DEPARTMENT OF BUSINESS OVERSIGHT
Ensuring a Fair and Secure Financial Services Marketplace for all Californians

Jan Lynn Owen
Commissioner of Business Oversight

November 8, 2013

In June 2013, the California Department of Business Oversight (DBO) directed DBO-licensed deferred deposit originators (commonly referred to as "payday lenders") to submit the *California Deferred Deposit Transaction Law Industry Survey* (Survey). The Survey is required in accordance with Financial Code Section 23015.

The purpose of the Survey was for the DBO to gather up-to-date information on transaction activities of licensees and potential consumer risks in order to assess the fiscal health and compliance practices of California's deferred deposit originator industry. The Survey collected information on payday lender issues and activities related to the following:

- Transactions per Customer
- Customer's Income
- Internet Transactions
- Lead Generators
- Military Customers
- Payments to Customers
- Repayment from Customers
- Collections
- Customer Complaints
- Independent Agents

Responses to the Survey have been consolidated into a Summary Report and shall remain confidential under Government Code Section 6254(d). The Summary Report has been included with this letter for your convenience and can also be found on the DBO website under "Publications." If you have questions or comments about the Summary Report, please contact Patty Salazar, Deputy Commissioner of Public Affairs, at (916) 322-8899 or Patty.Salazar@dbo.ca.gov.

Jan Lynn Owen
Commissioner
Department of Business Oversight

2013

Summary Report:
California Deferred Deposit Transaction Law – Industry Survey

California Department of Business Oversight

STATE OF CALIFORNIA
EDMUND G. BROWN JR., Governor

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF BUSINESS OVERSIGHT

JAN LYNN OWEN
CALIFORNIA COMMISSIONER of BUSINESS OVERSIGHT

Financial Services Division
California Deferred Deposit Transaction Law

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Introduction[1]

The *California Deferred Deposit Transaction Law – 2013 Industry Survey* (Survey) was administered to all California licensed Deferred Deposit Originators (commonly known as Payday lenders) in June and July of 2013. The response rate was 93%, with 292 licensees reporting.

Licensees were asked to provide information for 2012 and for the period of January through May of 2013. The purpose of the Survey was to capture information about licensee activities and was not an attempt to capture consumer behavior. The Survey collected information on payday lender issues/activities related to the following:

- Transactions per Customer
- Customer's Income
- Internet Transactions
- Lead Generators
- Military Customers
- Payments to Customers
- Repayment from Customers
- Collections
- Customer Complaints
- Independent Agents

This Report provides a summary of the aggregated information collected by the Survey and is based on unaudited data provided by licensees. Responses to the survey were received by August 29, 2013.

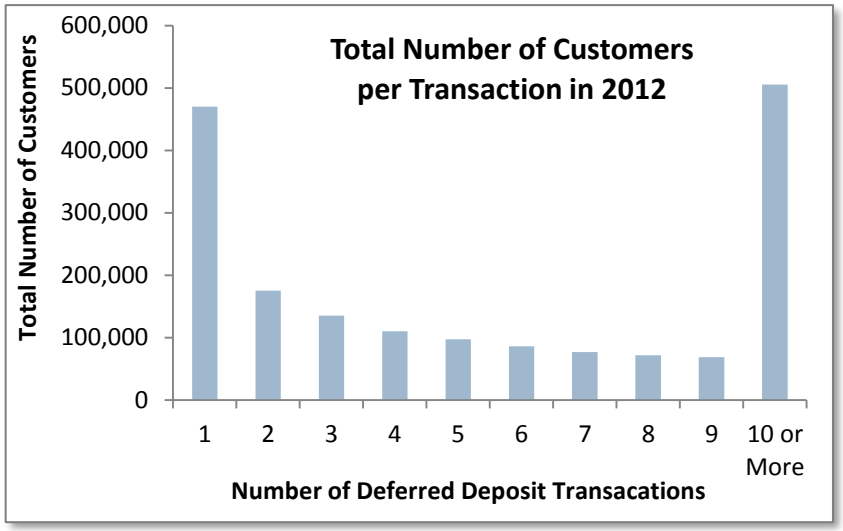
Due to continuous fluctuations in the deferred deposit licensee population, data included in this Report is not comparable to data included in the *DBO Annual Report: Operations of Deferred Deposit Originator under the California Deferred Deposit Transaction Law*.

[1] Updated December 2013

Deferred Deposit Transaction Volumes per Customer[2]

- Questions one through ten of the Survey asked deferred deposit transaction originators (payday lenders) to report the number of customers who have obtained a specified number of transactions during specified time periods. The table below and graph to the left provides the aggregated response data for each question.

