

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-0074**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

AGREED ORDER

T. HERD LOANS, LLC, d/b/a YES! LOANS AND
CHECK CASHING

RESPONDENT

* * * * *

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

2. The Respondent, T. Herd Loans, LLC d/b/a Yes! Loans and Check Cashing ("Respondent"), is currently licensed by DFI to do business as a check casher in Kentucky pursuant to the Act, and maintains a principal office and last known address located at 511 Big Bend Road, Barbourville, West Virginia 25504. Respondent also operates a licensed branch office located at 201 Madison Street, Louisa, KY 41230, the license number for which branch is 195-2.

3. On November 30, 2010, DFI conducted an examination of Respondent's Louisa branch, referenced herein, pursuant to the Act.

4. During the course of its examination, DFI discovered that during the period of April to October 2010, while in the course of entering into deferred deposit transactions, Respondent failed to promptly and accurately enter the customers' personal data into the central database, which denied other licensees the ability to verify the customers' ineligibility to enter into subsequent transactions. These acts were in

violation of KRS 286.9-100(19)(a), which requires a licensee to verify a customer's eligibility to enter into a deferred presentment service transaction by promptly and accurately accessing the database; KRS 286.9-140(1), which requires a licensee to accurately and promptly submit such data before entering into each deferred deposit transaction; and 808 KAR 9:010(1)(a), which states that "[a] licensee shall institute procedures and maintain an accounting system that is designed to...[p]revent the licensee from entering into multiple transactions with a customer in violation of KRS 368.100(1)."

5. 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.

6. In this case, DFI has assessed a fine against Respondent's Louisa branch in the amount of two thousand dollars (\$2,000.00) for the violations set forth above herein.

7. In the interest of economically and efficiently resolving the violations described herein, DFI and Respondent agree as follows:

- a. Respondent agrees to a fine assessment in the total amount of two thousand dollars (\$2,000.00) for the violation described herein;
- b. Respondent agrees to and shall pay the total sum assessed herein in a single installment payment of two thousand dollars (\$2,000.00), which shall be due on the date Respondent signs the Agreed Order and returns it to DFI, which shall occur by no later than May 16, 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.

8. 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.

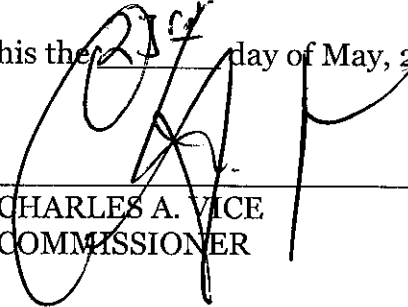
9. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

10. 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.

11. 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.

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

IT IS SO ORDERED on this the 23rd day of May, 2011.

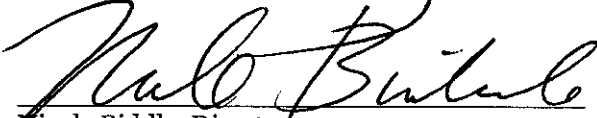


CHARLES A. VICE
COMMISSIONER


Consented to:

This 15th day of May, 2011.

This 10th day of May, 2011.



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



John Oblinger, Member and authorized
representative of Respondent,
T. Herd Loans, LLC d/b/a
Yes! Loans and Check Cashing

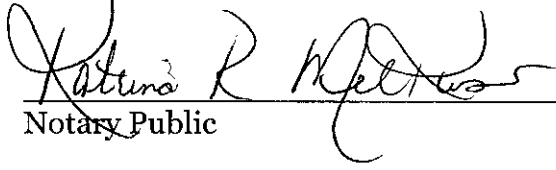
ACKNOWLEDGEMENT

STATE OF West Virginia)
)
COUNTY OF LINCOLN)

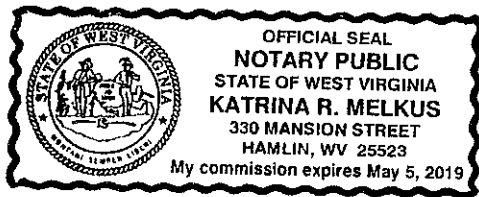
On this the 10th day of May, 2011, before me KATRINA R. MELKUS, the undersigned, **John Oblinger, as Member and authorized representative of T. Herd Loans, LLC, d/b/a Yes! Loans and Check Cashing**, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: 5-5-2019



Notary Public

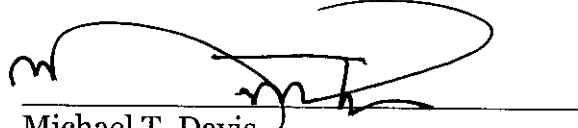


Certificate of Service

I hereby certify that a copy of the foregoing Agreed Order was sent by certified mail, return receipt requested, on this the 24th day of May, 2011 to:

John Oblinger
T. Herd Loans, LLC,
d/b/a Yes! Loans and Check Cashing
511 Big Bend Road
Barbourville, West Virginia 25504

Respectfully submitted,



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