

**UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU**

| | | RESPONDENTS' OBJECTIONS TO ENFORCEMENT COUNSEL'S EXHIBIT LIST |
|----------------------------|---|--|
| ADMINISTRATIVE PROCEEDING |) | |
| File No. 2015-CFPB-0029 |) | |
| In the matter of: |) | |
| INTEGRITY ADVANCE, LLC and |) | |
| JAMES R. CARNES |) | |
| |) | |

RESPONDENTS' OBJECTIONS TO ENFORCEMENT COUNSEL'S EXHIBIT LIST

| # | Bureau's Proposed Exhibits | Respondents' Objections to Proposed Exhibit and Related Basis of Objections |
|---|---|--|
| 1 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 2 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it concerns an individual who is not an expected witness at the Hearing; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 3 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it concerns an individual who is not an expected witness at the Hearing; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 4 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 5 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 6 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it concerns an individual who is not an expected witness at the Hearing; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |

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| 7 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 8 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 9 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 10 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 11 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 12 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 13 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 14 | Completed consumer application and loan agreement | Proposed exhibit is not relevant because it concerns an individual who is not an expected witness at the Hearing; Hearsay. |
| 15 | September 2010 Hayfield income statement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 16 | January 2011 Hayfield income statement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 17 | February 2011 Hayfield income statement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 18 | March 2011 Hayfield income statement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |

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| 19 | April 2011 Hayfield income statement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 20 | May 2011 Hayfield income statement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 21 | June 2011 Hayfield income statement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; Hearsay; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 22 | July 2011 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 23 | August 2011 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 24 | September 2011 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 25 | October 2011 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 26 | November 2011 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 27 | December 2011 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 28 | January 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 29 | February 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 30 | March 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 31 | April 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 32 | May 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 33 | June 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 34 | July 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |

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| 35 | August 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 36 | September 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 37 | October 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 38 | November 2012 Hayfield income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 39 | Hayfield 2011 income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 40 | Hayfield 2012 income statement | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 41 | Hayfield 2012 balance sheet | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 42 | 2010 Integrity Advance income statement and balance sheet | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Hearsay. |
| 43 | 2011 Integrity Advance income statement and balance sheet | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 44 | 2012 Integrity Advance income statement and balance sheet | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 45 | Hayfield 2011 tax return | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 46 | Hayfield 2011 partnership income tax filing | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 47 | Hayfield 2012 partnership income tax filing | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 48 | 2011 Hayfield partnership distributions to Willowbrook | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 49 | 2012 Hayfield partnership distributions to Willowbrook | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 50 | Asset purchase agreement between Hayfield and EZ Corp. | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; document cannot be authenticated because it is incomplete. |
| 51 | Lead purchase agreement between Integrity Advance and LeadPile | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |

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| 52 | Lead purchase agreement between Integrity Advance and Incent Media | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 53 | Lead purchase agreement between Integrity Advance and T3 Leads | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 54 | Lead purchase agreement between Partner Weekly and Integrity Advance | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 55 | Signature card for First Bank of Louisburg | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay; cannot be authenticated. |
| 56 | ACH origination agreement between MoneyGram and Integrity Advance | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. Proposed exhibit also includes unredacted PII. |
| 57 | Invoice from ClearVox to Integrity Advance | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 58 | Invoice from ClearVox to Integrity Advance | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 59 | Arbitration provision template | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents; Hearsay. |
| 60 | Integrity Advance application template | Hearsay – no records custodian or other qualified witness. |
| 61 | Loan agreement template | Hearsay – no records custodian or other qualified witness. |
| 62 | Application template | Hearsay – no records custodian or other qualified witness. |
| 63 | Application and loan agreement template | Hearsay – no records custodian or other qualified witness. |
| 64 | ACH authorization template | Hearsay – no records custodian or other qualified witness. |
| 66 | Description of Hayfield entities | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |

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| 67 | Hayfield organizational chart | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents. |
| 68 | James Carnes investigational hearing transcript | Hearsay; <i>see also</i> Respondents' Motion in Limine No. 3. |
| 69 | Edward Foster investigational hearing transcript | Hearsay <i>see also</i> Respondents' Motion in Limine No. 3. |
| 70 | November 25, 2013 interrogatory responses | Any probative value is substantially outweighed by a danger of confusion of the issues; cumulative evidence. |
| 71 | Integrity Advance's October 25, 2013 interrogatory responses | Any probative value is substantially outweighed by a danger of confusion of the issues; cumulative evidence. |
| 72 | Declaration of Robert J. Hughes | Hearsay; <i>see also</i> Respondents' Motion in Limine No. 4. |
| 73 | Declaration of Christopher Albanese | Hearsay; <i>see also</i> Respondents' Motion in Limine No. 5. |
| 74 | Nov. 1, 2011 – Dec. 9, 2011 emails regarding a consumer refund requested by the New Hampshire Banking Department | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; This includes numerous documents that are protected from disclosure by the attorney client privilege; that were previously identified as being privileged and that were the subject of a repeated claw-back; this is not relevant because it does not concern alleged conduct of Respondents; hearsay. |
| 75 | Consumer complaints produced by the Better Business Bureau on June 10, 2014 pertaining to ACH stop/revocation and RCC issues | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Hearsay; improper compilation exhibit; <i>see also</i> Respondents' Motion in Limine Nos. 1, 2. |
| 76 | June 10, 2014 email to Alusheyi Wheeler attached Better Business Bureau complaints | Hearsay; not relevant to the alleged conduct of Respondents at issue in this matter. |
| 77 | ClearVox Facilitators Guide | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents at issue in this matter; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 78 | Integrity Advance Procedures manual | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents at issue in this matter; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 79 | Loan Management System Operations Manual | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; Hearsay; not relevant because it does not concern alleged conduct of |