- Only full year data for 2012 for questions one through ten is included in the graph and table. The partial data available for 2013 is not included in the graph and table because it does not account for potential repeat consumer borrowing seen in a full year, and therefore not comparable to the 2012 data.



Source: Survey questions 1 through 10.

Question #	1	2	3	4	5	6	7	8	9	10
Question text	Number of customers who obtained 1 deferred transaction	Number of customers who obtained 2 deferred transactions	Number of customers who obtained 3 deferred transactions	Number of customers who obtained 4 deferred transactions	Number of customers who obtained 5 deferred transactions	Number of customers who obtained 6 deferred transactions	Number of customers who obtained 7 deferred transaction	Number of customers who obtained 8 deferred transaction	Number of customers who obtained 9 deferred transaction	Number of customers who obtained 10 or more deferred transactions
2012 Totals	470,031	175,356	135,226	110,104	97,463	85,848	76,819	71,636	68,370	505,563

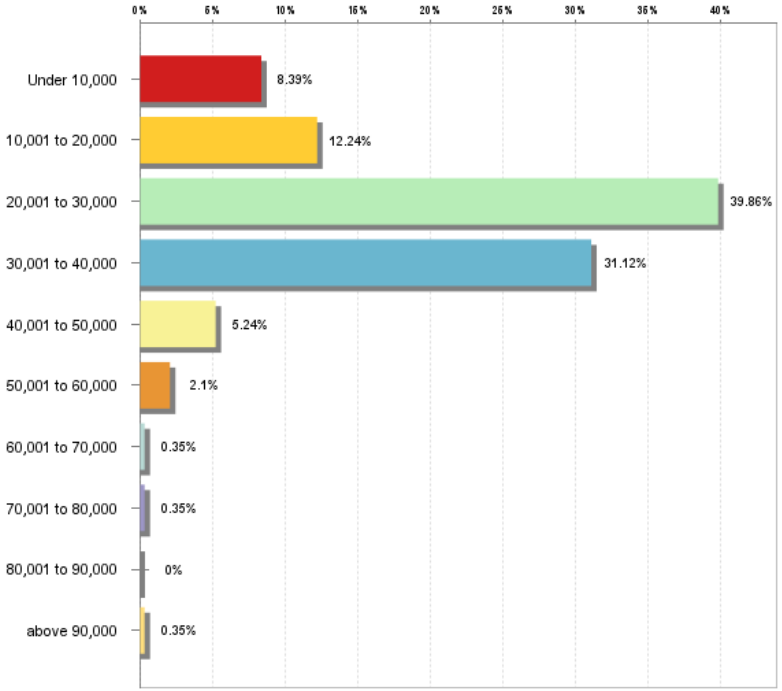
Active Military Customers

- 2% of reporting licensees indicated that they have customers who are in active military service. Of this share of payday lender licensees, the total number of customers was 159 for 2012 and 89 for 2013 (as of 5/31/13), with $302,300 in transactions for 2012 and $98,006 in transactions for 2013 (as of 5/31/13). *(Source: Survey questions 27 through 29.)*

[2] Updated December 2013

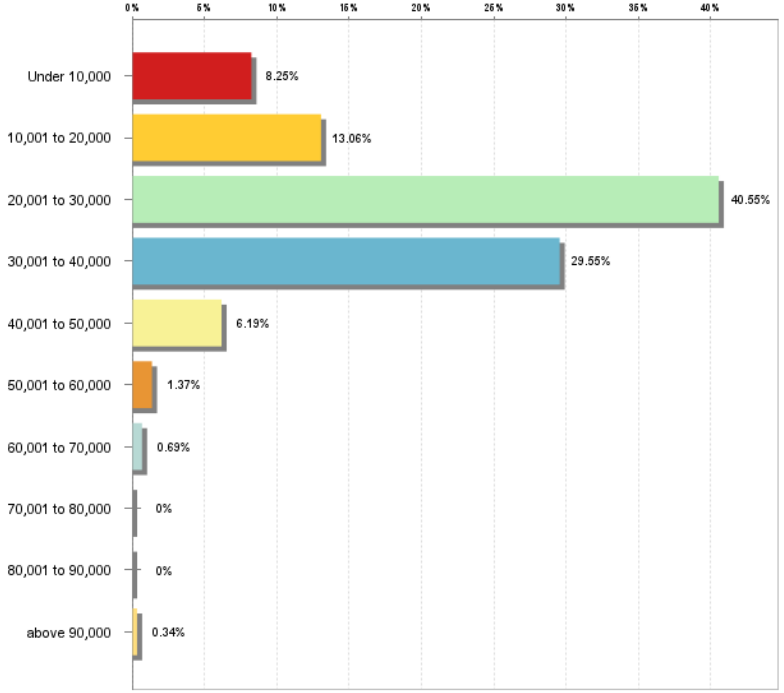
Customer's Income

2012
Average Annual Income



Source: Survey question 11.

