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

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

I. LEGAL AUTHORITY AND JURISDICTION

1. 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.

2. Pursuant to the authority granted by Section 36a-17 of the Connecticut General Statutes in effect at such time, the Commissioner, through the Consumer Credit Division (“Division”) of the Department of Banking (“Department”), has investigated the activities of Respondent to determine if it has violated, is violating or is about to violate the provisions of the Connecticut General Statutes within the jurisdiction of the Commissioner (“Investigation”).

3. As a result of the Investigation, the Commissioner has reason to believe that Respondent has violated Section 36a-536 of the Connecticut General Statutes and Section 36a-540(b) of the Connecticut General Statutes in effect at such time.

4. As a result of the Investigation, the Commissioner finds that the public welfare requires immediate action to issue an order to cease and desist from violating Section 36a-536 of the Connecticut General Statutes pursuant to Section 36a-52(b) of the 2022 Supplement to the General Statutes.

5. As a result of the Investigation, the Commissioner has reason to believe that a basis exists to issue an order to make restitution against Respondent pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-50(c) of the 2022 Supplement to the General Statutes.

6. As a result of the Investigation, the Commissioner has reason to believe that a basis exists to issue an order to cease and desist against Respondent pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-52(a) of the 2022 Supplement to the General Statutes.

7. As a result of the Investigation, the Commissioner has reason to believe that a basis exists to issue an order to impose a civil penalty against Respondent pursuant to Section 36a-543(d) of the Connecticut General Statutes and Section 36a-50(a) of the 2022 Supplement to the General Statutes.

II. MATTERS ASSERTED

8. Respondent is a Connecticut limited liability company with the previous address of 3 Liesl Lane, Branford, CT, and a current address of 57 Rolfe Square Suite 10009, Cranston, Rhode Island. Respondent held a sales finance company license in Connecticut from August 2, 2013 to December 31, 2018.

9. In August and September 2018, the Department received two complaints from Connecticut consumers stating that they were unable to make payments on their sales finance contracts at Respondent's address of 3 Liesl Lane, Branford.

10. On or about June 29, 2018, Respondent had notified Connecticut consumers that effective July 2, 2018, it would be moving from 3 Liesl Lane, Branford, Connecticut, to 50 Hemlock Street #2, West Haven, Connecticut. At no time relevant hereto, did Respondent file such change in address of the office on the Nationwide Multistate System and Registry ("NMLS").

11. From January 1, 2019 through at least September 2020, while no longer licensed as a sales finance company in Connecticut, Respondent continued to receive payments from Connecticut consumers on at least 228 sales finance contracts owned by Respondent. Respondent collected at least \$553,306 from Connecticut consumers after January 1, 2019.

12. On several occasions, the Division attempted to contact Respondent concerning Respondent's change in address and its continued receipt of payments on sales finance contracts while unlicensed, and Respondent was unresponsive.

13. On May 13, 2022, the Division made a final attempt to contact Respondent by certified mail, return receipt requested, to notify Respondent of the Division's concerns regarding unlicensed sales finance activity. On May 23, 2022, Respondent provided a response to the Division, however such response failed to address the Division's concerns.

III. STATUTORY BASIS FOR ORDER TO CEASE AND DESIST, ORDER TO MAKE RESTITUTION AND IMPOSITION OF CIVIL PENALTY

14. Respondent's acting within this state as a sales finance company without a license, as more fully described in paragraphs 8 through 13, inclusive, 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. Section 36a-50(a) of the 2022 Supplement to the General Statutes authorizes the Commissioner to impose a civil penalty upon Respondent in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

15. Respondent's failure to file advance change notice of its change in location on NMLS, as more fully described in paragraphs 8 through 10, inclusive, 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. Section 36a-50(a) of the 2022 Supplement to the General Statutes authorizes the Commissioner to impose a civil penalty upon Respondent in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

IV. FINDING AND STATUTORY BASIS FOR TEMPORARY ORDER TO CEASE AND DESIST

The Commissioner finds that the public welfare requires immediate action to issue a temporary order requiring Sixela to cease and desist from violating Section 36a-536 of the Connecticut General Statutes. Respondent shall take such action as set forth herein to effectuate the purposes of Section 36a-52(b) of the 2022 Supplement to the General Statutes in that the interests of Connecticut consumers are being materially prejudiced by Respondent receiving payments from Connecticut consumers on sales finance contracts while not being duly licensed as a sales finance company in Connecticut.

V. 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

WHEREAS, the Commissioner has reason to believe that Respondent has engaged in acts or conduct which forms a basis to issue an order to cease and desist against Respondent 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.

AND WHEREAS, the Commissioner has made the finding required under Section 36a-52(b) of the 2022 Supplement to the General Statutes.

THE COMMISSIONER THEREFORE ORDERS, pursuant to the authority granted in Section 36a-52(b) of the 2022 Supplement to the General Statutes, that Sixela immediately **CEASE AND**

DESIST from violating Section 36a-536 of the Connecticut General Statutes. This Temporary Order to Cease and Desist shall become effective upon receipt by Sixela and, unless set aside or modified by a court, shall remain in effect until the effective date of a permanent order or dismissal of the matters asserted in this Temporary Order to Cease and Desist.

