

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

**In the Matter of Consumer Lender
License of:**

No. 21A-018-FIN

AUTOGRAVITY CORPORATION

ORDER

(License No. 0939382)

Respondent

On June 22, 2021, the Office of Administrative Hearings, through Administrative Law Judge Thomas Shedden, issued an Administrative Law Judge Decision (“Recommended Decision”). The Director of the Arizona Department of Insurance and Financial Institutions (“Director”) received the Recommended Decision on June 23, 2021, a copy of which is attached and incorporated by reference. The Director has reviewed the Recommended Decision and enters the following:

1. The Director ADOPTS the Recommended Findings of Fact.
2. The Director ADOPTS the Recommended Conclusions of Law.
3. The Director ADOPTS the Recommended Order.
4. The Director orders that AutoGravity Corporation’s Arizona Consumer Lender license, number 0939382, is suspended effective immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes (“A.R.S.”) § 41-1092.09, Respondent may request a rehearing or review with respect to this Order by filing a written motion with the Director within 30 days after the date of this Order, setting forth the basis for relief under Arizona Administrative Code R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to the Superior Court.

1 Respondent may appeal the final decision of the Director to the Superior Court of
2 Maricopa County for judicial review, pursuant to A.R.S. § 6-139. A party filing an appeal
3 must notify the Office of Administrative Hearings of the appeal within ten days after filing the
4 complaint commencing the appeal, pursuant A.R.S. § 12-904(B).

5 DATED this 24th day of June, 2021.

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Evan G. Daniels, Director
9 Arizona Department of Insurance and
10 Financial Institutions

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1 **COPY** of the foregoing electronically transmitted
2 this 25th day of **June**, 2021, to:

3 Thomas Shedden, Administrative Law Judge
4 Office of Administrative Hearings
5 <https://portal.azoah.com/submission>

6 **COPY** of the foregoing mailed by U.S. Certified Mail,
7 Electronic Receipt Requested, same date to:

8 AutoGravity Corporation
9 Attn: Rebecca Spira
10 15495 Sand Canyon Ave Ste 100 9489 0090 0027 6265 2270 04
11 Irvine, CA 92618-3152

12 **COPY** of the foregoing electronically delivered same date to:

13 Deian Ousounov, Regulatory Legal Affairs Officer
14 Ana Starcevic, Paralegal Project Specialist
15 Steven Fromholtz, Division Manager
16 Michele Castaneda, Licensing Supervisor
17 Linda Lutz, Legal Assistant
18 Tammy Seto, Financial Services Division Manager
19 Arizona Department of Insurance and Financial Institutions
20 100 North 15th Avenue, Suite 261
21 Phoenix, Arizona 85007

22 AutoGravity Corporation
23 Attn: Rebecca Spira
24 rebecca.spira@autogravity.com
25 Respondent

26 Lynette Evans, Assistant Attorney General
Lynette.Evans@azag.gov
Attorney for the Arizona
Department of Insurance and Financial Institutions

Ana Starcevic

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Consumer Lender
License of:

No. 21A-018-FIN

AUTOGRAVITY CORPORATION

**ADMINISTRATIVE LAW JUDGE
DECISION**

(License No. CL-0939382)

Respondent

HEARING: June 22, 2021

APPEARANCES: No one appeared for Respondent; Lynette Evans, Esq. for the
Department of Insurance and Financial Institutions

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

FINDINGS OF FACT

1. On April 27, 2021, the Arizona Department of Insurance and Financial Institutions ("Department") issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. on June 22, 2021 at the Office of Administrative Hearings in Phoenix, Arizona.

2. The issue for hearing is whether grounds exist to suspend Respondent Autogravity Corporation's consumer lender license number CL-0939382.

3. No representative for Respondent appeared and the matter was convened in its absence at about 1:17 p.m.

4. Consumer lender licenses are valid from July 1 through June 30 of the following year and must be renewed each year, which requires payment of a renewal fee.

5. Although a consumer lender license that is not renewed expires, the applicable statutes also provide that all licenses remain in effect until surrendered, revoked or suspended.

6. Respondent's license is a consumer lender license was first issued on June 8, 2017.

1 7. Respondent last renewed its license on June 20, 2019.

2 8. Respondent did not file an application to renew its license or pay the
3 applicable fee and its license expired on June 30, 2020.

4 9. Because Respondent did not renew its license and did not pay the
5 applicable fee, the Department requests that Respondent's license be suspended.

6 **CONCLUSIONS OF LAW**

7 1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-
8 1092.07(G)(2).

9 2. The standard of proof on all issues in this matter is that of a preponderance
10 of the evidence. ARIZ. ADMIN. CODE § R2-19-119.

11 3. A preponderance of the evidence is:

12 The greater weight of the evidence, not necessarily established
13 by the greater number of witnesses testifying to a fact but by
14 evidence that has the most convincing force; superior
15 evidentiary weight that, though not sufficient to free the mind
16 wholly from all reasonable doubt, is still sufficient to incline a fair
17 and impartial mind to one side of the issue rather than the other.

18 BLACK'S LAW DICTIONARY 1373 (10th ed. 2014).

19 4. A consumer lender is "a person that advertises to make or procure, solicits
20 or holds itself out to make or procure, or makes or procures consumer lender loans to
21 consumers in this state." ARIZ. REV. STAT. § 6-601(5).

22 5. A consumer lender license is valid from July 1 through June 30, and
23 remains in full force until surrendered, revoked or suspended. ARIZ. REV. STAT. § 6-
24 604(B) and (C).

25 6. A consumer lender license may be renewed by filing an application with
26 the applicable fee. ARIZ. REV. STAT. § 6-603(E).

27 7. The Department may suspend a consumer lender license if the holder
28 does not pay the applicable renewal fee. ARIZ. REV. STAT. § 6-605(A)(3).

29 8. Respondent failed to pay the required renewal fee before June 30, 2020.
30 Consequently, Respondent's consumer lender license number CL-0939382 should be
suspended.

ORDER

IT IS ORDERED that Autogravity Corporation's consumer lender license number CL-0939382 is suspended.

In the event of certification of the Administrative Law Judge Decision by the Director of the Office of Administrative Hearings, the effective date of the Order is five days after the date of that certification.

Done this day, June 22, 2021.

Done this day, June 22, 2021.

/s/ Thomas Shedden
Thomas Shedden
Administrative Law Judge

Transmitted electronically to:

Evan G. Daniels,
Department of Insurance and Financial Institutions