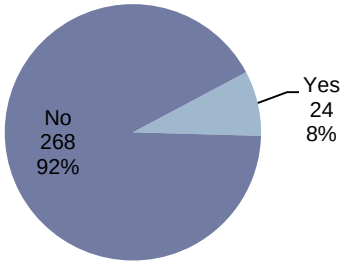
As of 5/31/2013
Average Annual Income



Source: Survey question 11.

Internet Transactions

Percentage of Payday Lenders Conducting Transaction on the Internet



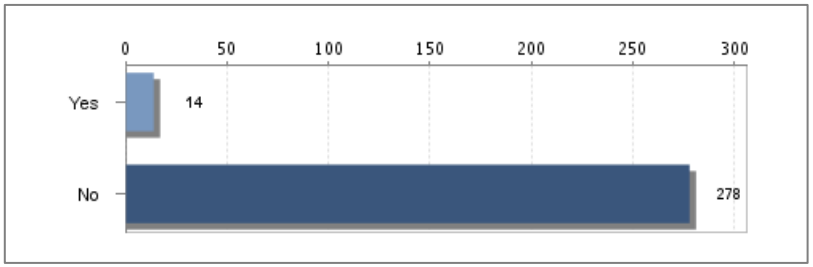
Source: Survey question 12.

Totals	*2012*	*As of 5/31/2013*
Number of Transactions	1,094,758	456,009
Number of Customers	230,754	146,852
Transaction Amounts	$289,017,674	$120,343,790

Source: Survey question 13 - 15.

Lead Generators

Number of Payday Lenders Using Lead Generators



Source: Survey question 16.

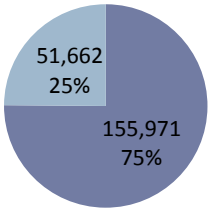
	2012	*As of 5/31/2013*
Fees Paid to Lead Generators	$3,748,404	$1,662,786
Average Maximum Fee Paid per Lead	$23	$27
Average Minimum Fee Paid per Lead	$8	$9
Average Fee Paid per Lead	$15	$17

Source: Survey question 20 – 23.

- Of the 14 licensees that indicated they use lead generators, approximately 3,504 lead generators were used in 2012 and 118 were used in 2013 (as of 5/13/31).

Lead Generators (Continued)

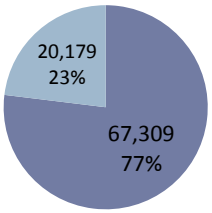
2012
Percentage of Qualified Leads Resulting in Transactions



Qualified Leads w/no Transactions

Qualified Leads w/ Transactions

As of 5/31/2013
Percentage of Qualified Leads Resulting in Transactions



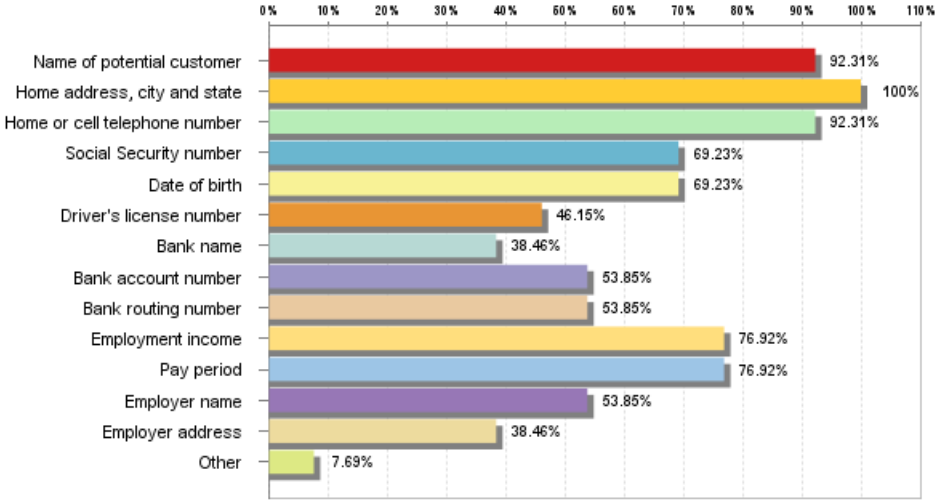
Qualified Leads w/no Transactions

Qualified Leads w/ Transactions

Source: Survey questions 18 and 19.

