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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the Check
Cashers and Sellers Act of Washington by:

ASHLAND ENTERPRISES LIMITED d/b/a
ASHLAND ENTERPRISES LTD, ABL
MANAGEMENT, ABL FUNDING, and
ABLFUNDING.COM; BLACKTHORN
ENTERPRISES, LLC, Director
of Ashland Enterprises Limited;
CHRISTOPHER T. KAMBERIS, Manager and
Fifty Percent Owner of Blackthorn Enterprises,
LLC; and BRIAN LISTON, Fifty Percent Owner
of Blackthorn Enterprises, LLC,

Respondents.

No.: C-14-1411-14-SC01

STATEMENT OF CHARGES AND
NOTICE OF INTENTION TO ENTER AN
ORDER TO CEASE AND DESIST, IMPOSE
FINE, ORDER RESTITUTION, PROHIBIT
FROM INDUSTRY, AND COLLECT
INVESTIGATION FEE

INTRODUCTION

Pursuant to RCW 31.45.110 and RCW 31.45.200, the Director of the Department of Financial
Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.45
RCW, the Check Cashers and Sellers Act (Act). After having conducted an investigation pursuant to
RCW 31.45.100 and based upon the facts available as of the date of this Statement of Charges, the
Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes
this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Ashland Enterprises Limited (Ashland) is a Nevis corporation offering “payday
loans” at www.ablfunding.com. Ashland has never had a license and small loan endorsement under
the Act.

1 **B. Blackthorn Enterprises, LLC (Blackthorn)** is, or was at all relevant times, the
2 Director of Ashland. Blackthorn is a Delaware limited liability company.

3 **C. Christopher T. Kamberis** is, or was at all relevant times, Manager and fifty percent
4 owner of Blackthorn.

5 **D. Brian Liston** is, or was at all relevant times, fifty percent owner of Blackthorn.

6 **1.2 Unlicensed Activity.** For at least the period from April 11, 2013, through July 18, 2013,
7 Respondents provided small loans to Washington residents physically located in Washington State
8 through the use of the internet or other means. Throughout this period, Respondents did not have a
9 license and small loan endorsement under the Act.

10 **1.3 Unlicensed Location.** Respondents have operated a website at www.ablfunding.com from a
11 location or locations that are not licensed by the Department.

12 **1.4 Unauthorized Interest or Fees in Excess of the Statutory Maximum.** Respondents
13 charged interest and fees in the aggregate exceeding 15 percent of the first \$500 and 10 percent of the
14 next \$200 dollars of aggregated principal of small loans outstanding at any one time.

15 **1.5 Making Small Loans in Excess of the Eight Loan Limit.** Respondents made a small loan
16 to a borrower when making that loan resulted in the borrower receiving more than eight small loans
17 from all licensees in a twelve-month period.

18 **1.6 Making Small Loans in Excess of the \$700 Loan Limit.** Respondents made a small loan to
19 a borrower when the outstanding principal balances of all small loans made by all licensees to the
20 borrower exceeded the lower of \$700 or 30 percent of the borrower's gross monthly income.

21 **1.7 Deceptive Advertisements.** Respondents advertised at www.ablfunding.com that they were
22 able to make small loans to Washington consumers when they did not have a license and small loan
23 endorsement under the Act. Respondents also advertise that borrowers may use a loan from

1 Respondents for any purpose when Respondents' loan contract states that the loan is for business
2 purposes and not personal or consumer purposes.

3 **1.8 Deceptive Contract Terms.** Respondents' website www.ablfunding.com indicates that
4 Respondents offer "payday loans" that may be used for any purpose, but Respondents' loan contract
5 states that the loan is a "micro-business loan" and requires the borrower to swear that the loan is for
6 business purposes and not personal or consumer purposes. The contract also states that Respondents
7 may charge a \$30 fee for returned checks.

8 **1.9 On-Going Investigation.** The Department's investigation into the alleged violations of the
9 Act by Respondents continues to date.

10 II. GROUNDS FOR ENTRY OF ORDER

11 **2.1 Definition of Licensee.** Pursuant to RCW 31.45.010(13), a "Licensee" is defined as a check
12 cashier or seller licensed by the director to engage in business in accordance with the Act. For the
13 purpose of the enforcement powers of the Act, including the power to issue cease and desist orders
14 under RCW 31.45.110, "licensee" also means a check cashier or seller who fails to obtain the license
15 required by the Act.

