

**STATE OF ALABAMA
STATE BANKING DEPARTMENT**

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|-----------------------------|---|-----------------------------|
| IN THE MATTER OF |) | |
| |) | |
| HUNTSVILLE FINANCIAL |) | |
| GAIL MANNING |) | ADMINISTRATIVE ORDER |
| DANIELLE FISHER |) | NO. ICD 2011-001 |
| DONA MALL |) | |
| SHEILA NASH |) | |
| |) | |
| RESPONDENTS |) | |

IMMEDIATE CEASE AND DESIST ORDER

The Alabama State Banking Department (“Department”), having the authority to administer and provide for the enforcement of all provisions of Title 5, Chapter 19, Code of Alabama 1975, the Alabama Consumer Credit Act (“ACCA”) and Title 5, Chapter 26, Code of Alabama 1975, the Alabama S.A.F.E. Mortgage Licensing Act (“SAFE Act”), upon due consideration of the subject matter hereof, and having confirmed information of unlicensed lending activity within or from the State of Alabama, has determined as follows:

RESPONDENTS

HUNTSVILLE FINANCIAL (“HUNTSVILLE FINANCIAL”), advertises itself as a lender and offers various loan products to Alabama residents through the internet. **HUNTSVILLE FINANCIAL** maintains a website at www.alwayshere4u.net. The website advertises various loan products, including but not limited to debt consolidation loans, car loans, and personal loans. Documents received by the Department indicate that **HUNTSVILLE FINANCIAL** is located at 200 West Side Square, Suite 202, Huntsville, Alabama.

GAIL MANNING (“MANNING”), is listed as the CEO of **HUNTSVILLE FINANCIAL**. Documents received by the Department indicate that **MANNING** is located at 200 West Side Square, Suite 202, Huntsville, Alabama.

DANIELLE FISHER (“FISHER”) is listed as a Senior Loan Officer of **HUNTSVILLE FINANCIAL**. Documents received by the Department indicate that **FISHER** is employed by **HUNTSVILLE FINANCIAL**.

DONA SMALL (“SMALL”) is listed as a Senior Loan Officer with **HUNTSVILLE FINANCIAL**. Documents received by the Department indicate that **SMALL** is employed by **HUNTSVILLE FINANCIAL**.

SHEILA NASH (“NASH”) is listed as a Senior Loan Officer with **HUNTSVILLE FINANCIAL**. Documents received by the Department indicate that **NASH** is employed by **HUNTSVILLE FINANCIAL**.

STATEMENT OF FACTS

On and after September 13, 2011, the Department received several telephone calls from consumers regarding loan offers made by **HUNTSVILLE FINANCIAL**. In all cases, the consumers indicated that **HUNTSVILLE FINANCIAL** had required that certain “upfront fees” be paid in advance by the consumer. The consumers indicated that they had applied or were applying for various types of loan products and, in each case, **HUNTSVILLE FINANCIAL** had required the payment of an “upfront fee” or “collateral payment” ranging from \$408.00 to \$544.00. The “upfront fee” or “collateral payment” was to be wired to **HUNTSVILLE FINANCIAL**.

The Department is in possession of correspondence in the form of a “Disclosure Statement” signed by **FISHER** indicating that a consumer loan request had been approved. The Disclosure Statement also indicated that the consumer must pay a “Collateral Payment” to “secure” the loan.

The Department is in possession of correspondence in the form of a “Commitment Letter” signed by **MANNING** indicating that **HUNTSVILLE FINANCIAL** was “pleased to offer the following credit facilities with the terms and conditions outlined hereunder.” A “condition” on this correspondence requires the payment of three (3) monthly “Collateral Payments.”

The Department is in possession of other correspondence including a “Loan Agreement,” “Loan Disclosure Form,” and numerous fax cover sheets from **HUNTSVILLE FINANCIAL** regarding loan offers to consumers.

The Department is in possession of documents that indicate that borrowers were instructed to pay the “Collateral Payment” by Western Union. The documents indicate that the funds would be available in Jamaica and payable in an amount set by an exchange rate for US Dollars converted to Jamaican Dollars.

A review of the records of the Department determined that **HUNTSVILLE FINANCIAL** was not licensed by the Department nor had **HUNTSVILLE FINANCIAL** submitted any application for licensure with the Department. Additionally, the review did not find any indication that **MANNING, FISHER, SMALL, or NASH** had a license with the Department nor have they filed any application with the Department.

CONCLUSIONS OF LAW

Section 5-19-22, Code of Alabama 1975, provides that creditors engaged in lending in Alabama or accepting assignment of consumer credit contracts must be licensed under the ACCA. The **RESPONDENT, HUNTSVILLE FINANCIAL**, is not licensed by the Department nor has the Department received an application for licensure from the **RESPONDENT HUNTSVILLE FINANCIAL**.

Section 5-26-4, Code of Alabama 1975, provides that all individuals engaged in mortgage loan origination must be licensed under the SAFE Act. The **RESPONDENTS, MANNING, FISHER, SMALL, and NASH** are not licensed by the Department nor has the Department received an application for licensure from the **RESPONDENTS, MANNING, FISHER, SMALL, and NASH**.

Section 5-26-13, Code of Alabama 1975, provides that the Department may issue an Immediate Cease and Desist Order.

As a consequence of these violations and the harm to consumers impacted by what appears to be an advance fee loan scheme by the **RESPONDENTS** warrants the issuance of this Immediate Cease and Desist Order against the **RESPONDENTS**.

This Order is appropriate in the public interest for the protection of consumers and consistent with the provisions and purposes of the ACCA and the SAFE Act. This Order does not prevent the Department from seeking such other civil or criminal remedies that may be available to it under various state laws. Additionally, it is the intention of the Department to impose civil money penalties upon the **RESPONDENTS** as well as any other sanctions available to the Department.

ACCORDINGLY, IT IS HEREBY ORDERED that **RESPONDENTS** immediately CEASE AND DESIST from further offers of or other lending activities within or from the State of Alabama.

Entered at Montgomery, Alabama, this 5th day of October, 2011.

STATE BANKING DEPARTMENT
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BY:



Scott Corcadden
Supervisor, Bureau of Loans