

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’ OBJECTIONS  
 TO ENFORCEMENT  
 COUNSEL’S EXHIBIT LIST**

**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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> No. 3.
69	Edward Foster investigational hearing transcript	Hearsay <i>see also</i> Respondents' Motion <i>in Limine</i> 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 <i>in Limine</i> No. 4.
73	Declaration of Christopher Albanese	Hearsay; <i>see also</i> Respondents' Motion <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> Nos. 1, 6.
80	Data dictionary produced by Integrity Advance on April 22, 2016 in response to February 19, 2016 subpoena for data <sup>1</sup>	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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> No. 1.

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

#	Bureau's Proposed Exhibits	Respondents' Objections to Proposed Exhibit and Related Basis of Objections
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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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 <i>in Limine</i> 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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**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](mailto: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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/s/ Peter S. Frechette

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