**COMMONWEALTH OF KENTUCKY**
**PUBLIC PROTECTION CABINET**
**DEPARTMENT OF FINANCIAL INSTITUTIONS**
**AGENCY CASE NO. 2014-AH-0123**
**ICIE NO. 299301**

ENTERED
NOV 13 2014
COMMISSIONERS OFFICE

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS — COMPLAINANT

v.

CASH EXPRESS, LLC
(License No. 6856) — RESPONDENT

## AGREED ORDER

* * * * * * * * * * * * * *

1. The Department of Financial Institutions (hereinafter the "Department") 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") is authorized to do business in Kentucky as a deferred deposit licensee pursuant to KRS Chapter 286.9, with an office located at 302 Campbellsville Bypass, Campbellsville, Kentucky—License No. 6856.

3. The Department conducted a routine examination of Respondent on June 9, 2014. During the examination, the Department discovered that Respondent improperly closed a customer's transaction in the verification database when a balance was still owed on the loan, thereby allowing the customer to enter into a deferred deposit transactions exceeding the limits allowed under KRS Chapter 286.9, in violation of KRS 286.9-100(9) and .9-140(1).

4. The Department possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial and 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, The Department assessed a fine against Respondent in the amount of one thousand dollars ($1,000.00) for violating KRS 286.9-140(1).

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

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 ($1,000.00), which shall be due and payable upon entry of this 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: Non-Depository Division – Order, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

c. Respondent agrees to make restitution, by check drawn on the Respondent's account, to all affected customers by refunding the service fees on the transactions that created the database violation and to maintain records—consistent with KRS 286.9-074—that such refund checks were issued to the customers and were processed for payment by the customer; if after reasonable due diligence, the customer cannot be located, the Respondent shall notify the

Department of its efforts to locate the customer and shall document same in its records;

d. 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 The Department 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, The Department, the 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 13th day of November, 2014.

Marty Hamm on behalf of Charles Vice

CHARLES A. VICE
COMMISSIONER

**Consented to:**

This 13th day of November, 2014.

Tammy R. Scruggs

Tammy Scruggs, Director
Division of Non-Depository Institutions
Department of Financial Institutions

This 4th day of November, 2014.

Authorized Representative
Cash Express, LLC

**ACKNOWLEDGEMENT**

STATE OF TN )
)
COUNTY OF Putnam )

On this, the 4 day of November, 2014, before me Clara Clark, the undersigned, Garry McNabb, did personally appear and acknowledge himself/herself to be the authorized representative of Cash Express, LLC 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:

CLARA CLARK STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF PUTNAM

Clara Clark

Notary Public

My Commission Expires: 8/23/16

**Certificate of Service**

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 13 day of November, 2014, by certified mail, return receipt requested, to the following:

Cash Express, LLC
ATTN: Jeff Olson
263 W. Spring St.
Cookeville, TN 38501

*VIA HAND DELIVERY TO:*

Katherine W. Ross
1025 Capital Center Drive, Suite 200
Frankfort, KY 40601
*Counsel for the Department*

Christina Hayden
Department of Financial Institutions