

**ORDER NO. 2021-017**

**IN THE MATTER OF:**

**RAM PAYMENT, LLC**

**KNOXVILLE, TENNESSEE**

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**BEFORE:**

**THE BANKING  
COMMISSIONER OF TEXAS**

**AUSTIN, TRAVIS COUNTY, TEXAS**

**CONSENT ORDER**

On this day, the matter of RAM Payment, LLC (Respondent) was submitted to me, Charles G. Cooper, Banking Commissioner (Commissioner) of the State of Texas, for consideration and action.

1. Respondent is a limited liability company formed under the laws of Delaware and based in Knoxville, Tennessee. Respondent provides financial services in connection with consumer debt management and debt repayment.
2. The Texas Department of Banking (Department) has jurisdiction over the subject matter of this proceeding pursuant to *Texas Finance Code* (Finance Code) Chapter 151 (Chapter 151). The Commissioner has the authority to issue this Consent Order (Order) and to assess administrative penalties pursuant to Finance Code §§ 151.706 and 151.707.
3. Respondent has been properly notified of its right to an administrative hearing under Chapter 151.
4. The undersigned representative of Respondent has full authority to enter into and bind Respondent to the terms and conditions of this Consent Order.
5. The statutory provisions at issue in this matter include, but are not limited to, Finance Code §§ 151.301, 151.302, 151.702, 151.706, and 151.707.
6. Any violation of this Order could subject Respondent to additional regulatory or enforcement actions authorized by Chapter 151 and other provisions of Texas law. Nothing

in this Order diminishes the regulatory or enforcement powers of the Department, the Commissioner, or the Finance Commission of Texas under Chapter 151 or other applicable law.

7. For purposes of this proceeding, Respondent knowingly and voluntarily waives:
  - a. service upon Respondent of this Order;
  - b. the right to present defenses to the allegations in this proceeding;
  - c. notice and hearing prior to imposition of this Order;
  - d. the filing of proposed findings of fact and conclusions of law;
  - e. the issuance of a proposal for decision by an administrative law judge;
  - f. the filing of exceptions and briefs with respect to such proposal for decision;
  - g. any review of this Order by the Texas Finance Commission; and
  - h. judicial review of this Order as provided by *Texas Government Code* § 2001.171 *et seq.*, and any other challenge to the validity of this Order.
8. Respondent and the Commissioner agree to this Order solely for the purpose of this proceeding, and without Respondent admitting or denying the factual findings of the Commissioner stated herein or any violations of law or regulations. This Order does not constitute an admission by Respondent that Chapter 151 or a rule adopted or order issued under Chapter 151 has been violated.
9. The Commissioner has considered this matter and finds as follows:
  - a. Since 2019, Respondent has provided third-party transmission and payment processing services to its customers, including consumer borrowers in Texas. Respondent receives money or monetary value from its customer and promises to forward that value to those customers' creditors and debt management service providers. Those creditors and debt management service providers do not assume responsibility for the money received by Respondent from Respondent's customers.
  - b. Under Finance Code § 151.301(b)(4), money transmission means "the receipt of money or monetary value by any means in exchange for a promise to make the money or monetary value available at a later time or different location." The Finance Code defines engaging in the business of money transmission as receiving compensation or

expecting to receive compensation, directly or indirectly, for conducting money transmission. Finance Code § 151.302(b). The Department has concluded that by receiving funds in exchange for a promise to distribute those funds at a later time or different location, Respondent has been conducting money transmission.

- c. Finance Code § 151.302(a) provides that “a person may not engage in the business of money transmission or advertise, solicit, or hold itself out as a person that engages in the business of money transmission” without a license unless it is an authorized delegate of a license holder, is excluded from licensure under Chapter 151, or has been granted an exemption under Chapter 151.
  - d. As described above, the Department has concluded that: (i) Respondent has been conducting money transmission in Texas; (ii) the Department had not licensed Respondent; (iii) Respondent is not an authorized delegate of a license holder; (iv) Respondent is not excluded from licensure under Chapter 151; and (v) Respondent has not been granted an exemption under Chapter 151. Consequently, the Commissioner finds that Respondent has been in violation of Finance Code § 151.302.
  - e. As required by Finance Code § 151.707(d), the Commissioner has considered the seriousness of the violations, Respondent’s compliance history, and Respondent’s good faith in attempting to comply with Chapter 151.
  - f. Respondent voluntarily applied to the Department for a license to conduct money transmission on April 15, 2021. As a result of Respondent’s disclosures in its license application, the Commissioner became aware of Respondent’s business in Texas. On May 20, 2021, Respondent obtained a temporary money transmission license from the Department.
  - g. Based on these findings and based on the representations made by Respondent as to the volume of transactions and length of time it has been conducting an unlicensed money transmission business in Texas, the Commissioner finds that an administrative penalty of \$55,650 is appropriate.
10. Respondent has agreed to pay the administrative penalty set out in the Order below.
11. This Order does not restrict the Department with respect to any enforcement action or other recourse regarding any other violations by Respondent not now known to the Department that come to the attention of the Department. Nothing herein shall be construed to limit Respondent’s right to contest any future finding or determination of non-compliance.

## **Order**

It is hereby ORDERED, ADJUDGED, and DECREED that:

12. Respondent will pay \$55,650 to the Department as an administrative penalty under Finance Code § 151.707 on or before November 1, 2021.
13. Respondent will make a good faith effort to fulfill all of the requirements to obtain a license to conduct money transmission in Texas as detailed in Chapter 151 of the Finance Code. In the event that Respondent elects to withdraw its license application, or Respondent's license application is suspended pursuant to Finance Code § 151.204, determined abandoned pursuant to 7 Texas Administrative Code § 33.13(g)(1), or denied pursuant to Finance Code § 151.205,

Respondent will do the following:

- a. Within 15 days of said withdrawal, suspension, abandonment or denial, notify Respondent's existing Texas customers that it will cease providing money transmission to them. This notification must be made in writing, and a copy of the notice must be sent contemporaneously to the Department;
- b. Within 60 days of said withdrawal, suspension, abandonment, or denial, cease and desist from engaging in the unauthorized business of money transmission in Texas and return Texas customer funds held by Respondent to its Texas customers; and
- c. Within seven days of achieving full compliance with this paragraph, confirm to the Department in writing that Respondent has ceased all unlicensed activities in Texas.

## **Effective Date**

This Order against Respondent is effective on the date signed by the Commissioner and is final and non-appealable as of that date.

Signed on this 13th day of October, 2021.

/s/ Charles G. Cooper  
Charles G. Cooper  
Commissioner, Department of Banking

**AGREED AS TO FORM AND SUBSTANCE:**

RAM Payment, LLC

By: /s/ David John Malizia  
David John Malizia  
Vice President

Date: October 12, 2021

**APPROVED AS TO FORM:**

/s/ Jesse Moore  
Jesse Moore  
Assistant General Counsel  
Texas Department of Banking

Date: October 13, 2021