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| | | Respondents at issue in this matter <i>see also</i> Respondents' Motion in Limine Nos. 1, 6. |
| 80 | Data dictionary produced by Integrity Advance on April 22, 2016 in response to February 19, 2016 subpoena for data ¹ | Hearsay. |
| 81 | Section 7.9 of Loan Management System Operations Manual | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; because it pre-dates Integrity Advance's operations; and because it does not concern alleged conduct of Respondents at issue in this matter; <i>see also</i> Respondents' Motion in Limine Nos. 1, 6. |
| 82 | NACHA Table of ACH Return Reasons Codes | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents <i>see also</i> Respondents' Motion in Limine No. 7. |
| 83 | July 22, 2008 Lead Purchase Insertion Order between Partner Weekly and Integrity Advance | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 84 | Hayfield Investment Partners, LLC Consolidated Income Statement YTD through September 2010 | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 85 | January 19, 2009 Debt collection agreement between Integrity Financial Partners, Inc. and Hayfield Investment Partners, LLC for the benefit of its subsidiaries including Integrity Advance, LLC | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 86 | March 21-23, 2011 emails between Clearvox and Integrity Advance employees | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 87 | February 21-25, 2011 emails between James Carnes, Edward Foster, and Clearvox employees regarding potential fraud | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |

¹ The data dictionary assumed to be referenced here was produced to the Bureau on April 4, 2016.

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| 88 | November 13-14, 2008 emails between James Carnes and Clearvox employees | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011 and because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 89 | February 21, 2008 email from Clearvox employee to James Carnes regarding Outbound Call Agreement | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; relates to the conduct of a company other than Integrity Advance; because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 90 | February 20, 2008 emails between James Carnes and Clearvox employee | Proposed exhibit is not relevant because it relates to conduct that pre-dates July 21, 2011; relates to the conduct of a company other than Integrity Advance; because it does not concern alleged conduct of Respondents; <i>see also</i> Respondents' Motion in Limine No. 1. |
| 91 | Hayfield Investment Partners, LLC 2012 Tax Return | Proposed exhibit is not relevant because it does not concern alleged conduct of Respondents in this matter. |
| 92 | Expert Report of Dr. Manoj Hastak | Hearsay; <i>see also</i> Respondents' Motion in Limine at 3 n.1. |
| 93 | Respondents' December 11, 2015 Answer and Affirmative Defenses to Notice of Charges | Probative value is substantially outweighed by confusion of the issues; cumulative evidence. |
| 94 | "An Examination of Remotely Created Checks" by Ana R. Cavazos-Wright | Hearsay (subject to no exceptions) <i>see also</i> Respondents' Motion in Limine No. 7. |
| 95 | Excel spreadsheet entitled "Check_Draft_Cleared_Payments" produced on May 5, 2016 in response to February 19, 2016 subpoena for data | Hearsay. |
| 96 | 16 C.F.R. Part 310: Telemarketing Sales Rule: Federal Register Notice Containing Notice of Proposed Rulemaking and Request for Public Comment | Proposed exhibit is not relevant because it relates to conduct that post-dates Respondents' conduct at issue; because it does not concern alleged conduct; concerns a legal conclusion; any probative value is outweighed by unfair prejudice, confusion of issues, waste of time <i>see also</i> Respondents' Motion in Limine No. 8. |
| 97 | Charts containing Integrity Advance values from transaction data produced in response to February 19, 2016 subpoena for data | Hearsay. |

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| 98 | "A Guide to Remotely Created Checks" by Dave Mercurio and Angie Spitzley | Hearsay; <i>see also</i> Respondents' Motion in Limine No. 7. |
| 99 | May 5, 2016 email from Allyson Baker to Vivian Chum and others attaching Excel spreadsheet "Check_Draft_Cleared_Payments " | Hearsay. |
| 100 | Consumer #21292653 Transactions on Integrity Advance \$500 Loan #54158546 in which Integrity Advance uses an RCC to obtain funds from a consumer after the consumer revokes ACH authorization | Hearsay; any probative value is substantially outweighed by a danger of confusion. |
| 101 | Integrity Advance consumer transaction data produced in response to February 19, 2016 subpoena for data | Hearsay. |

Respectfully submitted,

Dated: July 11, 2016

By: Allyson B. Baker

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Attorneys for Respondents
Integrity Advance, LLC and James R. Carnes

CERTIFICATION OF SERVICE

I hereby certify that on the 11th day of July 2016, I caused a copy of the foregoing Objections to be filed by electronic transmission (e-mail) with the U.S. Coast Guard Hearing Docket Clerk (aljdocketcenter@uscg.mil), Heather L. MacClintock (Heather.L.MacClintock@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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