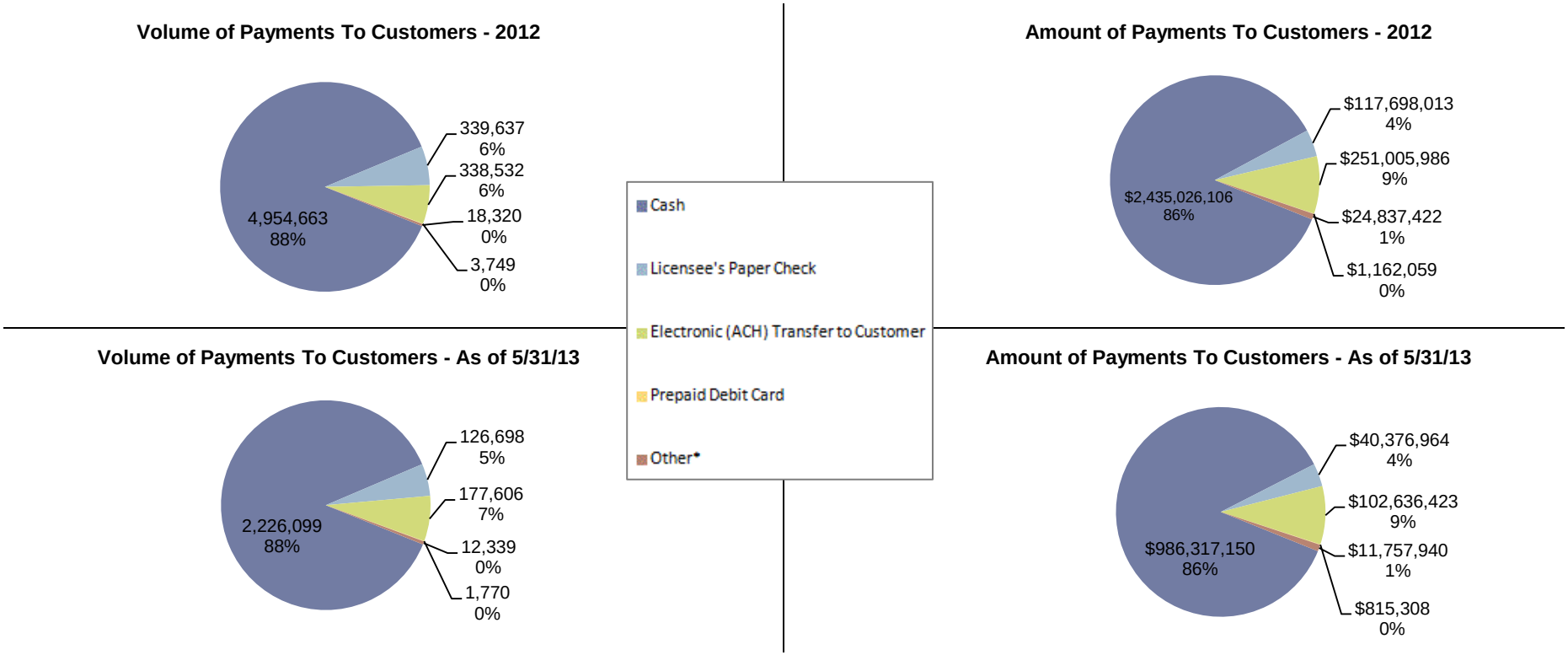
- 78.5% of responding licensees indicated that they pay lead generators for individual leads, and 21.4% indicating they pay lead generators for individual *and* multiple leads. *(Source: Survey question 24.)*
- 92.8% of responding licensees indicated that the lead generators they use provide customer's personal information. *(Source: Survey question 25.)*
- The primary types of customer information provided by lead generators are name, home address, and home/cell telephone number. The "other" type of information respondents indicated receiving is email address. *(Source: Survey question 26.)*

Types of Customer Information Provided by Lead Generators



Source: Survey question 26.

Payments to Customers



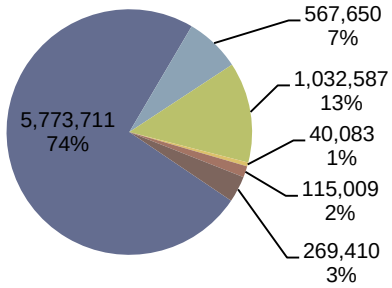
Source: Survey question 30.

Source: Survey question 31.