THE COMMISSIONER FURTHER ORDERS, pursuant to the authority granted in Section 36a-17 of the 2022 Supplement to the General Statutes and Section 36a-52(b) of the Connecticut General Statutes, that: Not later than fourteen (14) days from receipt of this Temporary Order to Cease and Desist, Order to Make Restitution, Notice of Intent to Cease and Desist, Notice of Intent to Issue Civil Penalty and Notice of Right to Hearing, Sixela shall provide to Carmine Costa, Director, Consumer Credit Division, Department of Banking, 260 Constitution Plaza, Hartford, Connecticut 06103-1800, or carmine.costa@ct.gov: A detailed list of all payments received from Connecticut consumers in connection with a sales finance contract since January 1, 2019, including any interest and fees received by Sixela, the name and address of each Connecticut consumer, dates of payments, initial loan balance, date of origination and current outstanding loan balance.

THE COMMISSIONER FURTHER ORDERS, pursuant to authority set forth herein, that Sixela **MAKE RESTITUTION** of any sums obtained as a result of Sixela violating subdivisions Section 36a-536 of the Connecticut General Statutes, plus interest at the legal rate set forth in Section 37-1 of the Connecticut General Statutes. Specifically, the Commissioner **ORDERS** that: Not later than thirty (30) days from the date this Order to Make Restitution becomes permanent, Sixela shall: (1) Repay any interest and fees received by Sixela from Connecticut consumers in connection with a sales finance contract after January 1, 2019, plus interest. Payments shall be made by cashier's check, certified check or money order; and (2) Provide to Carmine Costa, Director, Consumer Credit Division, Department of Banking, 260 Constitution Plaza, Hartford, Connecticut 06103-1800, or carmine.costa@ct.gov, evidence of such repayments.

NOW THEREFORE, notice is hereby given to Respondent that the Commissioner intends to issue an order requiring Respondent to **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 to impose a **CIVIL PENALTY** upon Respondent as set forth herein, subject to Respondent's right to a hearing on the allegation set forth above.

A hearing will be granted to Respondent if a written request for a hearing is received by the Department of Banking, Consumer Credit Division, 260 Constitution Plaza, Hartford, Connecticut 06103-1800 or submitted by e-mail to DOB.hearingsupport@ct.gov within fourteen (14) days following Respondent's receipt of this 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 as set forth in Sections 36a-52(a) and 36a-50(a) of the 2022 Supplement to the General Statutes. This 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 shall be deemed received on the earlier of the date of actual receipt, or seven (7) days after mailing or sending. To request a hearing, complete and return the enclosed Appearance and Request for Hearing Form to one of the above-referenced addresses. If Respondent will not be represented by an attorney at the hearing, please complete the Appearance and Request for Hearing Form as "pro se". Respondent may request that the hearing be held in person at the Department's offices or remotely via videoconference using Microsoft Teams. Once a written request for a hearing is received, the Commissioner may issue a notification of hearing and designation of hearing officer that acknowledges receipt of a request for a hearing, designates a hearing officer and sets the date of the hearing in accordance with Section 4-177 of the Connecticut General Statutes and Section 36a-1-21 of the Regulations of Connecticut State Agencies. If a hearing is requested, the hearing will be held either in person or remotely via videoconference using Microsoft Teams on August 17, 2022, at 10 a.m.

If a hearing is requested, it will be held in accordance with the provisions of Chapter 54 of the Connecticut General Statutes, unless Respondent fails to appear at the requested hearing. At such hearing, Respondent will have the right to appear and present evidence, rebuttal evidence and argument on all issues of fact and law to be considered by the Commissioner. If the hearing is remote, it will be

held in accordance with Section 149 of the June Special Session Public Act 21-2, as amended by Section 1 of Public Act 22-3, and the Remote Hearing Guidelines available on the Department's website at <https://portal.ct.gov/dob>.

If Respondent does not request a hearing within the time period prescribed or fails to appear at any such hearing, the allegations herein will be deemed admitted. Accordingly, the Commissioner will 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.

Dated at Hartford, Connecticut,
this 17th day of June 2022.

/s/

Jorge L. Perez
Banking Commissioner

CERTIFICATION

I hereby certify that on this 21st day of June 2022, I caused to be mailed by certified mail, return receipt requested, the foregoing 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 to Sixela LLC d/b/a CNAC, Attention: Hernan Baker, President, 3 Liesl Lane, Branford, Connecticut 06405, Certified Mail No. 70191640000015847825; to Sixela LLC d/b/a CNAC, Attention: Hernan Baker, President, 57 Rolfe Square Suite 10009, Cranston, Rhode Island 02910, Certified Mail No. 70191640000015847832; and to Sixela LLC d/b/a CNAC, Attention: Hernan Baker, President, 50 Hemlock Street #2, West Haven, Connecticut 06516, Certified Mail No. 70191640000015847849.

/s/

Emily B. Bochman
Paralegal Specialist