
*
IN THE MATTER OF: *
*
PINNACLE FINANCE LLC *
NMLS # 1405111 *
*
(“Pinnacle”) *
*

CONSENT ORDER

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, Pinnacle is an Arizona limited liability company with its main office at 15030 N. Hayden Rd., Ste 100, Scottsdale, Arizona;

WHEREAS, Pinnacle was licensed to engage in the business of a sales finance company in Connecticut from August 31, 2015 until its license expired on January 1, 2017;

WHEREAS, on August 13, 2024, Pinnacle submitted an application through the Nationwide Multistate Licensing System and Registry (“NMLS”) for a license to engage in the business of a sales finance company in Connecticut, which is currently pending;

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking, conducted an investigation pursuant to Section 36a-17(a) of the Connecticut General Statutes into the activities of Pinnacle 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, the Commissioner alleges that since August 2020, Pinnacle has engaged in the business of a sales finance company in Connecticut without a license, in

violation of Section 36a-536 of the Connecticut General Statutes, by purchasing and acquiring 11 retail installment contracts, and receiving payments of principal and interest from retail buyers under such contracts;

WHEREAS, the Commissioner believes that such allegation would support initiation of enforcement proceedings against Pinnacle, including, without limitation, proceedings to issue an order to cease and desist against Pinnacle pursuant to Sections 36a-543(d) and 36a-52(a) of the Connecticut General Statutes and impose a civil penalty of up to One Hundred Thousand Dollars (\$100,000) per violation upon Pinnacle pursuant to Sections 36a-543(d) and 36a-50(a) of the Connecticut General Statutes;

WHEREAS, initiation of such enforcement proceedings would constitute a “contested case” within the meaning of Section 4-166(2) of the Connecticut General Statutes. Section 4-177(c) of the Connecticut General Statutes and Section 36a-1-55(a) of the Regulations of Connecticut State Agencies provide that a contested case may be resolved by consent order, unless precluded by law;

WHEREAS, the Commissioner and Pinnacle acknowledge the possible consequences of formal administrative proceedings, and Pinnacle voluntarily agrees to consent to the entry of the sanctions imposed below without admitting or denying any allegation set forth herein, and solely for the purpose of obviating the need for formal administrative proceedings concerning the allegation contained herein;

WHEREAS, Pinnacle acknowledges that it has had the opportunity to consult with and be represented by independent counsel in negotiating and reviewing this Consent Order and executes this Consent Order freely;

WHEREAS, Pinnacle acknowledges that this Consent Order is a public record and is a reportable event for purposes of NMLS, as applicable;

WHEREAS, Pinnacle herein represents to the Commissioner that it has reviewed and updated its internal policies, procedures and controls for ensuring compliance with sales finance company licensure requirements in Connecticut;

AND WHEREAS, Pinnacle, through its execution of this Consent Order, voluntarily agrees to waive its procedural rights, including a right to a notice and an opportunity for a hearing as it pertains to the allegation set forth herein, and voluntarily waives its right to seek judicial review or otherwise challenge or contest the validity of this Consent Order.

CONSENT TO ENTRY OF SANCTIONS

WHEREAS, Pinnacle, through its execution of this Consent Order, consents to the Commissioner's entry of a Consent Order imposing the following sanctions:

1. No later than the date this Consent Order is executed by Pinnacle, it shall remit to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Ten Thousand Dollars (\$10,000) as a civil penalty;
2. No later than the date this Consent Order is executed by Pinnacle, it shall remit to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of One Thousand Six Hundred Dollars (\$1,600) for back licensing fees; and
3. Pinnacle shall cease and desist from engaging in the business of a sales finance company in Connecticut without a license, in violation of Section 36a-536 of the Connecticut General Statutes.

CONSENT ORDER

NOW THEREFORE, the Commissioner enters the following:

1. The Sanctions set forth above be and are hereby entered;
2. Upon issuance of this Consent Order by the Commissioner, this matter will be resolved and the Commissioner will not take any future enforcement action against Pinnacle based upon the allegation contained herein; provided that issuance of this Consent Order is without prejudice to the right of the Commissioner to take enforcement action against Pinnacle based upon a violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms herein is not being observed or if any representation made by Pinnacle and reflected herein is subsequently discovered to be untrue;
3. Pinnacle shall not take any action or make or permit to be made any public statement, including in regulatory filings, any proceeding in any forum or otherwise, denying, directly or indirectly, any allegation referenced in this Consent Order or create the impression that this Consent Order is without factual basis. Except as specifically provided herein, Pinnacle shall not take any position in any proceeding brought by or on behalf of the Commissioner, or to which the Commissioner is a party, that is inconsistent with any part of this Consent Order. Nothing in this provision affects Pinnacle's (i) testimonial obligations, or (ii) right to take any legal or

factual position that may contradict an allegation in this Consent Order in litigation or other legal proceedings in which the Commissioner is not a party;

4. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by Pinnacle and its control persons, as applicable, on NMLS, nothing in the issuance of this Consent Order shall adversely affect the ability of Pinnacle to apply for or obtain an initial license or renewal licenses under Part II of Chapter 668, Sections 36a-535 *et seq.*, of the Connecticut General Statutes, provided all applicable legal requirements for such license are satisfied and the terms of this Consent Order are followed;
5. This Consent Order shall be binding upon Pinnacle and its successors and assigns; and
6. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut,
this 23rd day of September 2024.

/s/

Jorge L. Perez
Banking Commissioner

I, Scott Heritage, state on behalf of Pinnacle Finance LLC that I have read the foregoing Consent Order; that I know and fully understand its contents; that I am authorized to execute this Consent Order on behalf of Pinnacle Finance LLC; that Pinnacle Finance LLC agrees freely and without threat or coercion of any kind to comply with the sanctions entered and terms and conditions ordered herein; and that Pinnacle Finance LLC voluntarily agrees to enter into this Consent Order, expressly waiving the procedural rights set forth herein as to the matters described herein.

By: /s/
Name: Scott Heritage
Title: Manager
Pinnacle Finance LLC

State of: Arizona

County of: Maricopa

On this the 10th day of September, 2024 before me, Margaret Norton, the undersigned officer, personally appeared Scott Heritage, who acknowledged himself/herself to be the Manager of Pinnacle Finance LLC, a member managed/manager managed limited liability company, and that he/she as such Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself/herself as Pinnacle Finance LLC/ Scott Heritage.

In witness whereof I hereunto set my hand.

/s/
Notary Public
Date Commission Expires: May 4, 2025