

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

**FILED SEPTEMBER 19, 2023
STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT**

STATE OF OKLAHOMA <i>ex rel.</i>)	
DEPARTMENT OF CONSUMER CREDIT,)	
)	
Petitioner)	
)	
v.)	Case No. 23-0026-DIS
)	
KB FITNESS LLC,)	
)	
Respondent)	

CONSENT ORDER

Petitioner, State of Oklahoma *ex rel.* Department of Consumer Credit ("Petitioner") and Respondent, KB Fitness LLC, 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.

i. Respondent is a domestic limited liability company under the jurisdiction of the State of Oklahoma, Oklahoma Secretary of State filing number 3512806061, active filing status.

ii. Respondent transacts business at 625 S. Green Ave., Purcell, OK 73080.

iii. On June 28, 2023, Jimmie Ray and Michael Thompson, Consumer Credit Investigators, went to Respondent's premises, and a gym member advised the owner was not in and would return later that day. The investigators called Respondent and spoke to Krissi Brakefield, owner. Ms. Brakefield advised that Respondent is open for business and that she purchased the gym roughly a year ago from Flexworx. Ms. Brakefield advised Respondent has an estimated 350 members and offers 6-month and 12-month gym memberships, and members can sign up at the location. Upon request, Ms. Brakefield emailed an executed member

agreement on July 11, 2023, which authorized for monthly auto-draft from the member's bank account. A review of Respondent's Facebook page lists membership pricing.

iv. A Health Spa license was issued for this location, license number SPA00608, issued June 11, 2015, and expired December 31, 2021.

v. As of the date of the Notice, Respondent did not have a Health Spa license for this location.

vi. On September 5, 2023, Respondent submitted a Health Spa license application with filing fee to Petitioner.

(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, except that Respondent admits the facts necessary to establish the Department's jurisdiction over Respondent and the subject matter of this action.

(3) Respondent agrees to pay a \$500.00 civil penalty payable to the Oklahoma Department of Consumer Credit, on or before September 28, 2023.

(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 23-0026-DIS and shall be addressed to the attention of John T. Coyne, Chief Enforcement Attorney, Department of Consumer Credit, 629 NE 28th Street, Oklahoma City, Oklahoma 73105.

(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).

SEP 18 2023



Scott Lesher
Administrator
State of Oklahoma
Department of Consumer Credit

Dated: 9/19/23



KB Fitness LLC ()

Dated:

9/14/2023

SEP 18 2023

VERIFICATION OF CONSENT ORDER, CASE NUMBER 23-0026-DIS

STATE OF OKLAHOMA)

COUNTY OF McCain)

Signed and sworn to (or affirmed) before me by a representative
of KB Fitness LLC, on Sept. 14, 2023.

[Redacted Signature]

[Redacted Signature]

(Seal, if any)

MISSI DAWN LYNN
Notary Public, State of Oklahoma
Commission # 19011973
My Commission Expires 11-27-2023

Title (and Rank): Notary Public

My commission expires:
11/27/2023