

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2019-AH-00012

ENTERED
APR 08 2019
3pm AER
COMMISSIONERS OFFICE

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

ADVANCE U CASH, INC.

RESPONDENT

AGREED ORDER

* * * * *

1. The Department of Financial Institutions (DFI) is responsible for regulating and licensing entities engaged in the business of cashing checks and accepting deferred deposit transactions in accordance with the provisions set forth in KRS Chapter 286.9.

2. Advance U Cash, Inc. ("Respondent") is authorized to do business in Kentucky as a deferred deposit and check cashing licensee pursuant to KRS Chapter 286.9, with an office located at 6823 Alexandria Pike, Alexandria, Kentucky 41001 with Deferred Deposit License #114-3. The principal corporate office is located in Florence, Kentucky.

3. DFI conducted a routine examination of Respondent on December 3, 2018. During the examination, the DFI discovered that Respondent entered the wrong social security numbers (SSN) for a customer into the Veritec database, in violation of KRS 286.9-140(1). The customer then opened a second transaction resulting in an aggregate amount greater than five hundred dollars (\$500), in violation of KRS 286.9-100(9). Furthermore, Respondent failed to timely close a customer transaction in the Veritec database after the debt was satisfied, in violation of KRS 286.9-010(6).

4. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, as well as the imposition of civil penalties in an amount up to five thousand dollars (\$5,000) per violation. See KRS 286.9.110; 286.9-991.

5. In this case, the DFI assessed a civil penalty against Respondent in the amount of two thousand dollars (\$2,000) for the above-described violations of KRS 286.9-100(9) and KRS 286.9-140(1), and fifteen-hundred dollars (\$1,500) for the above-described violation of KRS 286.9-010(6), for a total penalty of thirty-five hundred dollars (\$3,500).

6. In the interest of economically and efficiently resolving the violations described herein, and without Respondent admitting or denying the statements of fact and legal conclusions herein, DFI and Respondent agree as follows:

- a. Respondent agrees to a civil penalty assessment in the amount of thirty-five hundred dollars (\$3,500) for the violations described herein;
- b. Payment shall be made 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: Non-Depository Division – Order, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;
- c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in KRS Chapter 286.9.

7. Respondent 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 own behalf, or to otherwise appeal or set aside this Order.

8. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

9. In consideration of execution of this Agreed Order, Respondent for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, 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 Respondent 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.

10. 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.

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

IT IS SO ORDERED on this the 8th day of April, 2019.



CHARLES A. VICE
COMMISSIONER

Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 8 day of April, 2019, by certified mail, return receipt requested, to the following:

Ms. Teresa Dement
Secretary/Treasurer
Advance U Cash, Inc.
4997 Houston Road
Florence, KY 41042

And by Hand-Delivery to:

Hon. Christine Foster
Kentucky Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, KY 40601

Allison Reed
NAME: Allison Reed
TITLE: Executive Staff Advisor