16 **2.2 Definition of Small Loan.** Pursuant to RCW 31.45.010(21), a "Small Loan" is defined as a
17 loan up to the maximum amount and for a period of time up to the maximum term specified in RCW
18 31.45.073.

19 **2.3 Requirement to Obtain a Check Cashier or Check Seller License.** Based on the Factual
20 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.45.030(1)
21 for engaging in the business of a check cashier and seller without first obtaining a license from the
22 Director.

1 **2.4 Requirement to Obtain a Small Loan Endorsement.** Based on the Factual Allegations set
2 forth in Section I above, Respondents are in apparent violation of RCW 31.45.070(1), RCW
3 31.45.073(1), and RCW 31.45.105(1)(d) for making a small loan to a person physically located in
4 Washington through use of the internet, telephone, or other means without first obtaining a small loan
5 endorsement.

6 **2.5 Statutory Maximum Interest or Fees on Small Loans.** Based on the Factual Allegations
7 set forth in Section I above, Respondents are in apparent violation of RCW 31.45.073(5) for charging
8 interest or fees in the aggregate exceeding 15 percent of the first \$500 of principal and 10 percent of
9 the next \$200 of principal of a small loan.

10 **2.6 Requirement to Not Exceed Eight Loan Limit.** Based on the Factual Allegations set forth
11 in Section I above, Respondents are in apparent violation of RCW 31.45.073(4) for making a small
12 loan to a borrower when making that small loan resulted in the borrower receiving more than eight
13 small loans from all licensees in any twelve-month period.

14 **2.7 Requirement to Not Exceed \$700 Loan Limit.** Based on the Factual Allegations set forth in
15 Section I above, Respondents are in apparent violation of RCW 31.45.073(2) for making a loan to a
16 borrower when the outstanding principal balances of all small loans made by all licensees to the
17 borrower at any one time exceeded the lower of \$700 or 30 percent of the borrower's gross monthly
18 income.

19 **2.8 Advertising Requirements.** Based on the Factual Allegations set forth in Section I above,
20 Respondents are in apparent violation of RCW 31.45.105(2)(a) for advertising in a manner that is
21 false, misleading, deceptive, or omits material information.

22 **2.9 Prohibition on Engaging in any Unfair or Deceptive Practice.**
23

1 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,
2 WAC 208-630-380, and WAC 209-630-390, the Director shall collect from the licensee the actual cost
3 of an investigation at the hourly rate of \$69 per person per hour expended, plus actual expenses.

4 **IV. NOTICE OF INTENT TO ENTER ORDER**

5 Respondents' violations of the provisions of chapter 31.45 RCW and chapter 208-630 WAC, as
6 set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry
7 of an Order under RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director's intention to
8 ORDER that:

- 9 **4.1** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
10 Respondent Christopher T. Kamberis, and Respondent Brian Liston cease and desist
from offering or making small loans to Washington State consumers;
- 11 **4.2** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
12 Respondent Christopher T. Kamberis, and Respondent Brian Liston be banned from
13 participating, in any manner, in the conduct of the affairs of any person requiring
licensure under the Act for a period of five years;
- 14 **4.3** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
15 Respondent Christopher T. Kamberis, and Respondent Brian Liston jointly and severally
16 pay a fine of \$10,000;
- 17 **4.4** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
18 Respondent Christopher T. Kamberis, and Respondent Brian Liston jointly and severally
19 pay restitution to those borrowers who paid interest or fees in an amount to be
determined at hearing;
- 20 **4.5** Respondent Ashland Enterprises Limited, Respondent Blackthorn Enterprises, LLC,
21 Respondent Christopher T. Kamberis, and Respondent Brian Liston jointly and severally
22 pay an investigation fee, which totals \$2,136.24 as of the date of these charges.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist,
3 Impose Fine, Order Restitution, Ban from Industry, and Collect Investigation Fee entered pursuant
4 to the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of
5 chapter 34.05 RCW (the Administrative Procedure Act). Respondents may make a written request
6 for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND
7 OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

8
9 Dated this 5th day of September, 2014.



10 [Redacted signature]

11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 [Redacted signature]

17 AMANDA J. HERNDON
18 Financial Legal Examiner

19 Approved by:

20 [Redacted signature]

21 CHARLES E. CLARK
22 Enforcement Chief