

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

**ADMINISTRATIVE PROCEEDING**  
File No. 2015-CFPB-0029

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In the Matter of	)
INTEGRITY ADVANCE, LLC, and	) ORDER DIRECTING PARTIES
JAMES R. CARNES	) TO PROVIDE ADDITIONAL
	) BRIEFING
	)

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On July 10, 2018, I signed an Order directing the parties to file a Joint Statement regarding further proceedings in this matter. The parties submitted that Statement on August 13, 2018. In that Statement, the parties agreed that *Lucia v. SEC*, 138 S. Ct. 2044 (2018), applies to this matter, and that, pursuant to *Lucia*, the Administrative Law Judge (ALJ) who presided over the hearing was not constitutionally appointed. However, the parties did not agree as to how this matter should now proceed. Respondents argued that all the claims in the Bureau's Notice of Charges are time-barred, or are precluded on jurisdictional grounds. Accordingly, they argue that all charges against them should be dismissed. Enforcement Counsel contend that *Lucia* requires a new hearing and that I should remand to the Bureau's ALJ who could then address the issues raised by Respondents.

Before determining how this matter should proceed, such as whether to remand this matter to the Bureau's ALJ for a new hearing, it is appropriate to consider two issues raised by Respondents that have not been adequately addressed by the parties.

Accordingly, I direct that the parties shall file briefs addressing the following issues that were raised by Respondents in the Joint Statement:

- 1) If a new hearing is to be held in this matter before an administrative law judge, must the Bureau also file a new Notice of Charges?
- 2) Does the Bureau's current administrative law judge satisfy the requirement in *Lucia v. SEC*, 138 S. Ct. 2044 (2018), that an administrative law judge be appointed by the President, a court of law, or the head of a department?

Within 21 days of the date that this Order is issued, Respondents shall provide an opening brief of no more than 20 pages addressing the two issues listed above. Within 21 days of the date that Respondents serve their opening brief, Enforcement Counsel shall file a brief of no more than 20 pages. Within 14 days of the date that Enforcement Counsel files its brief, Respondents may file a reply brief of no more than 10 pages. All briefs must be double spaced and in a typeface that is 12-point or larger.

SO ORDERED.



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Mick Mulvaney  
Acting Director  
Bureau of Consumer Financial Protection

September 6, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the *Order Directing Parties to Provide Additional Briefing* upon the following parties and entities in Administrative Proceeding 2015-CFPB-0029 as indicated in the manner described below:

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Jameelah  
Morgan

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**Jameelah Morgan**  
**Docket Clerk**  
**Office of Administrative Adjudication**  
**Bureau of Consumer Financial Protection**

Signed and dated on this 12<sup>th</sup> day of September,  
2018 at Washington, D.C.