RECEIVED
JAN 6 2012
By

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
ADMINISTRATIVE AGENCY ACTION NO. 2011-AH-0204

DEPARTMENT OF FINANCIAL INSTITUTIONS — COMPLAINANT

vs.

AGREED ORDER

CASH EXPRESS, LLC — RESPONDENT

STATEMENT OF FACTS

1. The Department of Financial Institutions ("DFI") is responsible for regulating deferred deposit service businesses doing business in Kentucky in accordance with the provisions of KRS Chapter 286.9-010 et. seq. (the "Act").

2. Cash Express, LLC ("Cash Express") has a store in Campbellsville, KY (license #6856).

3. Pursuant to the Act, the DFI conducted an examination of the Glasgow store on August 3, 2011 to determine whether the activities of Cash Express were in compliance with applicable laws and regulations; whether the practices and policies of Cash Express had a potentially adverse impact on prospective borrowers; and whether the business was being operated efficiently, fairly, and in the public interest.

4. During the examination, the DFI discovered that Cash Express did not enter a customer's social security number accurately in the database and as a result the customer was to able to obtain deferred deposit loan proceeds in excess of $500.

STATUTORY AUTHORITY

5. Pursuant to KRS 286.9-140(1), a licensee shall accurately and promptly submit a customer's social security number in the database prior to entering into a deferred deposit transaction.

6. Pursuant to KRS 286.9-991, the commissioner may assess a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) per violation, "plus the state's costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney's fees and court costs" against any person that violates any provision of the Act or accompanying regulations.

LEGAL CONCLUSIONS

7. Cash Express violated KRS 286.9-140(1) by performing the acts set forth in paragraph four (4).

AGREEMENT

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

a. Cash Express agrees to a fine assessment in the amount of one thousand dollars ($1,000.00) for the violation(s) described herein. The 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: Simon Berry, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.

9. Cash Express 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 behalf, or to otherwise appeal or set aside this Order.

10. Cash Express 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.

11. In consideration of the execution of this Agreed Order, Cash Express 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 Cash Express 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.

12. 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.

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

IT IS SO ORDERED on this the 9 day of January, ~~2011~~ 2012.

FOR: CHARLES A. VICE
COMMISSIONER

Consented to:

This 27th day of December 2011

Nicole Biddle, Director
Division of Nondepository Institutions
Department of Financial Institutions

This 31st day of December 2011

Cash Express, LLC
By: Garry McNabb
Its: CEO

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 10 day of January, ~~2011~~ 2012, to the following:

Cash Express, LLC
Attn: Garry McNabb
263 West Spring Street
Cookeville, TN 38501

Simon Berry
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
(502) 573-3390 Ext. 232
(502) 573-2183 (facsimile)