

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2016-AH-0059

ENTERED  
SEP 20 2016  
10:30 AM  
COMMISSIONERS OFFICE

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

AGREED ORDER

SOUTHERN SPECIALTY FINANCE, INC. (Lic # CC18858)

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. Southern Specialty Finance, Inc. ("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 7277 Turfway Road, Suite B, Florence, KY 41042-5113 with Deferred Deposit License # CC18858. (ICIE# 364531)

3. DFI conducted a routine examination of Respondent on March 29, 2016. During the examination, the DFI discovered that Respondent entered an incorrect social security number for a customer in the Veritec database. As a result, the customer entered into another transaction that caused the customer to exceed the statutory limits in violation of KRS 286.9-100(9) and 286.9-140(1). DFI also discovered that the licensee twice permitted customers to redeem payment instruments by accepting signed debit transactions and/or unpinned debit transactions, neither of which are considered a cash payment to lawfully close a deferred deposit transaction. As a result,

the Respondent inaccurately reported to the Veritec database that the loans were closed, a violation of KRS 286.9-140(1).

4. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial pursuant to KRS 286.9-110, as well as the imposition of civil penalties in an amount up to \$5,000 per violation pursuant to KRS 286.9-991.

5. In this case, the DFI assessed a civil penalty against Respondent in the amount of three thousand dollars (\$3,000) 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 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 three thousand dollars (\$3,000.00) for the violations described herein;

b. Respondent agrees to and shall pay the total civil penalty assessed herein of three thousand dollars (\$3,000), 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 all affected customers by refunding the service fees on the transactions that created the database violations 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.

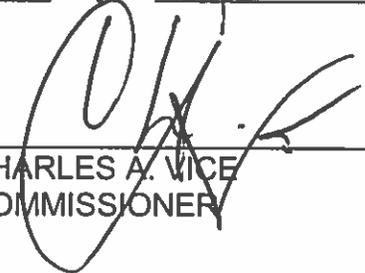
9. In consideration of execution of this Agreed Order, Respondent for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any 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, 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 20<sup>th</sup> day of Sept, 2016.

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

**Consented to:**

This 19<sup>th</sup> day of September, 2016.

This 1<sup>st</sup> day of September, 2016.

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

[Signature]  
Authorized Representative  
Southern Specialty Finance, Inc.  
Deferred Deposit License # CC18858

**ACKNOWLEDGEMENT**

STATE OF Ohio )  
 )  
COUNTY OF Hamilton )

On this the 1<sup>st</sup> day of September, 2016, before me Deborah A. Kessen, the undersigned, Alexander Yi, did personally appear and acknowledge himself/herself to be the authorized representative of Southern Specialty Finance, Inc. (Lic. # CC18858) and that he/she, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

My Commission Expires: Mar. 5 2017



Deborah A. Kessen  
Notary Public, State of Ohio  
My Commission Expires 03-05-2017

[Signature]  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 20 day of September, 2016, by certified mail, return receipt requested, to:

Southern Specialty Finance, Inc.  
7755 Montgomery Road, Suite 400  
Cincinnati, Ohio 45236

And by Hand-Delivery to:

Hon. Taylor Payne  
1025 Capital Center Drive, Suite 200  
Frankfort, KY 40601  
Counsel for Department of Financial Institutions

**Kentucky Department of Financial Institutions**

Name: Allison E. Pike

Title: Executive Staff Advisor