COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
ADMINISTRATIVE AGENCY ACTION NO. 2012-AH-0236

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DEPARTMENT OF FINANCIAL INSTITUTIONS COMPLAINANT

vs.

AGREED ORDER

ADVANCE AMERICA, CASH ADVANCE
CENTERS OF KENTUCKY, INC.
d/b/a ADVANCE AMERICA
d/b/a ADVANCE AMERICA, CASH ADVANCE CENTERS RESPONDENT

STATEMENTS OF FACT

1. The Department of Financial Institutions ("DFI") is responsible for regulating deferred deposit service businesses doing business in Kentucky in accordance with the provisions of KRS Chapter 286.9-010 et. seq. (the "Act").

2. Advance America, Cash Advance Centers of Kentucky, Inc., d/b/a Advance America, d/b/a Advance America, Cash Advance Centers ("Advance America") has a store in Hopkinsville, Kentucky (license #215-06).

3. Pursuant to the Act, the DFI conducted examinations of the Hopkinsville store on June 27, 2012 to determine whether the activities of Advance America were in compliance with applicable laws and regulations; whether the practices and policies of Advance America had a potentially adverse impact on prospective borrowers; and whether the business was being operated efficiently, fairly, and in the public interest.

4. During the examination, the DFI discovered that Advance America did not have reasonable controls in place to ensure that customers' social security number were

accurately entered in the database and as a result, a customer's social security number was not accurately entered in the database and the customer was able to obtain deferred deposit loan proceeds in excess of $500.

STATUTORY AUTHORITY

5. Pursuant to KRS 286.9-140(1), a licensee shall accurately and promptly submit a customer's social security number in the database prior to entering into a deferred deposit transaction.

6. Pursuant to KRS 286.9-991, the commissioner may assess a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) per violation, "plus the state's costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney's fees and court costs" against any person that violates any provision of the Act or accompanying regulations.

LEGAL CONCLUSIONS

7. It is the position of the DFI that Advance America violated KRS 286.9-140(1) by performing the acts set forth in paragraph four (4).

AGREEMENT

8. In the interest of economically and efficiently resolving the violation(s) described herein, and without Advance America admitting or denying the statements of fact and legal conclusions herein, the parties agree as follows:

a. Advance America agrees to a fine assessment in the amount of one thousand dollars ($1,000.00) for the violation(s) described herein. 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: Anetria K. Connell, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.

9. Advance America 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 behalf, or to otherwise appeal or set aside this Order.

10. Advance America 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.

11. In consideration of the execution of this Agreed Order, Advance America 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 Advance America 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.

12. 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.

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

IT IS SO ORDERED on this the 1st day of November, 2012.

CHARLES A. VICE
COMMISSIONER

Consented to:

This 29 day of October, 2012

Lisa Tiemeyer, Director
Division of Nondepository Institutions
Department of Financial Institutions

This 24th day of October 2012

Advance America
By: J. Christian Rudolph
Its: Secretary; Treasurer

Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent by first-class U.S. mail on this the 1st day of November, 2012, to the following:

Advance America, Cash Advance Centers of KY, Inc.
Attn: Pam Bodkins, Compliance Specialist
PO Box 3058
Spartanburg, SC 29304

Anetria K. Connell
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
(502) 573-3390 Ext. 235
(502) 573-2183 (facsimile)