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COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2013-AH-206

DEPARTMENT OF FINANCIAL INSTITUTIONS PETITIONER

V.

CASH EXPRESS, LLC
263 W. SPRING STREET
COOKEVILLE, TN 38501 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~~ Cash Express, LLC ("Cash Express") is a licensee under KRS Chapter 286.9 and maintains a store located at 1713 Scottsville Road, Suite B, Bowling Green, Kentucky 42104 (License # 6858).

3. Pursuant to the Act, the DFI conducted an examination of the store on June 19, 2013 to determine whether the activities of Cash Express were in compliance with applicable laws and regulations; whether the practices and policies of Cash Express 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 Cash Express did not enter two customers' social security numbers correctly in the database and as a result the customers were able to obtain deferred deposit loan proceeds in excess of $500 each.

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. Cash Express 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. Cash Express agrees to pay a fine assessment in the amount of two thousand dollars ($2,000). 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. Cash Express waives its right to demand a hearing, at which Cash Express 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. Cash Express 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, Cash Express 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 Cash Express 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 30th day of September, 2013.

CHARLES A. VICE, COMMISSIONER

Consented to:

This 30 day of Sept, 2013

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

This 23 day of September, 2013

Cash Express, LLC

BY:
ITS:

BRITTANY SMITHMIER
STATE OF TENNESSEE NOTARY PUBLIC
CUMBERLAND COUNTY