

ENTERED
JUL 28 2021
ACE 9:30AM
COMMISSIONERS OFFICE

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2021-AH-00018**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

VULCAN LENDING, LLC

RESPONDENT

* * * * *

1. 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. Vulcan Lending, LLC, d/b/a "Bluegrass Check Advance" ("Respondent") is authorized to do business in Kentucky as a deferred deposit licensee pursuant to KRS Chapter 286.9, with an office located at 2311 Fort Campbell Blvd., Hopkinsville, KY 42240, with Check Casher License #141-1 (ICIE# 391904).

3. DFI conducted a routine examination of Respondent on September 29th-30th, 2020. During the examination, the DFI discovered Respondent violated KRS 286.9-140(1) when Respondent incorrectly entered a customer's social security number in the Veritec database. As a result of this error, the customer was able to enter into a deferred deposit transaction with another licensee – and in doing so – exceeded the \$500 limit on aggregate loan transactions established by KRS 289.9-100(9).

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 five hundred dollars (\$1,500) for the above-described violation of KRS 286.9-140(1).

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 five hundred dollars (\$1,500.00) for the violation described herein;

b. Vulcan agrees to and shall pay the total civil fine assessed herein of one thousand five hundred dollars (\$1,500), 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, , 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

d. 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.

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

IT IS SO ORDERED on this the 16th day of July, 2021.

[Signature]
CHARLES A. VICE
COMMISSIONER

[Signature]
Justin Borse
Deputy Commissioner

Consented to:

This 26th day of July, 2021.

This 16th day of July, 2021.

[Signature]
Jeff Jacobson
Chad Harlan, Director
Division of Non-Depository Institutions
Department of Financial Institutions

[Signature]
Authorized Representative
Vulcan Cash, LLC
Vulcan Lending I, LLC
Check Casher License #141-1

ACKNOWLEDGEMENT

STATE OF Tennessee)
COUNTY OF Shelby)



On this the 16th day of July, 2021, before me Les Zennes, the undersigned, John Keller, did personally appear and acknowledge himself/herself to be the authorized representative of Vulcan Lending, LLC, and that he/she, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires Sept. 27 2023

My Commission Expires: 9-27-2023

[Signature]
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 28th day of July, 2021, by certified mail, return receipt requested, to:

Vulcan Lending, LLC
Attn: John Keller
640 South Perkins Road
Memphis, TN 38117

And by Hand-Delivery to:

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

Kentucky Department of Financial Institutions



Name: Allison Reed
Title: Executive Staff Advisor