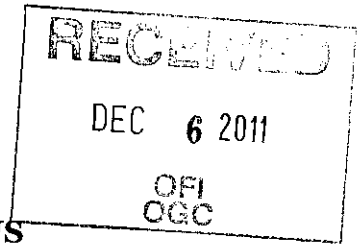


COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-0190



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

AGREED ORDER

MARPO OF BROWNSVILLE, LLC
D/B/A BLUEGRASS CHECK ADVANCE

RESPONDENT

* * * * *

1. The DFI is responsible for regulation and licensing of check cashing and other deferred deposit transaction licensees in accordance with the provisions set forth in KRS Chapter 286.9 (the "Act").

2. Marpo of Brownsville, LLC d/b/a/ Bluegrass Check Advance ("Respondent") is currently licensed by the DFI to operate a deferred deposit transaction business in Kentucky pursuant to the Act, and maintains a principal office and last known address located at 1289 Boyd Avenue, Brownsville, Tennessee 38012.

3. Respondent operates a licensed branch office located at 507 North Main Street, Franklin, Kentucky 42134, the license number for which branch is 7382.

4. Respondent also operates a licensed branch office located at 2311 Ft. Campbell Boulevard, Hopkinsville, Kentucky 42240, the license number for which branch is 141-1.

5. On July 11, 2011, the DFI conducted an examination of Respondent's Franklin branch, pursuant to the Act. During the course of its examination, the DFI discovered that on August 3, 2010, while in the course of entering into a deferred deposit transaction with a customer, Respondent failed to accurately and promptly enter the transaction into the central database. As a result of this failure, the customer was

permitted on the same date to enter into a second deferred deposit transaction such that her total outstanding loans exceeded five hundred dollars (\$500.00).

6. On July 13, 2011, the DFI conducted an examination of Respondent's Hopkinsville branch, pursuant to the Act. During the course of its examination, the DFI discovered that during the period of September 3, 2010 through January 18, 2011, while in the course of entering into numerous deferred deposit transactions with at least four (4) customers, Respondent repeatedly failed to accurately and promptly enter the transactions into the central database. As a result of these failures, the customers were repeatedly permitted to enter into additional deferred deposit transactions such that their outstanding loans exceeded five hundred dollars (\$500.00).

7. During each examination, the DFI notified Respondent that these failures constituted violations of KRS Chapter 286.9 and directed Respondent to refund to the appropriate customers the service fees charged for each transaction that permitted an over-the-limit violation.

8. On September 13, 2011, Respondent sent to the DFI written responses to its examination findings as to its Franklin and Hopkinsville branches, acknowledging the violations and advising that it had complied with the DFI's direction to refund the affected customers their service fees.

9. The DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, and/or the imposition of fines in an amount up to \$5,000 per violation. *See* KRS 286.9-110; 286.9-991.

10. DFI has assessed a fine against Respondent's Franklin branch in the amount of one thousand dollars (\$1,000.00) for the violations set forth in paragraph 5 above.

11. DFI has assessed a fine against Respondent's Hopkinsville branch in the amount of four thousand dollars (\$4,000.00) for the violations set forth in paragraph 6 above.

12. In the interest of economically and efficiently resolving the violation(s) described herein, the DFI and the Respondent agree as follows:

- a. Respondent agrees to a fine assessment in the total amount of five thousand dollars (\$5,000.00) for the violation(s) described herein;
- b. Respondent agrees to and shall pay the total fine assessed herein in a single installment payment of five thousand dollars (\$5,000.00), which shall be due on the date Respondent signs the Agreed Order and returns it to the DFI, but in no event later than December 8, 2011. Said 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: Michael T. Davis, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and
- c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in the Act and the regulations enacted thereunder.

13. 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.

14. Respondent 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.

15. 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, 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 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.

16. 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.

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

IT IS SO ORDERED on this the 12th day of December, 2011.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 6th day of December, 2011.

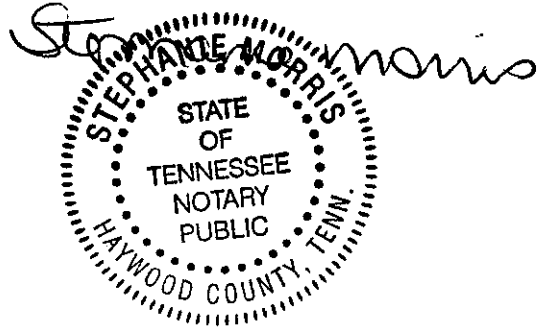
This 5th day of December, 2011.

Nicole Biddle
Nicole Biddle, Director
Division of Non-Depository Institutions
Department of Financial Institutions

Jerry Martin
Jerry Martin, authorized representative of
Respondent Marpo of Brownsville, LLC
d/b/a Bluegrass Check Advance

ACKNOWLEDGEMENT

STATE OF Tennessee)
)
COUNTY OF Haywood)

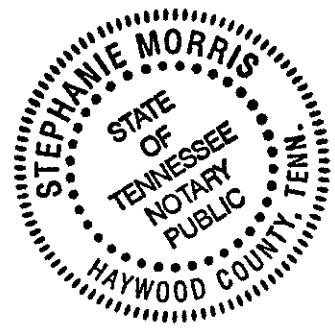


On this the 5th day of DECEMBER, 2010, before me Stephanie Morris, the undersigned, **Jerry Martin**, as **authorized representative of Marpo of Brownsville, LLC d/b/a Bluegrass Check Advance**, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: 3/18/2014

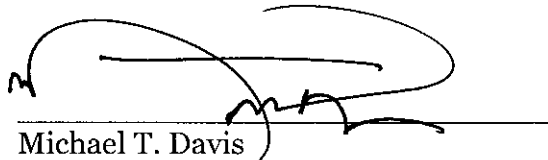
Stephanie Morris
Notary Public



Certificate of Service

I, Michael T. Davis, hereby certify that a copy of the foregoing Agreed Order was sent on this the 13th day of December, 2011, by certified mail, to the following:

Jerry Martin
Marpo of Brownsville, LLC d/b/a Bluegrass Check Advance
1289 Boyd Avenue
Brownsville, TN 38012



Michael T. Davis
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390 ext. 240 (phone)
502-573-2183 (facsimile)