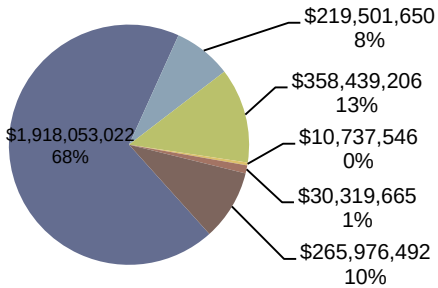
- The percentage of the loan volume and amount for each type of payment method are consistent across 2012 and 2013 (as of 5/31/13). This indicates that licensed payday lenders are consistent in the methods they use to provide payment to customers.
- No licensees reported providing payment to customers through credit cards.
- The "other" category includes the following payment types as described by responding licensees: "wire" and "debit cards."
- Question 30 was a hybrid of two separate categories reported on the *DBO Annual Report: Operations of Deferred Deposit Originator under the California Deferred Deposit Transaction Law*. Therefore, the volumes reported in this Report are not entirely comparable to those reported on the Annual Report.

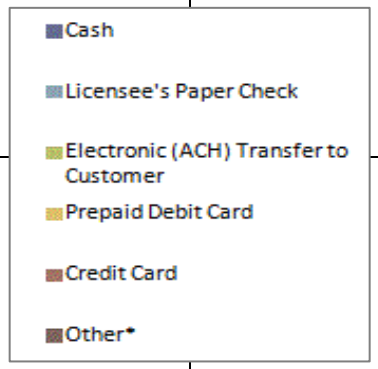
Repayment from Customers

Volume of Payments From Customers - 2012

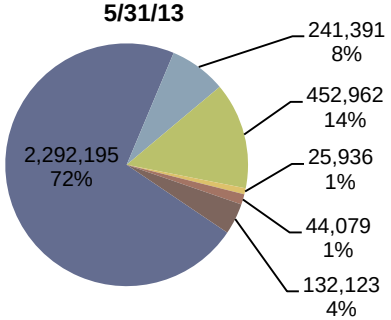


Amount of Payments From Customers - 2012

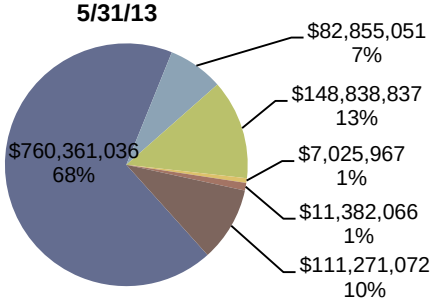




Volume of Payments From Customers - As of 5/31/13



Amount of Payments From Customers - As of 5/31/13



Source: Survey question 32.

Source: Survey question 33.

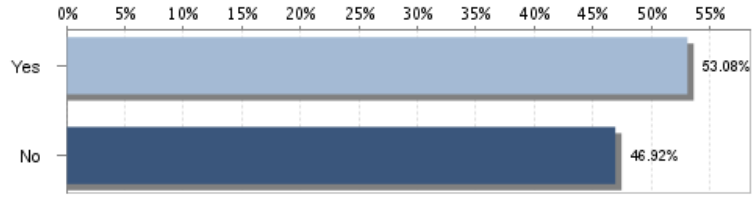
- The percentage of the loan volume and amount for each type of payment method are relatively consistent across 2012 and 2013 (as of 5/31/13). This indicates that customers are consistent in the methods they use to repay licensees.

- The "other" category includes the following payment types as described by responding licensees:

  - Card products
  - Card payments
  - Small claims
  - Collections
  - Money orders
  - Debit card
  - Payment plan
  - Store credit
  - Personal check
  - Post dated check
  - ACH debit
  - Cashier check
  - Electronic Check Conversion (ECC)
  - Electronic Check
  - Prepaid/bank issued cards

Repayments from Customer (Continued)

Percentage of Payday Lenders Offering a Written Payment Plan



Source: Survey question 34.

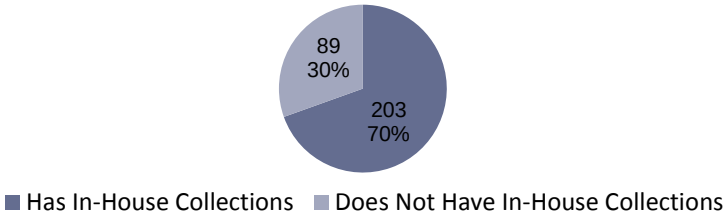
Payment Plan Volumes & Days for Repayment

	2012	*As of 5/31/2013*
Total Dollar Amount of Outstanding Payment Plans	$2,882,325	$2,130,818
Total Number of Outstanding Payment Plans	15,060	11,010
Average Maximum Days for Repayment	149	145
Average Minimum Days for Repayment	36	35

Source: Survey questions 35 through 38.

