount of \$467.59 with the first payment due on June 18, 2017. Total sales price of the vehicle is \$41,666.48. The interest rate is listed as 3.65%.
- 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 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. 14A O.S. § 6-203(2).
- j. Respondent did not file notification pursuant to the provisions of Section 6-202 of the UCCC, on or before January 31, 2017.
- i. 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 \$900.00 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 17-0409-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).

*Rebecca Toman
Deputy Administrator
FC*



[Redacted signature area] 3-5-18

Scott Heshner
Administrator
State of Oklahoma
Department of Consumer Credit

Dated: 2/6/18

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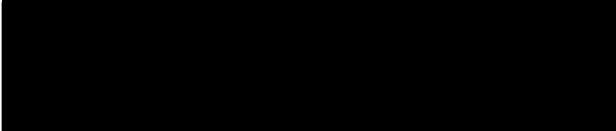
James Hodge Inc. d/b/a
James Hodge Toyota

Dated: 2/6/18

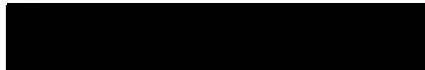
VERIFICATION OF CONSENT ORDER, CASE NUMBER 17-0409-DIS

STATE OF OKLAHOMA)
)
COUNTY OF Muskogee)

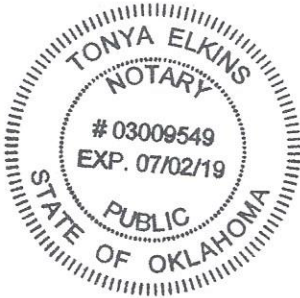
Signed and sworn to (or affirmed) before me on 2-6-2018,
2018, by Jack Hodge of James Hodge Inc. d/b/a James
Hodge Toyota.



James Hodge Inc. d/b/a
James Hodge Toyota



(Seal, if any)



Notary Public

My commission expires:

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