

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING)
File No. 2015-CFPB-0029)
)
In the matter of:) ORAL ARGUMENT REQUESTED
)
INTEGRITY ADVANCE, LLC and)
JAMES R. CARNES)
)

**MOTION OF INTEGRITY ADVANCE, LLC AND
JAMES R. CARNES TO DISMISS THE NOTICE OF CHARGES**

Pursuant to 12 C.F.R. § 1081.212, respondents Integrity Advance, LLC and James R. Carnes (collectively “Respondents”), move to dismiss the Notice of Charges (“Notice”). The Consumer Financial Protection Bureau (“CFPB” or “Bureau”) does not have authority or jurisdiction over the Respondents. The CFPB has failed to bring its claims within the statutes of limitation set out in the Consumer Financial Protection Act (“CFPA”), the Truth in Lending Act (“TILA”), and the Electronic Fund Transfer Act (“EFTA”). The Notice also fails to state a claim under TILA upon which relief may be granted. Accordingly, Respondents are entitled to dismissal as a matter of law.

Moreover, the bulk of the CFPB’s UDAAP claims concern conduct that occurred before the CFPA’s effective date of July 21, 2011, and in this way, these claims are impermissibly retroactive.

The Court should dismiss the Notice for all of these reasons.

This Motion is based upon the accompanying Brief in Support of Respondents' Motion to Dismiss all pleadings and other papers filed in this proceeding, and such other matters as may be presented to the tribunal at the time of any hearing.

Respectfully submitted,

Dated: December 21, 2015

By: /s/ Allyson B. Baker

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CERTIFICATION OF SERVICE

I hereby certify that on the 21st day of December, 2015, I caused a copy of the foregoing Motion Of Integrity Advance, LLC And James R. Carnes To Dismiss The Notice Of Charges to be filed by electronic transmission (e-mail) with the U.S. Coast Guard Hearing Docket Clerk (aljdocketcenter@uscg.mil), Curtis E. Renoe (Curtis.e.renoe@uscg.mil) and Administrative Law Judge Parlen L. McKenna (cindy.j.melendres@uscg.mil), and served by electronic mail on the following parties who have consented to electronic service:

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