

**STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT**

IN THE MATTER OF:
DAVID SMITH, KEVIN WHITE,
and INSTANT ADVANCE PAY SERVICES, and
its managers, officers, affiliates, subsidiaries, representatives,
successors, and assigns.

FILE NO. 14-00287

TEMPORARY ORDER OF PROHIBITION

TO RESPONDENTS:

**DAVID SMITH
1608 SOUTH ASHLAND AVENUE, UNIT 56155
CHICAGO, ILLINOIS 60608**

**KEVIN WHITE
1608 SOUTH ASHLAND AVENUE, UNIT 56155
CHICAGO, ILLINOIS 60608**

**INSTANT ADVANCE PAY SERVICES
1608 SOUTH ASHLAND AVENUE, UNIT 56155
CHICAGO, ILLINOIS 60608**

On information and belief, I, Jesse White, Secretary of State for the State of Illinois, through my designated representative, who has been fully advised in the premises by the staff of the Securities Department, Office of the Secretary of State, herein find:

1. Respondent Instant Advance Pay Services ("Instant Advance") is a purported business entity with a last known address of 1608 South Ashland Avenue, Unit 56155 Chicago, Illinois 60608.
2. Respondent David Smith ("Smith") is a natural person who holds himself out as a representative of Instant Advance with a last known address of 1608 South Ashland Avenue, Unit 56155, Chicago, Illinois 60608.
3. Respondent Kevin White ("White") is a natural person who holds himself out as a Manager of Instant Advance with a last known address of 1608 South Ashland Avenue, Unit 56155, Chicago, Illinois 60608.
4. Our investigation revealed that Respondents Instant Advance, Smith, and White are not located at 1608 South Ashland Avenue, Unit 56155, Chicago, Illinois 60608. , and the correct location of all the Respondents are unknown.

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5. In or around June 6, 2014, Respondent Instant Advance through its representative Respondent Smith offered to procure a loan for at least one Illinois resident, Investor A, a senior citizen living on disability.
6. Respondent Smith through Respondent Instant Advance offered to procure a loan for Investor A.
7. To secure the loan, Respondent Smith with Respondent White's approval ordered Investor A to purchase "Green Dot MoneyPaks" from Walgreens totaling approximately \$767.00. The prepaid credit card numbers were transferred to Respondent Smith via telephone by Investor A.
8. To date, Respondents Smith and Instant Advance failed to procure the loan and return the prepaid fee to Investor A.
9. The activities set forth above are those of a "loan broker", as those terms are defined in Section 15-5.15(a) of the Illinois Loan Brokers Act of 1995 [815 ILCS 175/15-1 et seq.], (the "Act").

COUNT I FRAUD

9. Respondent Smith, Respondent White, and Respondent Instant Advance failed to procure the loan for Investor A.
10. Respondent Smith, Respondent White, and Respondent Instant Advance failed to return the prepaid fee totaling approximately \$767.00 to Investor A.
11. Instead of procuring the Loan for Investor A or returning the fee to Investor A, Respondents converted and used the money for its/their own personal use.
12. Section 15-85(a) of the Act provides, *inter alia*, that it is prohibited by the Act for a loan broker, in connection with a contract for the services of a loan broker, to either directly or indirectly employ any device, scheme or article to defraud, made any untrue statements of material fact, or engage in any act, practice or course of business that operates or would operate as a fraud or deceit upon any person.
13. By virtue of the foregoing, Respondents Instant Advance, David Smith, and Kevin White violated Sections 15-85 (a) of the Act.
14. Section 15-55(c) of the Act provided, *inter alia*, that if the Secretary of State shall find that any person has violated any provision of the Act, the Secretary of State may, by written Order, temporarily prohibit or suspend such person from acting as a loan broker.
15. That Section 15-55(e) of the Act provides, *inter alia* "(A)nything herein contained to the contrary notwithstanding, the Secretary of State may temporarily prohibit or suspend, for a maximum period of 90 days, by an order effective immediately, any individual or entity acting as a loan broker or engaging in the business of

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providing loan brokerage services, without notice and prior hearing, if the Secretary of State shall in his or her opinion, based upon credible evidence, deems it necessary to prevent an imminent violation of this Act or to prevent losses to clients which the Secretary of State reasonably believes will occur as a result of a prior violation of this Act..."

COUNT II
UNREGISTERED LOAN BROKER

16. Respondents Instant Advance, David Smith, and Kevin White are not and never have been registered as a loan broker in the State of Illinois.
17. Section 15-10 of the Act provides, *inter alia*, that it shall be unlawful for any person to engage in the business of loan brokering unless registered under the Act.
18. Respondents Instant Advance, David Smith, and Kevin White were not registered with the Secretary of State as a loan broker as required by the Act prior to engaging in the business of loan brokering in the State of Illinois.
19. Section 15-55(d) of the Act provides, *inter alia*, that "if the Secretary of State shall find that any person is acting or has acted as a loan broker as defined in Section 15-5.15 of this Act, without prior thereto or at the time thereof having complied with the registration requirements of this Act, the Secretary of State may by written order prohibit such person from acting as a loan broker in this State".
20. By virtue of the foregoing, Respondents Instant Advance, David Smith, and Kevin White have violated Section 15-10 of the Act.

NOW THEREFORE, IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 15-55 (c) and Section 15-55(d) of the Act, Respondents DAVID SMITH, KEVIN WHITE, AND INSTANT ADVANCE PAY SERVICES its Officers, Directors, Employees, Affiliates, Successors, Agents and Assigns, are hereby **PROHIBITED** from engaging in the business of loan brokering in the State of Illinois until further order of the Secretary of State.

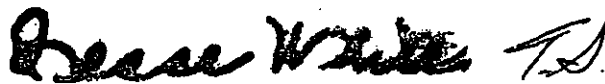
NOTICE is hereby given that Respondent may request a hearing on this matter by transmitting such request in writing to the Director, Illinois Securities Department, 69 West Washington Street, Suite 1220, Chicago, Illinois 60602. Such request must be made within thirty (30) calendar days of the date of entry of the Temporary Order of Prohibition. Upon receipt of a request for hearing, a hearing will be scheduled as soon as reasonably practicable. A request for hearing will not stop the effectiveness of this Temporary Order and will extend the effectiveness of this Temporary Order for sixty days from the date the hearing request is received by the Department.

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FAILURE BY ANY RESPONDENT TO REQUEST A HEARING WITHIN THIRTY (30) CALENDAR DAYS AFTER ENTRY OF THIS TEMPORARY ORDER OF PROHIBITION SHALL CONSTITUTE AN ADMISSION OF ANY FACTS ALLEGED HEREIN AND SHALL CONSTITUTE SUFFICIENT BASIS TO MAKE THIS TEMPORARY ORDER OF PROHIBITION FINAL.

Dated: This 26th day of September 2014.

Handwritten signature of Jesse White in black ink, with a stylized flourish at the end.

JESSE WHITE
Secretary of State
State of Illinois

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