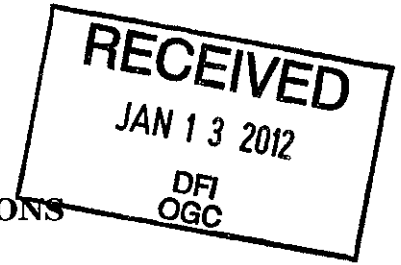


COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-0210



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

AGREED ORDER

CMM OF KENTUCKY, LLC
d/b/a CASH TYME

RESPONDENT

* * * * *

1. The DFI is responsible for regulation and licensing of check cashing and other deferred deposit transaction licensees in accordance with the provisions set forth in KRS Chapter 286.9 (the "Act").

2. CMM of Kentucky, LLC d/b/a Cash Tyme ("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 825 Northgate Boulevard, Suite 200, New Albany, Indiana 47150.

3. Respondent operates a licensed branch office located at 2511 Preston Highway, Louisville, Kentucky 40217, the license number for which branch is CC6949.

4. Respondent also operates a licensed branch office located at 5618 Preston Highway, Louisville, Kentucky 40219, the license number for which branch is 166-1.

5. On August 23, 2011, the DFI conducted an examination of Respondent's branch #CC6949, pursuant to the Act. During the course of its examination, the DFI discovered that in January 2011, while in the course of entering into a deferred deposit transaction with a customer, Respondent failed to accurately enter the transaction into the central database. As a result of this failure, the customer was permitted to enter into

a subsequent deferred deposit transaction such that the customer's total outstanding loans exceeded five hundred dollars (\$500.00).

6. On August 25, 2011, the DFI conducted an examination of Respondent's branch #166-01, pursuant to the Act. During the course of its examination, the DFI discovered that between December 2010 and January 2011, while in the course of entering into deferred deposit transactions with a customer, Respondent repeatedly failed to accurately enter the transactions into the central database. As a result of these failures, the customer was repeatedly permitted to enter into additional deferred deposit transactions such that the customer's outstanding loans exceeded five hundred dollars (\$500.00).

7. During each examination, the DFI notified Respondent that these failures constituted violations of KRS Chapter 286.9 and directed Respondent to refund to the appropriate customers the service fees charged for each transaction that permitted an over-the-limit violation.

8. On October 3, 2011, Respondent sent to the DFI written responses to its examination findings as to the branches referenced herein, acknowledging the violations and advising that it had complied with the DFI's direction to refund the affected customers their service fees.

9. 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.

10. The DFI has assessed fines against Respondent's branches in the amount of one thousand dollars (\$1,000.00) each for the violations set forth herein, for a total fine of two thousand dollars (\$2,000.00).

11. 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 two thousand dollars (\$2,000.00) for the violation(s) described herein;
- b. Respondent agrees to and shall pay the total fine assessed herein in a single installment payment of two thousand dollars (\$2,000.00), which shall be due on the date Respondent signs the Agreed Order and returns it to the DFI, but in no event later than January 13, 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.

12. 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.

13. 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.

14. 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.

15. 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.

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

IT IS SO ORDERED on this the 13th day of JANUARY, 2012.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 13th day of January, 2012.

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

This 11th day of January, 2012.

Mick Walts
Mick Walts, authorized representative of
Respondent CMM of Kentucky, LLC
d/b/a Cash Tyme

ACKNOWLEDGEMENT

STATE OF INDIANA)
)
COUNTY OF FLOYD)

On this the 11 day of JANUARY, ~~2010~~²⁰¹², before me William R. Haebele, the undersigned, **Mick Walts, as Executive Vice President, Compliance officer, and authorized representative of CMM of Kentucky, LLC d/b/a Cash Tyme**, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

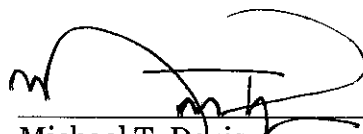
My Commission Expires: 4-12-15

William R. Haebele
Notary Public

Certificate of Service

I, Michael T. Davis, hereby certify that a copy of the foregoing Agreed Order was sent on this the 17th day of January, 2012, by certified mail, to the following:

CMM of Kentucky, LLC d/b/a Cash Tyme
Attn: Michael D. Walts
825 Northgate Boulevard, Suite 200
New Albany, Indiana 47150



Michael T. Davis
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390 ext. 240 (phone)
502-573-2183 (facsimile)