

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER
BEFORE THE COMMISSIONER OF BANKS
DOCKET NO: 20:086:CF

IN RE:)
)
CAROLINA FINANCE COMPANY OF)
TARBORO NORTH CAROLINA, INC)
)
NC License No.: 124481)
)
)

CONSENT ORDER

NOW COME the Non-Depository Entities Division of the North Carolina Office of the Commissioner of Banks (“NCCOB”) and Carolina Finance Company of Tarboro N.C., Inc. (“CFCT”) collectively referred to as “the Parties,” to agree to the entry of the following Consent Order under Article 15 of Chapter 53 of the North Carolina General Statutes, known as the North Carolina Consumer Finance Act (“CFA”), and implementing regulations thereto.

Therefore, the Commissioner of Banks (“Commissioner”) hereby orders:

I. FINDINGS OF FACT

1. NCCOB is responsible for the regulation and licensing of lending companies conducting business in North Carolina under the CFA.
2. CFCT is a licensee under the CFA, with a branch in Tarboro, North Carolina.
3. CFCT ceased operations as a lender under the CFA on December 31, 2019.
4. CFCT did not inform NCCOB of its closing.
5. CFCT has represented to NCCOB that it forgave all unpaid and outstanding CFA loans prior to its closing and will not pursue collection of such loans. CFCT has represented that it has not sold, transferred, or assigned any loans made under the CFA to a third party.
6. CFCT has represented to NCCOB that, prior to notifying NCCOB of its closing and without notice to NCCOB, it has destroyed all records required to be maintained under N.C. Gen. Stat. 53-184 and 04 NCAC 03E .0601.
7. CFCT has represented to NCCOB that it will surrender its CFA license.

8. The Parties have voluntarily, willingly, and of their own accord agreed to the terms of this Consent Order.

9. CFCT waives its right to a contested hearing before the North Carolina Commissioner of Banks (“Commissioner”) and to appeal this Consent Order to the North Carolina State Banking Commission or any court. CFCT agrees to entry of this Consent Order.

10. CFCT has had the opportunity to consult with legal counsel concerning the terms of this Consent Order.

11. The undersigned represent and warrant that they are authorized to enter into this Consent Order.

II. CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over CFCT and the subject matter of this proceeding.

2. The entry of this Consent Order is in the public interest.

3. This Consent Order is a matter of public record and may be disseminated as such.

4. NCCOB shall retain supervisory and regulatory authority, as well as personal and subject matter jurisdiction, over CFCT and all CFA loans made by CFCT. NCCOB may initiate an enforcement action against CFCT seeking the imposition of remedies as may be authorized under the CFA and other applicable laws.

4. Nothing in this Consent Order shall be construed to prohibit the NCCOB from investigating CFCT’s compliance with this Consent Order or the CFA or pursuing enforcement proceedings against CFCT for noncompliance with this Consent Order or the CCBA. Nothing in this Consent Order shall be construed as a waiver of any claim or defense that an individual consumer may have against CFCT.

5. This Consent Order shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors, and assigns.

Based upon the foregoing findings of fact and conclusions of law, the Commissioner enters the following:

III. ORDER

1. CFCT is hereby ordered to surrender its license under the CFA.

2. All loans made by CFCT under the CFA that were unpaid and outstanding prior to closing are forgiven. CFCT shall not transfer, sell, or assign any such loan.

3. CFCT shall not, either directly or indirectly, engage in the business of originating or collecting on loans made under the CFA.

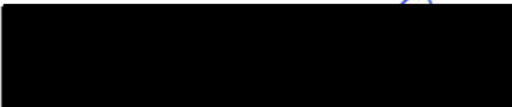
4. CFCT shall not indirectly or directly own, operate, or control, or otherwise be engaged in, any business that originates or collects upon loans made under the CFA or engages in activity that is regulated under the CFA.

IT IS SO ORDERED on this the 8TH day of SEPTEMBER, 2020.


Ray Grace
Commissioner of Banks

WE CONSENT:

For the Office of the Commissioner of Banks

By: 
Elizabeth Hammond
NCCOB Manager of Consumer Finance Industries

Date: 9/8/2020

By: 
Ashley P. Holmes, NCCOB Counsel

Date: 9/8/2020

Consented to:

BY: Carolina Finance Company of Tarboro NC, Inc.

IN WITNESS WHEREOF, Tim Baker, the President of Carolina Finance Company of Tarboro NC, Inc. who after presenting to me government-issued identification in the form of Driver's License (NC), has caused this Consent Order to be executed as a true act and deed this the 25 day of August, 2020.

BY MY SIGNATURE I hereby affirm that I am acting in my capacity and within my authority as an authorized representative of Carolina Finance Company of Tarboro NC, Inc.

Tim Baker

[Print Name]

President

[Title]

[Signature]

Date: 8-25-20

STATE OF North Carolina

COUNTY OF Edgecombe

Before me, the undersigned notary public, personally appeared Tim Baker, as the President of Carolina Finance Company of Tarboro NC, Inc., who upon being duly sworn, states that he has read and understands the foregoing Consent Order and voluntarily signed same on behalf of Carolina Finance Company of Tarboro NC, Inc.

Sworn to and subscribed before me this 25 day of August, 2020.

[Redacted Notary Name]

Notary Public [Signature]

My Commission Expires: 03/08/2022

(SEAL) 