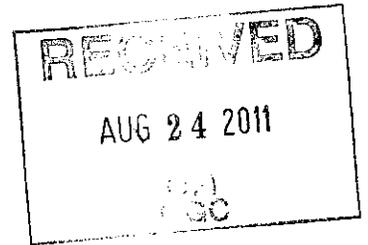


COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-0147



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

AGREED ORDER

CASH EXPRESS, LLC

RESPONDENT

* * * * *

1. The Department of Financial Institutions (“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, Cash Express, LLC (“Respondent”), is currently licensed by the 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 263 West Spring Street, Cookeville, Tennessee 38501. Respondent also operates a licensed branch office located at 606 East Center Street, Madisonville, Kentucky 42431, the license number for which branch is 24555.

3. On May 24, 2011, the DFI conducted an examination of Respondent’s Madisonville branch, referenced herein, pursuant to the Act.

4. During the course of its examination, the DFI discovered that between September 2010 and January 2011, while in the course of entering into deferred deposit transactions with a customer, Respondent failed to promptly and accurately enter the customer’s personal data into the central database, which denied Respondent and/or other licensees the ability to verify the customer’s ineligibility to enter into subsequent transactions. This act was 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. 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.

6. In this case, the DFI has assessed a fine against Respondent's Madisonville branch in the amount of one thousand dollars (\$1,000.00) for the violation set forth above herein.

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

- a. Respondent agrees to a fine assessment in the total amount of one thousand dollars (\$1,000.00) for the violation described herein;
- b. Respondent agrees to and shall pay the total sum assessed herein in a single installment payment of one thousand dollars (\$1,000.00), which shall be due on the date Respondent signs the Agreed Order and returns it to the DFI, which shall occur by no later than August 29, 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 the 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, 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.

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.

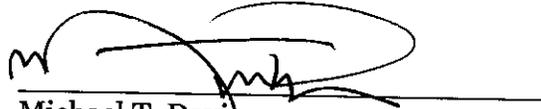
Certificate of Service

I hereby certify that a copy of the foregoing Agreed Order was sent by certified mail, return receipt requested, on this the 26th day of August, 2011 to:

Garry McNabb
Cash Express, LLC
P. O. Box 939
Cookeville, Tennessee 38501

Jeff Olson
Cash Express, LLC
263 West Spring Street
Cookeville, Tennessee 38501

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