

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2010-AH-1073**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

CASH EXPRESS, LLC

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. Cash Express, LLC (“Respondent”) has a branch office authorized to do business in Kentucky as a check casher pursuant to KRS Chapter 286.9, with the branch office located at 409 South Second Street, Central City, KY 42330. The branch license number is CC8578.
3. DFI conducted an examination of Respondent on March 17, 2010. During the examination, DFI discovered that Respondent allowed a customer to re-use previously held checks for two new transactions on January 1, 2010 and January 23, 2010, in violation of KRS 286.9-100(14).
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 \$25,000 per violation. *See* KRS 286.8-046; 286.8-090.
5. In this case, DFI assessed a fine against Respondent in the amount of two thousand dollars (\$2,000.00) for violating KRS 286.9-100(14).

6. In the interest of economically and efficiently resolving the violation(s) described herein, DFI and Respondent agree as follows:

a. Respondent agrees to a fine assessment in the amount of two thousand dollars (\$2,000.00) for the violation(s) described herein;

b. Respondent has already submitted payment of the fine assessment. On July 12, 2010, DFI received a check in the amount of two thousand dollars (\$2,000.00) for the above-described violations;

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.

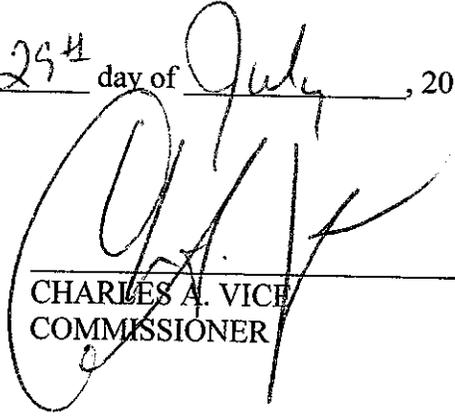
8. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

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 29th day of July, 2010.

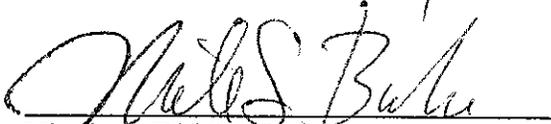


CHARLES A. VICE
COMMISSIONER

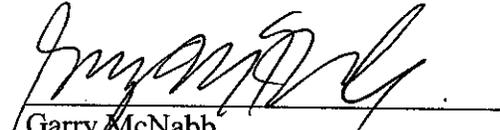
Consented to:

This 19th day of July, 2010.

This 26 day of July, 2010.



Nicole S. Biddle, Director
Division of Non-Depository Institutions
Department of Financial Institutions



Garry McNabb
CEO
Cash Express, LLC

ACKNOWLEDGEMENT

STATE OF Tennessee)
)
COUNTY OF Putnam)

On this the 26th day of July, 2010, before me Donna S. Young, the undersigned, **Garry McNabb**, did personally appear and acknowledge himself to be the CEO of Cash Express, LLC and that he, 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: 3-22-2011





Notary Public

Certificate of Service

I, Shaun T. Orme, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 30th day of July, 2010, by certified mail, return receipt requested, to the following:

Garry McNabb
CEO
Cash Express, LLC
263 West Spring Street
Cookeville, TN 38501


Shaun T. Orme
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390 ext. 282 (phone)
502-573-2183 (facsimile)

Counsel for Complainant