

IN THE MATTER OF:

**FUTURE INCOME PAYMENTS, LLC
f/k/a PENSIONS, ANNUITIES AND
SETTLEMENTS, LLC,
a/k/a FUTURE INCOME PAYMENTS
LLC, a/k/a FUTURE INCOME
PAYMENTS, a/k/a FIP LLC, a/k/a FIP,
LLC, a/k/a FIP, a/k/a CASH FLOW
OUTSOURCING SERVICES INC.,
a/k/a CASH FLOW INVESTMENT
PARTNERS, LLC, a/k/a
BUYSELLANNUITY INC.,
a/k/a PENSION ADVANCE LLC,
also d/b/a PENSIONS, ANNUITIES AND
SETTLEMENTS, d/b/a PAS,
d/b/a LUMP SUM PENSION PURCHASE,**

FIP LLC

**a/k/a FIP, LLC, a/k/a FUTURE INCOME
PAYMENTS, LLC, a/k/a FIP,
a/k/a CASH FLOW OUTSOURCING
SERVICES INC., a/k/a CASH FLOW
INVESTMENT PARTNERS, LLC,
a/k/a BUYSELLANNUITY INC.,
a/k/a PENSION ADVANCE LLC,**

**CASH FLOW OUTSOURCING
SERVICES INC.**

**a/k/a FIP LLC, a/k/a FUTURE INCOME
PAYMENTS, LLC, a/k/a FIP,**

**CASH FLOW INVESTMENT PARTNERS,
LLC**

**f/k/a SUNLIFE FUNDING, LLC,
a/k/a CASH FLOW INVESTMENT
PARTNERS LLC, a/k/a CASH FLOW
INVESTMENT PARTNERS,
a/k/a FUTURE INCOME PAYMENTS,
LLC, a/k/a FIP LLC, a/k/a FIP,**

BUYSELLANNUITY INC.

**a/k/a FUTURE INCOME PAYMENTS,
LLC, a/k/a FIP LLC, a/k/a FIP,**

BEFORE THE MARYLAND

COMMISSIONER OF

FINANCIAL REGULATION

CFR No.: 2016-0027

**PENSION ADVANCE LLC
a/k/a FUTURE INCOME PAYMENTS,
LLC, a/k/a FIP LLC, a/k/a FIP,**

**SCOTT A. KOHN,
Individually, and d/b/a PENSIONS,
ANNUITIES AND SETTLEMENTS, LLC,
d/b/a FUTURE INCOME PAYMENTS,
LLC, d/b/a FIP LLC, d/b/a FIP,
d/b/a CASH FLOW OUTSOURCING
SERVICES INC., d/b/a CASH FLOW
INVESTMENT PARTNERS, LLC,
d/b/a BUYSPELLANNUITY INC.,
d/b/a PENSION ADVANCE LLC**

And

**GLORILYN CUSI,
Individually, and d/b/a PENSIONS,
ANNUITIES AND SETTLEMENTS, LLC,
d/b/a FUTURE INCOME PAYMENTS,
LLC, d/b/a FIP LLC, d/b/a FIP,
d/b/a CASH FLOW OUTSOURCING
SERVICES INC., d/b/a CASH FLOW
INVESTMENT PARTNERS, LLC
d/b/a BUYSPELLANNUITY INC.,
d/b/a PENSION ADVANCE LLC**

Respondents.

ORDER FOR CIVIL PENALTIES AND REFUNDS

On March 25, 2019, the Deputy Commissioner of Financial Regulation issued a Notice of Intended Agency Action to Respondents, notifying Respondents that the Commissioner of Financial Regulation (“Commissioner”) intended to issue an order requiring Respondents to refund money collected by Respondents in violation of Md. Code Ann., Com. Law (“CL”) §§12-302, 12-306(a), 12-306(d), 12-313(a), and 12-314 (“Restitution”) and/or to issue a civil penalty

order against Respondents, and advised Respondents that the Commissioner had scheduled a hearing on May 15, 2019, prior to issuing an order.

Before ordering a penalty, pursuant to Md. Code Ann., Fin. Inst. ("FI") § 2-115(c), the Commissioner must consider the following factors in determining the amount of the penalty to be imposed on Respondents:

- (1) The seriousness of the violation;
- (2) The good faith of the violator;
- (3) The violator's history of previous violations;
- (4) The deleterious effect of the violation on the public and the industry involved;
- (5) The assets of the violator; and
- (6) Any other factors relevant to the determination of the financial penalty.

The Commissioner held the hearing on May 15, 2019. Respondents did not attend the hearing. Proof of proper service of the Notice of Intended Agency Action on Respondents was admitted into evidence at the hearing.

