ENTERED
AUG 0 1 2014
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2014-AH-0023

DEPARTMENT OF FINANCIAL INSTITUTIONS PETITIONER

V.

BUCKEYE CHECK CASHING OF KENTUCKY, INC.
D/B/A CHECK$MART
7001 POST ROAD, SUITE 200
DUBLIN, OH 43016 RESPONDENT

AGREED ORDER

BACKGROUND AND FACTUAL FINDINGS

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. Buckeye Check Cashing of Kentucky, Inc., d/b/a Check$mart ("Check$mart") is a licensee under KRS Chapter 286.9 and maintains a store located at 5627 Outer Loop, Louisville, Kentucky 40219 (License # 20582).

3. Pursuant to the Act, the DFI conducted an examination of the store on November 19, 2014 to determine whether the activities of Check$mart were in compliance with applicable laws and regulations; whether the practices and policies of Check$mart had a potential 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 Check$mart allowed a customer to exceed the $500 transaction limit. The licensee deposited the customer's check but allowed the transaction to close in the Veritec database with the balance still outstanding. The customer then

obtained a loan from another deferred deposit location, and when the transaction through Check$mart reopened, it caused the customer to exceed the $500 limit under KRS 286.9-100(9).

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 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. Check$mart violated KRS 286.9-140(1) by performing the acts set forth in paragraph 4.

AGREEMENT

8. In the interest of economically and efficiently resolving the violation described herein, the parties agree as follows:

9. Check$mart agrees to pay a fine assessment in the amount of one thousand dollars ($1,000). The payment shall be in the form of certified check or money order payable to "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Attn: William Owsley, 1025 Capital Center Drive, Suite 200, Frankfort, KY 40601.

10. Check$mart waives its right to demand a hearing, at which Check$mart would be entitled to legal representation, to confront and cross examine witnesses for the Department of Financial

Institutions, and to present evidence on its own behalf, or to otherwise appeal or set this Order aside.

11. Check$mart 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.

12. In consideration of the execution of this Agreed Oder, Check$mart for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DFI, Office of Legal Services, and each of their members, agents and employees in their individual capacities, from any and all manner of actions, causes of actions, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Check$mart 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.

13. By signing below, the parties acknowledge that they have read the foregoing Agreed Order, know and understand its contents, and that they are authorized to enter into and executed this Agreed Order and legally bind their respective parties.

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

IT IS SO ORDERED on this 1st day of August, 2014.

CHARLES A. VICE, COMMISSIONER

Consented to:

This 31st day of July, 2014

Tammy R. Scruggs

TRS ~~Sarah Butler~~, Director
Division of Non-depository Institutions
Department of Financial Institutions

This 14th day of July, 2014

Buckeye Check Cashing of Kentucky, Inc.

BY: [illegible]
ITS: Secretary

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Agreed Order was sent by United States mail on this the 1 day of ~~March,~~ August 2014, to the following:

Buckeye Check Cashing of Kentucky, Inc.
d/b/a Check$mart
Attn: Bridgette C. Roman
7001 Post Road, Suite 200
Dublin, OH 43016

Christina Hayden
Department of Financial Institutions