
*
IN THE MATTER OF: *
*
SIXELA LLC d/b/a CNAC *
NMLS # 1389504 *
*
(“Sixela”) *
*

ORDER TO CEASE AND DESIST

AND

ORDER IMPOSING CIVIL PENALTY

I. PRELIMINARY STATEMENT

WHEREAS, the Banking Commissioner (“Commissioner”) is charged with the administration of Part II of Chapter 668, Sections 36a-535 to 36a-547, inclusive, of the Connecticut General Statutes, “Finance Companies;

WHEREAS, the Commissioner, through the Consumer Credit Division (“Division”) of the Department of Banking, conducted an investigation of the activities of Respondent, pursuant to the authority granted by Section 36a-17 of the Connecticut General Statutes in effect at such time, to determine if it had violated, was violating or was about to violate the provisions of the Connecticut General Statutes within the jurisdiction of the Commissioner;

WHEREAS, as a result of such investigation, on June 17, 2022, the Commissioner issued a Temporary Order to Cease and Desist, Order to Make Restitution, Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing (collectively “Order and Notice”) against Respondent, which Order and Notice is incorporated herein by reference;

WHEREAS, on June 21, 2022, the Order and Notice was caused to be mailed by certified mail, return receipt requested, to Respondent;

WHEREAS, the Order and Notice provided Respondent with the opportunity for a hearing, and stated that if a hearing was not requested by Respondent within 14 days of its receipt or if Respondent failed to appear at any such hearing, the allegations would be deemed admitted, the Order to Make Restitution shall remain in effect and become permanent against Respondent, and the Commissioner would issue an order that Respondent cease and desist from violating Section 36a-536 of the Connecticut General Statutes and Section 36a-540(b) of the 2022 Supplement to the General Statutes, and may order a civil penalty in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation be imposed upon Respondent;

WHEREAS, the Order and Notice issued against Respondent was deemed received by the person on the earlier of the date of actual receipt, or seven days after mailing or sending, pursuant to Sections 36a-52(a), 36a-50(a)(1) and 36a-50(c) of the 2022 Supplement to the General Statutes;

WHEREAS, Respondent failed to request a hearing within the prescribed time period;

WHEREAS, the Commissioner alleged in the Order and Notice, with respect to the activity described therein, that Respondent's acting within this state as a sales finance company without a license constitutes a violation of Section 36a-536 of the Connecticut General Statutes. Such violation forms the basis to issue an order to make restitution pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-50(c) of the 2022 Supplement to the General Statutes, issue an order to cease and desist pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-52(a) of the 2022 Supplement to the General Statutes, and to impose a civil penalty pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-50(a) of the 2022 Supplement to the General Statutes;

WHEREAS, the Commissioner also alleged in the Order and Notice, that Respondent's failure to file advance change notice of its change in location on the Nationwide Multistate Licensing System and Registry ("NMLS") constitutes a violation of Section 36a-540(b) of the Connecticut General Statutes in effect at such time. Such violation forms the basis to issue an order to cease and desist pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-52(a) of the 2022 Supplement to

the General Statutes, and to impose a civil penalty pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-50(a) of the 2022 Supplement to the General Statutes;

WHEREAS, also in the Order and Notice, the Commissioner ordered, pursuant to Section 36a-50(c) of the Connecticut General Statutes in effect at such time, that not later than 30 days from the date the Order to Make Restitution becomes permanent, Respondent shall repay any interest and fees received by Sixela from Connecticut consumers in connection with a sales finance contract after January 1, 2019, plus interest, and provide evidence of such repayments to the Director of the Division;

WHEREAS, Section 36a-52(a) of the 2022 Supplement to the General Statutes provides, in pertinent part, that “[i]f the person does not request a hearing within the time specified in the notice or fails to appear at the hearing, the commissioner shall issue an order to cease and desist against the person. No such order shall be issued except in accordance with the provisions of chapter 54”;

WHEREAS, Section 36a-50(a)(2) of the 2022 Supplement to the General Statutes provides, in pertinent part, that “[i]f such person does not request a hearing within the time specified in the notice or fails to appear at the hearing, the commissioner may, as the facts require, order that a civil penalty not exceeding one hundred thousand dollars per violation be imposed upon such person”;

WHEREAS, Section 36a-50(a)(3) of the 2022 Supplement to the General Statutes provides that “[e]ach action undertaken by the commissioner under this subsection shall be in accordance with the provisions of chapter 54”;

AND WHEREAS, Section 36a-1-31(a) of the Regulations of Connecticut State Agencies provides, in pertinent part, that “[w]hen a party fails to request a hearing within the time specified in the notice, the allegations against the party may be deemed admitted. Without further proceedings or notice to the party, the commissioner shall issue a final decision in accordance with section 4-180 of the Connecticut General Statutes and section 36a-1-52 of the Regulations of Connecticut State Agencies”.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commissioner finds that the matters asserted, as set forth in paragraphs 8 through 13, inclusive, of Section II of the Order and Notice, shall constitute findings of fact within the meaning of

Section 4-180(c) of the Connecticut General Statutes, and that the conclusions, as set forth in Section III of the Order and Notice, shall constitute conclusions of law within the meaning of Section 4-180(c) of the Connecticut General Statutes and Section 36a-1-52 of the Regulations of Connecticut State Agencies.

2. The Commissioner finds that Respondent has engaged in acts or conduct which, pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-52(a) of the 2022 Supplement to the General Statutes, forms the basis to issue an order to cease and desist against Respondent, and, pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-50(a) of the 2022 Supplement to the General Statutes, forms the basis to impose a civil penalty upon Respondent.

3. The Commissioner finds that the Order and Notice was given in compliance with Sections 36a-52(a), 36a-50(a) and 36a-50(c) of the 2022 Supplement to the General Statutes and Section 4-177 of the Connecticut General Statutes.

III. ORDER

Having read the record, **I HEREBY ORDER**, pursuant to Section 36a-543(d) of the Connecticut General Statutes, and Sections 36a-52(a) and 36a-50(a) of the 2022 Supplement to the General Statutes, that:

1. Sixela LLC d/b/a CNAC **CEASE AND DESIST** from violating Section 36a-536 of the Connecticut General Statutes and Section 36a-540(b) of the 2022 Supplement to the General Statutes;
2. A **CIVIL PENALTY** of One Hundred Thousand Dollars (\$100,000) be imposed upon Sixela LLC d/b/a CNAC, to be remitted to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order, made payable to "Treasurer, State of Connecticut", no later than thirty (30) days from the date this Order is mailed;
3. The **ORDER TO MAKE RESTITUTION** issued on June 17, 2022, remains in effect and became permanent against Sixela LLC d/b/a CNAC on July 12, 2022; and
4. This Order shall become effective when mailed.

Dated at Hartford, Connecticut,
this 27th day of July 2022.

/s/

Jorge L. Perez
Banking Commissioner

This Order was sent by certified mail,
return receipt requested, to
Respondent on July 28, 2022.

Sixela LLC d/b/a CNAC
Attn: Hernan Baker, President
3 Liesl Lane
Branford, CT 06405

Certified Mail No. 70133020000042267728

Sixela LLC d/b/a CNAC
Attn: Hernan Baker, President
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Cranston, RI 02910

Certified Mail No. 70151520000018249276

Sixela LLC d/b/a CNAC
Attn: Hernan Baker, President
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West Haven, CT 06516

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