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COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-0209

DEPARTMENT OF FINANCIAL INSTITUTIONS — COMPLAINANT

v.

AGREED ORDER

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

* * * * * * * * *

1. The Department of Financial Institutions ("DFI") is responsible for regulating 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. 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 1527 31W Bypass, Bowling Green, Kentucky, 42101, the license number for which branch is 141-8.

4. On August 30, 2011, the DFI conducted an examination of Respondent's Bowling Green branch, pursuant to the Act. During the course of its examination, the DFI discovered that on December 29, 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 to enter into a deferred deposit transaction such that her total outstanding loans exceeded five hundred dollars ($500.00).

5. This conduct was in violation of KRS 286.9-100(19)(b), 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; 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 286.9-100"; and KRS 286.9-100(9), which requires that the total proceeds received from a customer from all outstanding deferred deposit transactions "shall not exceed five hundred dollars ($500)."

6. 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.

7. The DFI has assessed a fine against Respondent's Bowling Green branch in the amount of one thousand dollars ($1,000.00) for the violations set forth herein.

8. 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 one thousand dollars ($1,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total fine assessed herein in a single installment payment of one thousand dollars ($1,000.00), which shall be due on the date Respondent signs the Agreed Order and returns it to the DFI, but in any event no later than January 6, 2012. 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.

11. 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.

12. 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.

13. 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.

14. 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.

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

IT IS SO ORDERED on this the 5th day of JANUARY, 2012.

CHARLES A. VICE
COMMISSIONER

Consented to:

This 4th day of January, 2012.

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

This 3rd day of January, 2012.

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 3rd day of January, 2012, 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.

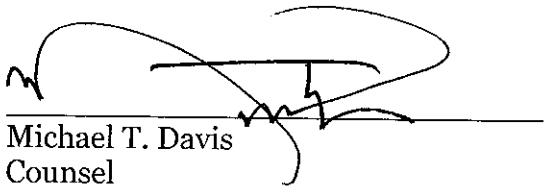
My Commission Expires: 3-18-2014

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 5th day of January, 2012, by certified mail, to the following:

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



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