COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2013-AH-0012

DEPARTMENT OF FINANCIAL INSTITUTIONS COMPLAINANT

vs.

ADVANCE AMERICA CASH ADVANCE CENTERS OF KENTUCKY, INC.
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. Check Advance ("Respondent") is authorized to do business in Kentucky as a check casher pursuant to KRS Chapter 286.9, with an office located at 276 Cassidy Blvd., Suit 1, Pikeville, KY 41501. The Pike County office license number is #11594.

3. DFI conducted a routine examination of Respondent on November 27, 2012. During the examination, DFI discovered that Respondent failed to accurately enter customer information into the Veritec database allowing a customer to enter into deferred deposit transactions exceeding the limits allowed under KRS Chapter 286.9, in 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, the imposition of fines in an amount up to $5,000 per violation. *See* KRS 286.9-110; 286.9-991.

5. In this case, DFI assessed a fine against Respondent in the amount of one thousand dollars ($1,000.00) for violating KRS 286.9-140(1).

6. Check Advance does not admit to the violations of KRS 286.8-100, but is entering into this Agreed Order in lieu of proceeding with a formal hearing on the issues that comprise this matter.

a. Respondent agrees to a fine assessment in the amount of one thousand dollars ($1,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total fine assessed herein of one thousand dollars ($1,000), which shall due when Respondent signs and returns 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: Walker C. Cunningham, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

c. 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.

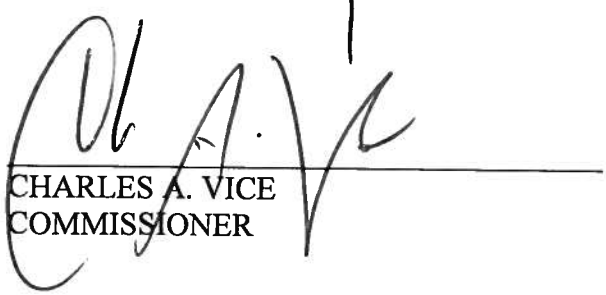
9. In consideration of execution of this Agreed Order, Respondent for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of

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 14th day of February, 2013.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 11th day of February, 2013.

Sam Fitzgerald
for
Authorized Representative
Division of Non-Depository Institutions
Department of Financial Institutions

This _____ day of _____, 2013.

_____
Authorized Representative
Check Advance

ACKNOWLEDGEMENT

STATE OF _____)
)
COUNTY OF _____)

On this the ____ day of _____, 2013, before me _____, the undersigned, _____, did personally appear and acknowledge himself/herself to be the authorized representative of Check Advance and that he/she, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: _____

_____
Notary Public

Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 18th day of February, 2013, by certified mail, return receipt requested, to the following:

Debbie Fluharty
Check Advance
P.O. Box 3058
Spartanburg, SC 29304
Attn: Pam Bodkins

Stephanie Dawson
Department of Financial Institutions