

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

ORDER GRANTING IN PART
RESPONDENT'S REQUEST
FOR EXTENSION OF TIME TO
COMPLY WITH SUBPOENA

Hon. Parlen L. McKenna

On March 21, 2016, Respondents filed a Request for Extension of Time to comply with items one and two of the subpoena issued on February 19, 2016. Respondents claim they are unable to timely produce an Excel file containing transaction-level data similar to a document produced during the initial investigation, with an expanded date range and two additional data fields. They state that the process has been "even more burdensome than expected," thus they cannot meet the deadline set in my February 19, 2016 Order Granting Subpoena. Respondents have asked me to extend the deadline to April 11, 2016.

The Bureau filed its opposition to Respondents' request on March 22, 2016. Bureau counsel also submitted a Declaration with exhibits, which show that the parties conferred and the Bureau was willing to extend the deadline for two weeks, until April 4, but not for three weeks, until April 11. The Bureau argues that Respondents have not adequately explained why they are unable to produce the subpoenaed data, and also states

that Respondents have refused to consider the alternate method of production I permitted in my Order, which is to turn over the entire dataset and allow the Bureau to run its own queries.

At the outset, I note that Respondents have represented in this proceeding that they fully complied the Civil Investigative Demand (CID) by preserving all records specified therein. Respondents now claim that in order to comply with the subpoena, they “were required to rebuild the database used to generate that response [to the CID].” Respondents did not explain why, if the data was fully preserved, rebuilding the database would be necessary.

Another issue apparent from the pleadings is that Respondents have asked the Bureau to provide them with specific queries to run, while the Bureau believes it is unable to write such queries without having access to the database. From the information contained in the motion and the response, I cannot determine why the Bureau’s involvement is necessary. The subpoena is specific as to the information sought; the precise requirements are as follows:

A Microsoft Excel file, with the data columns set forth in the document entitled “Document Request 16_Transactions_01.01.12-01.31.12.xlsx” (CFPB003126) that Integrity Advance, LLC produced in response to Request for Documents 16 of the Civil Investigative Demand served on Integrity Advance, LLC on January 7, 2013, and the additional data columns described below, that includes all consumer transaction data for all consumers who originated a loan with Integrity Advance.

In addition to the data columns set forth in CFPB003126, include columns that capture:

- a) The date on which the consumer revoked his or her ACH authorization (null if the consumer did not revoke his or her ACH authorization); and

b) Whether Integrity Advance used a demand draft to collect funds from the consumer.

Should the production file exceed Microsoft Excel's capabilities, produce the file in a tab-delimited text file compatible with MS Access.

Respondents may choose to provide Enforcement Counsel with the relevant database in its entirety instead of producing the Excel file or tab-delimited text file described above.

Provided Respondents are in possession of the document entitled "Document Request 16_Transactions_01.01.12-01.31.12.xlsx, they should be able to deduce what type of data each column contains. The additional two columns and the expanded date range are clearly set out in my Order and in the subpoena. The Bureau does not appear to be in a position to provide more detailed technical queries at this time.

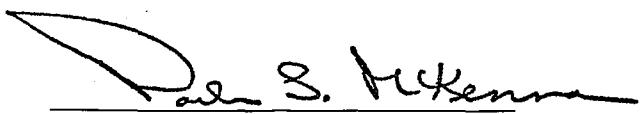
Regardless of my ruling on the motion, Respondents have already missed the original production deadline set forth in my Order Granting Subpoena. After reviewing all the pleadings and attachments, I will **GRANT** Respondents an additional two weeks to comply. However, if Respondents are unable to produce the data by that date, they must turn over the database to the Bureau within forty-eight (48) hours. This will allow the Bureau to cull the data on its own without necessitating another revised prehearing schedule.

ORDER

Respondents' Request for Extension of Time is **GRANTED IN PART**.

Production of the subpoenaed data is now due by **April 4, 2016**. If Respondents are unable to produce a responsive document by that date, they will have forty-eight (48) hours to turn over the full database to the Bureau for processing.

SO ORDERED.



Hon. Parlen L. McKenna
Administrative Law Judge
United States Coast Guard

Done and dated on this 22nd day of March 2016 at
Alameda, California.

CERTIFICATE OF SERVICE

I hereby certify that I have served the forgoing *Order Granting in Part Respondent's Request For Extension of Time to Comply with Subpoena* (2015-CFPB-0029) upon the following parties and entities in this proceeding as indicated in the matter described below:

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Done and dated this 22nd day in March, 2016
Alameda, California



**Cindy J. Melendres, Paralegal Specialist
to the Hon. Parlen L. McKenna**