

## COMMONWEALTH OF KENTUCKY PUBLIC PROTECTION CABINET DEPARTMENT OF FINANCIAL INSTITUTIONS AGENCY CASE NO. 2021-AH-0023

DEPARTMENT OF FINANCIAL INSTITUTIONS

**COMPLAINANT** 

VS.

## **AGREED ORDER**

CASH EXPRESS, LLC

RESPONDENT

- The Complainant, the Kentucky Department of Financial Institutions (hereafter "DFI") is the agency within the Commonwealth of Kentucky charged with the administration of the provisions of Subtitle 9 of KRS Chapter 286, and the rules and regulations promulgated thereunder.
- 2. Cash Express, LLC ("Respondent") is authorized to do business in Kentucky as a deferred deposit licensee pursuant to KRS Chapter 286.9, with an office located at 1835 North Highway 27, Whitley City, KY 42653, with Check Casher License #CC20440 (ICIE# 391886).
- 3. DFI conducted a routine examination of the Respondent on August 26, 2020. During the examination, the DFI discovered the Respondent violated KRS 286.9-100(13) when Respondent failed to obtain the required signature on a customer transaction agreement.
- 4. DFI possesses a range of administrative authority in addressing violations of the KRS Chapter 286.9, including license revocation or denial, as well as the imposition of civil penalties in an amount up to \$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 one thousand dollars (\$1,000) for the above-described violation of KRS 286.9-100(13).
- 6. In the interest of economically and efficiently resolving the violation(s) 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 one thousand dollars (\$1,000.00) for the violation described herein;
  - b. Respondent agrees to and shall pay the total civil fine assessed herein of one thousand dollars (\$1,000), which shall be due upon execution and entry of the Agreed Order. The Payment shall be in the form of either an ACH payment or a certified check or money order made payable to the "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Attn: Non-Depository Division, 1025 Capital Center Drive, Suite 200, Frankfort, KY 40601; and;
  - c. Respondent agrees to make restitution, by check drawn on the Respondent's account, to all affected customers by refunding the service fees on the transactions that created the database violation and to maintain records consistent with KRS 286.9-074 that such refund checks were issued to the customers and were processed for payment by the customer; and

- 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, 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.

IT IS SO ORDERED on this the 10th day of September, 2021.	
	_ Lu
CHARLES COMMISS	
Consented to:	
This 10 hay of 5 yeterbe, 2021. This	And day of September, 2021.
Me/m 4	manl
Division of Non-Depository Institutions Cast	orized Representative n Express, LLC
Department of Financial Institutions Che	ck Casher License # CC20440
ACKNOWLEDGEMENT	
STATE OF TENNESSEE )	
county of <u>Patnam</u>	
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Gaving McWahl, the undersigned Fi	awww.c/ve/hb did
personally appear and acknowledge himself herself of Cash Express, LLC, and that he she, being aut	to be the authorized representative horized to do so, entered into and
of Cash Express, LLC, and that he she, being autexecuted the foregoing instrument for the purposes to	to be the authorized representative horized to do so, entered into and herein contained.
of Cash Express, LLC, and that he she, being autexecuted the foregoing instrument for the purposes of My Commission Expires:	to be the authorized representative horized to do so, entered into and herein contained.
of Cash Express, LLC, and that he she, being autexecuted the foregoing instrument for the purposes of My Commission Expires:	to be the authorized representative horized to do so, entered into and herein contained.

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

11.

## **CERTIFICATE OF SERVICE**

1 hereby certify that a copy of the foregoing **Agreed Order** was sent on this the day of <u>Septembers</u>, 2021, by certified mail, return receipt requested, to:

Mr. Gary McNabb Cash Express, LLC 345 South Jefferson Avenue, Suite 300 Cookeville, TN 38501

And by Hand-Delivery to:

Kathryn Adams Cornett Staff Attorney Department of Financial Institutions 500 Mero Street 2SW19 Frankfort, KY 40601

Name: <u>Executive Staff advisor</u>