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APR 03 2019
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2019-AH-00017

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

CASH EXPRESS, LLC (LIC. CC16476)

RESPONDENT

AGREED ORDER

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. Cash Express, LLC (“Respondent”) is authorized to do business in Kentucky as a deferred deposit and check cashing licensee pursuant to KRS Chapter 286.9 (the “Act”), with an office located at 395 Richmond Road in Irvine, Kentucky 40336 with Deferred Check Casher License CC16476. (ICIE#391405)

3. DFI conducted a routine examination of Respondent on January 17, 2018. During the examination, the DFI discovered that Respondent entered into agreements with customers where the agreement was missing a signature either from the customer or from an authorized representative of the licensee. These actions are in violation of KRS § 286.9-100(13).

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 **one thousand dollars (\$ 1,000)** for the above-described violations of KRS § 286.9-100(13).

6. In the interest of economically and efficiently resolving the violations 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 **one thousand dollars (\$ 1,000)** for the violations described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of **one thousand dollars (\$1,000)**, which shall be due upon entry of this 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 – Agreed 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 all affected customers by refunding the service fees on the transactions that created the violations described herein and to maintain records – consistent with KRS 286.9-074 – that such refund checks were issued to the customers and were 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, 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.

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

IT IS SO ORDERED on this the 3rd day of April, 2019.

Mae R Gibson for Charles
CHARLES A. VICE
COMMISSIONER
4. VII

Consented to:

This 3rd day of April, 2019.

This ____ day of _____, 2019.

Signature: _____

Name: Dorsey Hall

Title: Division Director

Department of Financial Institutions

Authorized Representative

Cash Express, LLC
Lic. CC16476

ACKNOWLEDGEMENT

STATE OF _____)

COUNTY OF _____)

On this the ____ day of _____, 2019, before me _____, the undersigned, _____, did personally appear and acknowledge himself/herself to be the authorized representative of Cash Express, LLC, Lic. CC16476, and that he/she, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: _____

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 3rd day of April, 2019, by certified mail, return receipt requested, to:

Cash Express, LLC
Attn: Garry McNabb
345 South Jefferson Avenue, Suite 300
Cookeville, Tennessee 38501

And by Hand-Delivery to:

Mr. Stuart D. Michael
1025 Capital Center Drive, Suite 200
Frankfort, KY 40601
Counsel for Department of Financial Institutions

Allison Reed by Stacy Park-Neac
Kentucky Department of Financial Institutions
Executive Staff Advisor