

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
ADMINISTRATIVE AGENCY ACTION NO. 2012-AH-0238

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

ADVANCE AMERICA, CASH ADVANCE
CENTERS OF KENTUCKY, INC. d/b/a
ADVANCE AMERICA CASH ADVANCE d/b/a
FIRST AMERICAN CASH ADVANCE d/b/a
CHECK ADVANCE d/b/a
PURCHASE FINANCIAL

RESPONDENT

STATEMENTS OF FACT

1. The Department of Financial Institutions ("DFI") is responsible for regulating deferred deposit service businesses doing business in Kentucky in accordance with the provisions of KRS Chapter 286.9-010 et. seq. (the "Act").
2. Advance America, Cash Advance Centers of Kentucky, Inc., d/b/a Advance America Cash Advance, d/b/a First American Cash Advance, d/b/a Check Advance, d/b/a Purchase Financial ("Advance America") has a store in Berea, KY (license #8208).
3. Pursuant to the Act, the DFI conducted examinations of the Berea store on June 14, 2012 to determine whether the activities of First American Cash Advance were in compliance with applicable laws and regulations; whether the practices and policies of First American Cash Advance had a potentially adverse impact on prospective borrowers; and whether the business was being operated efficiently, fairly, and in the public interest.

social security number was not accurately entered in the database and the customer was to able to obtain deferred deposit loan proceeds in excess of \$500.

STATUTORY AUTHORITY

5. Pursuant to KRS 286.9-140(1), a licensee shall accurately and promptly submit a customer's social security number in the database prior to entering into a deferred deposit transaction.

6. Pursuant to KRS 286.9-991, the commissioner may assess a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) per violation, "plus the state's costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney's fees and court costs" against any person that violates any provision of the Act or accompanying regulations.

LEGAL CONCLUSIONS

7. It is the position of the DFI that First American Cash Advance violated KRS 286.9-140(1) by performing the acts set forth in paragraph four (4).

AGREEMENT

8. In the interest of economically and efficiently resolving the violation(s) described herein, and without First American Cash Advance admitting or denying the statements of fact and legal conclusions herein, the parties agree as follows:

- a. First American Cash Advance agrees to a fine assessment in the amount of one thousand dollars (\$1,000.00) for the violation(s) described herein. The payment shall be in the form of a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the

Department of Financial Institutions, Attn: William Owsley, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.

9. First American Cash Advance waives its right to demand a hearing at which it would be entitled to legal representation, to confront and cross examine witnesses, and to present evidence on its behalf, or to otherwise appeal or set aside this Order.

10. First American Cash Advance consents to and acknowledges the jurisdiction of the DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

11. In consideration of the execution of this Agreed Order, First American Cash Advance for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that First American Cash Advance ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

12. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

13. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 28th day of September, 2012.




CHARLES A. VICE
COMMISSIONER

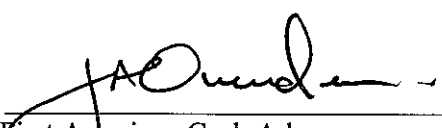
Consented to:

This 3rd day of October, 2012

This 24th day of September 2012



Norman C. Thompson, Director
Division of Nondepository Institutions
Department of Financial Institutions
Lisa Tierney, Director

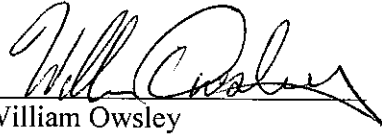


First American Cash Advance
By: James Ovenden
Its: CEO

Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent by U.S. Mail and email on this the 9th day of October, 2012, to the following:

Advance America, Cash Advance Centers of KY, Inc.
Attn: Pam Bodkins
PO Box 3058
Spartanburg, SC 29304



William Owsley
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
(502) 573-3390 Ext. 236
(502) 573-2183 (facsimile)