

ENTERED
OCT 12 2018
10AM ACE
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2018-AH-00004

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

V.

VENDENGINE, INC.

RESPONDENT

AGPEED ORDER

* * * * *

1. The Department of Financial Institutions (“DFI”) is responsible for regulating and licensing entities engaged in the business of money transmission in accordance with the provisions set forth in KRS Chapter 286.11 and applicable regulations.

2. VendEngine, Inc. has a pending application with DFI for a Kentucky money transmitter license and has a principal office at 115 Penn Warren Drive, Brentwood, Tennessee 37027.

3. On or about February 12, 2016, DFI received correspondence alleging Respondent was engaging in money transmitting activities in Kentucky without a money transmitter license. As part of the communications with DFI, Respondent provided documentation that indicated possible unlicensed money transmission activity occurring in Kentucky prior to seeking licensure.

4. Unlicensed activity is a violation of KRS 286.11-005, which requires a person conducting money transmission in Kentucky to be licensed as a money transmitter under KRS Chapter 286.11.

5. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, the imposition of fines in an amount up to \$5,000 per violation per day and settlement. *See* KRS 286.11-047.

6. Respondent's agreement to this Agreed Order shall not serve as an admission of any allegations of the DFI or that Respondent's past and present activities are money transmission. The parties acknowledge and agree that Respondent is entering into this Agreed Order without any admission that Respondent has violated the law and only for the purpose of resolving this matter, and that nothing contained herein may be taken as an admission or concession of any liability or violation of the law, all of which Respondent expressly denies.

7. In the interest of economically and efficiently resolving this matter, Respondent agrees to pay thirty thousand dollars (\$30,000) to settle all alleged violations. The payment 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, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.

8. 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 Agreed Order.

9. 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.

10. 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.

11. 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.

12. This Agreed Order shall constitute the Final Order in this matter and shall constitute a final settlement of the facts, findings, and allegations contained herein. Upon entry of this Agreed Order, DFI agrees not to seek further reimbursement, refunds, penalties, fines, costs, or fees regarding the facts, allegations, or findings of violations contained herein; provided that DFI may take enforcement action against Respondent if any representation made by Respondent and reflected herein is subsequently discovered to be untrue.

13. Nothing in this Order is intended to alter any future statutory or regulatory requirements of licensure.

IT IS SO ORDERED on this the 10th day of October, 2018.



CHARLES A. VICE
COMMISSIONER

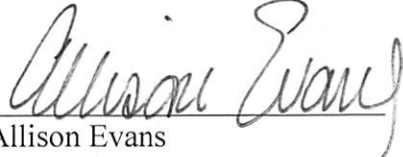
Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 12 day of OCTOBER, 2018, by certified mail, return receipt requested, to the following:

William P. Vestevich
Vestevich & Associates, P.C.
6905 Telegraph Rd.
Suite 260
Bloomfield Hills, MI 48301-3159
Counsel for Respondent

And by hand-delivery to:

Gary A. Stephens
Kentucky Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, KY 40601
Counsel for the Department


Allison Evans
Department of Financial Institutions