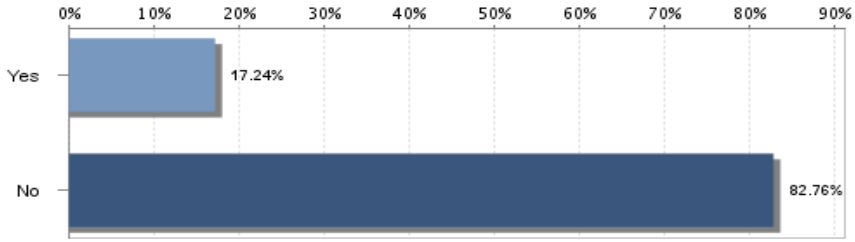
Collections

Percentage of Respondents with In-House Collections



Source: Survey question 39.

Percent of Payday Lenders that Own or are Affiliated with an outside Collection Agency

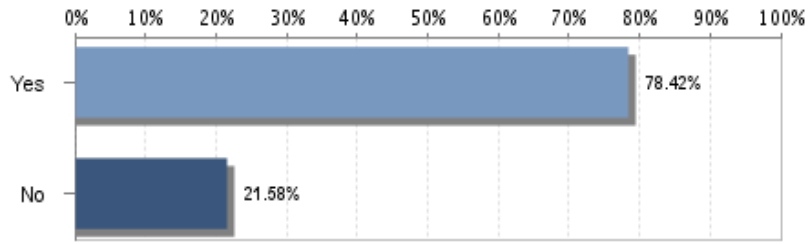


Source: Survey question 42.

- The total number of customers handled through in-house collections was 624,763 for 2012 and 282,514 for 2013 (as of 5/31/13).
- The total dollar amount of transactions handled through in-house collections that were not associated with payment plans was approximately $223.5 million for 2012 and approximately $72.3 million for 2013 (as of 5/31/13).
- Collection agencies are required to have a local business license to operate and are not licensed through the DBO. Several laws regulate debt collection companies in California, including the Fair Debt Collection Practices Act (FDCPA) administered by the Federal Trade Commission (FTC), and California's Rosenthal Fair Debt Collection Practices Act (Civil Code 1788-1788.33), which is enforced by the California Attorney General.

Customer Complaints

Percent of Licensees with Procedures for Resolving Customer Complaints

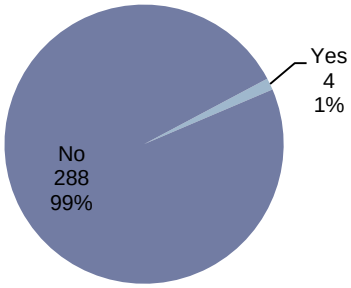


Source: Survey question 44.

- The DBO will continue to follow-up with licensees to ensure that consumer complaints are addressed.

Independent Agents

Percent of Licensees Contracting with Independent Agent(s)



Source: Survey question 47

- Independent agents were defined by the Survey question as an agent whom is not employed by the licensee, but is contracted with to assist in the origination of deferred deposit transactions. *(Source: Survey question 48.)*

Additional Comments

- Additional comments provided by responding licensees included descriptions of the methodologies they used to prepare the numbers they reported in the Survey.

Attachment A – Survey Form

California Department of
Business Oversight

California Deferred Deposit Transaction Law - 2013 Industry Survey

**For licensees engaged in business under the California Deferred Deposit Transaction Law
(commonly known as "Payday Lenders")**

The Department of Business Oversight (DBO) is conducting a survey of its deferred deposit originators (commonly known as "payday lenders") and the Commissioner is requesting your cooperation in completing this Survey. This electronic survey form has been designed for your convenience in providing the Department with various aspects of your company related to deferred deposits. The information you provide will be used for assessing the overall fiscal health and practices of California's deferred deposit originator industry.

This report is required in accordance with Financial Code Section 23015. Your responses shall remain confidential under Government Code Section 6254(d); however, information may be aggregated and made available to the public.

Survey submissions are due on or before July 24, 2013.

