

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING
File No. 2015-CFPB-0029

In the Matter of:

**INTEGRITY ADVANCE, LLC and
JAMES R. CARNES,**

Respondents.

**ENFORCEMENT
COUNSEL'S NOTICE OF
PROPOSED REMEDY TO
CURE PREJUDICE**

**ENFORCEMENT COUNSEL'S NOTICE OF PROPOSED
REMEDY TO CURE PREJUDICE**

On July 21, 2016, the Administrative Law Judge (ALJ) requested that Enforcement Counsel submit a proposed remedy to cure any prejudice arising from the testimony of Dr. Xiaoling Ang and Respondents' submission for the first time of six new exhibits (RX019-RX024) as part of Dr. Ang's testimony on July 21st. Enforcement Counsel respectfully requests that the ALJ allow Enforcement Counsel to submit into evidence a supplemental declaration of Mr. Robert J. Hughes and accompanying attachments.

Mr. Hughes's declaration and the accompanying attachments are limited to describing errors in Dr. Ang's calculations and the resulting mistakes she made in her critique of Mr. Hughes's calculations. Being permitted to respond to Dr. Ang's analysis and critiques through the submission of a supplemental declaration and accompanying attachments would cure the

prejudice to Enforcement Counsel arising from Respondents' late-filed witness list and exhibits. Enforcement Counsel estimates that it will submit the supplemental declaration and accompanying attachments by Friday, July 29, 2016. Giving Enforcement Counsel this short time to analyze the exhibits provided by Respondents is appropriate because Enforcement Counsel received these exhibits for the first time on July 21, the morning Dr. Ang testified. Enforcement Counsel did not have sufficient opportunity to prepare its response to Dr. Ang or the new exhibits.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of July 2016, I caused a copy of the foregoing Enforcement Counsel's Notice of Proposed Remedy to Cure Prejudice to be filed by electronic transmission (e-mail) with the Office of Administrative Adjudication (CFPB_electronic_filings@cfpb.gov), the U.S. Coast Guard Hearing Docket Clerk (aljdocketcenter@uscg.mil), Administrative Law Judge Parlen L. McKenna (cindy.j.melendres@uscg.mil), Heather L. MacClintock (Heather.L.MacClintock@uscg.mil), and served by email on the Respondents' counsel at the following addresses:

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