



COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2016-AH-00095

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

BUCKEYE CHECK CASHING OF KENTUCKY, INC.,  
d/b/a CHECKSMART (License #: CC18841)

RESPONDENT

\* \* \* \* \*

1. The Department of Financial Institutions ("DFI") is responsible for regulating and licensing entities engaged in the business of cashing checks and accepting deferred deposit transactions in accordance with the provisions set forth in KRS Chapter 286.9.

2. Buckeye Check Cashing of Kentucky, Inc. d/b/a CheckSmart ("Respondent") is authorized to do business in Kentucky as a deferred deposit and check cashing licensee pursuant to KRS Chapter 286.9, with an office located at 8230 Preston Highway, Louisville, Kentucky 40219, with Deferred Deposit License #: CC18841 (ICIE#: 373474).

3. DFI conducted a routine examination of Respondent on May 24, 2016. During the examination, the DFI discovered that Respondent entered an inaccurate social security number into the Veritec database for one (1) customer prior to entering into a deferred deposit transaction in violation of KRS 286.9-140(1). The customer subsequently entered into another deferred deposit transaction with another licensee, causing the customer to exceed the transaction limits in violation of KRS 286.9-100(9).

4. DFI possesses a range of administrative authority in addressing violations of the Act, 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 **TWO THOUSAND DOLLARS (\$2,000.00)** for the above-described violations of KRS 286.9-100(9) and 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 **TWO THOUSAND DOLLARS (\$2,000.00)** for the violation(s) described herein;
- b. Respondent agrees to and shall pay the total civil penalty assessed herein of **TWO THOUSAND DOLLARS (\$2,000.00)**, which shall be due upon entry of the Agreed Order. 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: Non-Depository Division - Order, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;
- c. Respondent agrees to make restitution, by check drawn on the Respondent's account, to the affected customer by refunding the service fees for the transactions that created the database violation and to maintain

records – consistent with KRS 286.9-074 – that the refund check was issued to the customer and was 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, and 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, Respondent acknowledges it has read the foregoing Agreed Order, knows and fully understands its contents, and that the individual signing on behalf of Respondent is authorized to enter into and execute this Agreed Order and legally bind Respondent.

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

IT IS SO ORDERED on this the 15 day of November 2016.

  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

Consented to:

This 15<sup>th</sup> day of November, 2016.

This 28<sup>th</sup> day of October, 2016.

Tammy R. Scruggs  
Tammy Scruggs, Director  
Division of Non-Depository Institutions  
Department of Financial Institutions

Bridgette C. Roman  
Authorized Representative  
Buckeye Check Cashing of  
Kentucky, Inc. d/b/a CheckSmart  
Deferred Deposit License #: CC18841

ACKNOWLEDGEMENT

STATE OF Ohio )  
 )  
COUNTY OF Union )

On this the 28<sup>th</sup> day of October, 2016, before me Jacqueline S. Geyer, the undersigned, Bridgette C. Roman, did personally appear and acknowledge himself/herself to be the authorized representative of **Buckeye Check Cashing of Kentucky, Inc. d/b/a CheckSmart #: CC18841**, and that he/she, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: 6/21/20

Jacqueline S. Geyer  
Notary Public



Jacqueline S. Geyer, Notary Public  
Union County, State of Ohio  
My Commission Expires 6/21/20

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 15 day of November, 2016, by certified mail, return receipt requested, to:

**Karen S. Wheeler  
State Compliance Officer  
Buckeye Check Cashing of Kentucky, Inc.  
6785 Bobcat Way, Suite 200  
Dublin, Ohio 43016**

And by Hand-Delivery to:

Hon. Tiffany J. Bowman  
1025 Capital Center Drive, Suite 200  
Frankfort, KY 40601  
Attorney for the Kentucky Department of Financial Institutions

Kentucky Department of Financial Institutions

Name: Allison Z. Hite

Title: Executive Staff Advisor