Instructions for Completing this Survey

- Information reported in this Survey is for the calendar year 2012 and for the period from January 1, 2013 to May 31, 2013 (or from date of licensure if licensed after January 1, 2012).
- Only California consumer transactions should be reported in the Survey.
- For the purpose of this Survey the term "lead generator" means an affiliate or third party that provides contact information of a potential customer for compensation.
- ALL QUESTIONS MUST BE ANSWERED. If you have nothing to report for questions requesting numbers or dollar amounts, then enter zero.
- Some questions are dependent on how you answer other questions, therefore some questions may not appear in numerical order.
- To assist you in compiling the information required in the Survey, you may wish to print out a copy of the form:

  Click here for a paper copy to help you compile information for the online form.
  (SURVEYS MUST BE SUBMITTED USING THE ONLINE FORM. PAPER SUBMISSIONS WILL NOT BE ACCEPTED.)
- You can close the survey and return to it later by clicking on the link provided to access the survey.
- All input to the Survey must be completed no later than July 24, 2013.
- You must click the "Submit" button at the bottom of the Survey to complete the form.

For Assistance

If you have questions about the survey content, please contact Frankie Hornick at frankie.hornick@dbo.ca.gov.

If you would like technical assistance with the survey form, please contact survey@dbo.ca.gov.

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LICENSEE INFORMATION

Name of Licensee (as shown on license)	
Total number of licenses held as of May 31, 2013 (including the main location license)	
Name of person completing the survey	
Title of person completing the survey	
Survey respondent's email address	
Survey respondent's telephone number (###) ###-####	

TRANSACTIONS

A deferred transaction is a written agreement between the licensee and the customer to make a deferred deposit (payday) transaction.

Please answer each question for the time periods stated below. If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
1. Number of customers who obtained 1 deferred transaction:		
2. Number of customers who obtained 2 deferred transactions:		
3. Number of customers who obtained 3 deferred transactions:		
4. Number of customers who obtained 4 deferred transactions:		
5. Number of customers who obtained 5 deferred transactions:		
6. Number of customers who obtained 6 deferred transactions:		
7. Number of customers who obtained 7 deferred transactions:		
8. Number of customers who obtained 8 deferred transactions:		
9. Number of customers who obtained 9 deferred transactions:		
10. Number of customers who obtained 10 or more deferred transactions:		

CUSTOMER'S INCOME

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
11. Your customer's average annual income as reported on deferred deposit application.		

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INTERNET TRANSACTIONS

12. Did you conduct deferred deposit transaction business over the internet during 2012 and/or between January 1, 2013 and May 31, 2013?

○ Yes ○ No

INTERNET TRANSACTIONS (CONTINUED)

Answer each question for the time periods stated below. If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
13. Total number of deferred deposit transactions made over the internet.		
14. Total number of individual customers who obtained deferred deposit transactions over the internet. (Only count repeat customers once.)		

Dollar amounts should be reported in whole dollars (not rounded). If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
15. Total dollar amount of deferred deposit transactions made over the internet.		

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LEAD GENERATORS

16. Did you use lead generators to refer potential California customers to you?

(For the purpose of this survey the term "lead generator" means an affiliate or third party that provides contact information of a potential customer for compensation.)

○ Yes ○ No

LEAD GENERATORS (CONTINUED)

Answer each question for the time periods stated below. If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
17. Total number of lead generators that referred potential customers to you.		
18. Total number of qualified leads provided to you by the lead generators. (Qualified lead means a lead in which a fee was paid to the lead generator for referring a potential customer to you.)		
19. Total number of individual customers who obtained deferred deposit transactions that were referred to you by lead generators.		

Dollar amounts should be reported in whole dollars (not rounded). If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
20. Total dollar amount of fees paid to lead generators.		
21. Maximum fee paid to a lead generator for a single lead.		
22. Average fee paid for each lead generated by lead generators.		
23. Minimum fee paid for each lead generated by lead generators.		

24. Are lead generators paid for each individual lead or are they paid for multiple leads?

- Individual leads
- Multiple lead
- Individual lead and multiple leads
- Other (please explain)

25. Did the lead generators provide personal information for the potential California customers they referred to you?

- Yes
- No

26. If you answered "Yes" to question 25, check the box(es) for the information that was provided:

- Name of potential customer
- Home address, city and state
- Home or cell telephone number
- Social Security number
- Date of birth
- Driver's license number
- Bank name
- Bank account number
- Bank routing number
- Employment income
- Pay period
- Employer name
- Employer address
- Other

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MILITARY CUSTOMERS

27. Do you have customers who are in active military service?

○ Yes ○ No

MILITARY CUSTOMER (CONTINUED)

Answer each question for the time periods stated below. If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
28. Total number of customers who are in active military service.		

Dollar amounts should be reported in whole dollars (not rounded). If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
29. Total dollar amount of transactions for customers in active military service.		

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PAYMENT TO CUSTOMER

30. What is the total number of customers who were issued payment for a payday transaction in each of the categories listed below?