At the hearing, evidence was admitted showing that: (1) Respondents were not licensed in Maryland to make consumer loans under CL §12-301 *et seq*; (2) Respondents were not registered with the State Department of Assessments and Taxation as required by Maryland law to do business in Maryland; (3) Respondents solicited 486 Maryland consumers offering cash lump sum advances in exchange for the consumer paying three (3) to five (5) years of the consumers' monthly pension payments to Respondents; (4) approximately 486 Maryland consumer executed agreements with Respondents; (5) Respondents' advances to 37 Maryland

consumers were greater than \$6,000.00 per consumer; (6) Respondents' advances to 449 Maryland consumers were less than \$6,000.00 per consumer; (7) Respondents advanced a total of \$1,650,000 to Maryland consumers; (8) Maryland consumers repaid a total of \$950,236.13 to Respondents; (9) Respondents charged Maryland consumers interest rates that exceeded the interest rates authorized by CL §12-306; and (10) Respondents settled a previous complaint for unlicensed activity with a Maryland consumer.

Considering these factors, the Commissioner has determined that: (1) the violations are serious in their severity; (2) Respondents' actions and conduct showed the absence of good faith; and (3) Respondents' actions had a deleterious effect on the public and industry involved. The Commissioner is unable to consider the Respondents' assets because the Commissioner was not presented with any documentation regarding Respondents' assets. Having considered these factors, the Commissioner concludes that civil penalties in the amounts ordered below are warranted.

Pursuant to FI §11-204, unless a person is licensed by the Commissioner, the person may not make a loan. Pursuant to FI §2-115(b)(3), upon finding that a person has engaged in an act or practice constituting a violation of law over which the Commissioner has jurisdiction, the Commissioner may impose a civil penalty not to exceed \$1,000 for the first violation and \$5,000 for each subsequent violation.

Pursuant to CL §12-314(a), a person may not lend \$6,000.00 or less if the interest rate is greater than allowed by law. Pursuant to CL §12-314(b)(1), a loan made in the amount of \$6,000 or less is unenforceable if the interest rate exceeds the interest rate authorized by law. Pursuant to CL §12-314(b)(2), a person who is neither licensed nor exempt from licensing may not receive

or retain any principal, interest, or other compensation with respect to any loan that is unenforceable.

It is by the Commissioner of Financial Regulation, hereby:

ORDERED that Respondents shall pay a civil penalty to the Commissioner as detailed in Exhibit "A" attached hereto, in the amount of \$4,860,000 within sixty (60) days of the date of this **Order for Civil Penalties and Refunds**; and

FURTHER ORDERED that Respondents shall pay Restitution as detailed in Exhibit "B" attached hereto, in the total amount of \$855,445.13 to Maryland consumers by mailing to each consumer a check in the amount shown on Exhibit "B" via First Class Mail, postage prepaid, to the most recent address of the consumer known to Respondents. If mailing is returned as nondeliverable, Respondents shall promptly notify the Commissioner in writing for further instruction as to the means of making the payment. Upon making the required payment, Respondents shall furnish a copy of the front and back of each cancelled check for the payment to the Commissioner as evidence of having made payment, within sixty (60) days of the date of this **ORDER**;

FURTHER ORDERED that Respondents shall send all correspondence, notices, civil penalties, and other required submissions to the Commissioner at the following address: Commissioner of Financial Regulation, 500 N. Calvert Street, Suite 402, Baltimore, MD 21202, Attention: Proceedings Administrator; and

FURTHER ORDERED that the records and publications of the Commissioner of Financial Regulation shall reflect this decision.

Respondents may have the right to file a petition for judicial review; however filing of a petition for judicial review does not automatically stay the enforcement of this order.

**MARYLAND COMMISSIONER OF
FINANCIAL REGULATION**

Date: 6/12/19

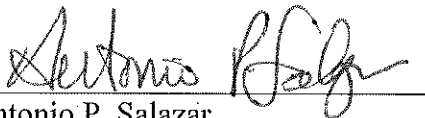
By: 
Antonio P. Salazar
Commissioner of Financial Regulation

EXHIBIT "A"

CIVIL PENALTIES

| Violations | Penalty Statute | # Violations | Penalty Imposed |
|---------------------------|---|---------------------|------------------------|
| CL § 12-103(a)(3) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| CL § 12-103 (c)(1) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| CL § 12-106 (b) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| CL § 12-302 | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| CL § 12-306(a) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| CL § 12-306(d) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| CL § 12-313(a) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| CL § 12-314(a) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| FI § 11-203.1(a) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| FI§ 11-302(b) | FI §2-115(b) First - \$1,000 Subsequent - <\/=\$5,000 | 486 | \$1,000 |
| TOTAL | | | \$4,860,000 |