Answer each question for the time periods stated below. If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012 Number of Customers	1/1/2013 to 5/31/2013 Number of Customers
Cash		
Licensee's paper check		
Electronic (ACH) transfer to customer's bank		
Prepaid debit card		
Credit card		

Number of customers for other payment types (if any):

Other Payment Types	1/1/2012 to 12/31/2012 Number of Customers	1/1/2013 to 5/31/2013 Number of Customers

31. What is the total dollar amount of transactions for each payment category below?

Answer each question for the time periods stated below. Dollar amounts should be reported in whole dollars (not rounded). If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012 Total Dollar Amount	1/1/2013 to 5/31/2013 Total Dollar Amount
Cash		
Licensee's paper check		
Electronic (ACH) transfer to customer's bank		
Prepaid debit card		
Credit card		

Dollar amounts for other payment types (if any):

Other Payment Types	1/1/2012 to 12/31/2012 Total Dollar Amount	1/1/2013 to 5/31/2013 Total Dollar Amount

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REPAYMENT FROM CUSTOMER

32. What is the number of customers who provide repayment in the types of repayment listed below?

Answer each question for the time periods stated below. If you have nothing to report for a question, then input a zero.

	1/1/2012 to 12/31/2012 Number of Customers	1/1/2013 to 5/31/2013 Number of Customers
Cash		
Cusomer's paper check		
Electronic (ACH) transfer to customer's bank		
Prepaid debit card		
Credit card		

Number of customers for other types of repayment (if any):

Other Payment Types	1/1/2012 to 12/31/2012 Number of Customers	1/1/2013 to 5/31/2013 Number of Customers

33. What is the total dollar amount of repayment from the customer for each payment category below?

	1/1/2012 to 12/31/2012 Total Dollar Amount	1/1/2013 to 5/31/2013 Total Dollar Amount
Cash		
Customer's paper check		
Electronic (ACH) transfer to customer's bank		
Prepaid debit card		
Credit card		

Dollar amounts for other types of repayment from customers (if any):

Other Payment Types	1/1/2012 to 12/31/2012 Total Dollar Amount	1/1/2013 to 5/31/2013 Total Dollar Amount

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REPAYMENT FROM CUSTOMER (CONTINUED)

34. Do you offer a written payment plan to your customers who are unable to repay their transaction when due?

○ Yes ○ No

REPAYMENT FROM CUSTOMER (CONTINUED)

Answer each question for the time periods stated below. If you have nothing to report for a question, then enter a zero. If you need to provide additional information to explain your responses to the questions below, then include your explanation in the area for additional comments at the end of the Survey (question 49).

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
35. What is the maximum number of days provided to a customer to pay off an outstanding balance through a payment plan?		
36. What is the minimum number of days you provide to a customer to pay off an outstanding balance through a payment plan?		
37. Total number of outstanding payment plans.		

Dollar amounts should be reported in whole dollars (not rounded). If you have nothing to report for a question, then enter a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
38. Total dollar amount of outstanding payment plans.		

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COLLECTIONS

39. Do you have in-house collections?

○ Yes ○ No

COLLECTIONS (CONTINUED)

Answer each question for the time periods stated below. If you have nothing to report for a question, then enter a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
40. Total number of customers handled through in-house collections that are not associated with a payment plan.		

Dollar amounts should be reported in whole dollars (not rounded). If you have nothing to report for a question, then enter a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
41. Total dollar amount of transactions handled through in-house collections that are not associated with a payment plan.		

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COLLECTIONS (CONTINUED)

42. Do you own or are you affiliated with an outside collection agency?

Yes No

COLLECTIONS (CONTINUED)

43. Please list the name(s) and address(es) of the outside collection agency(ies) you are affiliated with or own:

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CUSTOMER COMPLAINTS

44. Do you have procedures set-up for resolving customer complaints?

○ Yes ○ No

CUSTOMER COMPLAINTS (CONTINUED)

Answer each question for the time periods stated below. If you have nothing to report for a question, then enter a zero.

	1/1/2012 to 12/31/2012	1/1/2013 to 5/31/2013
45. How many customer complaints were received?		
46. How many customer complaints were resolved?		

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INDEPENDENT AGENTS

47. Do you contract with an independent agent, whom is not your employee, to assist you in the origination of deferred deposit transactions?

○ Yes ○ No

INDEPENDENT AGENTS (CONTINUED)

48. Are the independent agent(s) used licensed with the Department of Corporations?

○ Yes ○ No ○ Unknown

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49. Please provide any additional comments you may have:

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