

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2015-AH-0013



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

V.

INDEPENDENT CHECK CASHING, INC.
D/B/A CASH A CHECK
1004 BYPASS SOUTH, UNIT 1
LAWRENCEBURG, KY 40342

RESPONDENT

AGREED ORDER

BACKGROUND AND FACTUAL FINDINGS

1. Complainant, 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. Respondent, Independent Check Cashing, Inc., d/b/a Cash A Check (“Respondent”) is authorized to do business in Kentucky as a deferred deposit and check cashing Respondent pursuant to KRS Chapter 286.9, with an office located at 733 W. Main Street, Lebanon, Kentucky. Respondent’s license number for the referenced location is 149-6.

3. The DFI conducted a routine examination of Respondent on October 9, 2013. During the examination, the DFI discovered that Respondent improperly closed two customer transactions in the Veritec database and allowed the customers to obtain subsequent loans in the amount of \$500 after closing the previous transactions. Before closing the previous transactions, the Respondent did not confirm that sufficient funds were in the customers’ bank accounts to cover the checks, resulting in over-the-limit violations under KRS 286.9-100(9) and KRS 286.9-140(1).

4. The DFI possesses a range of administrative authority in addressing violations of KRS Chapter 286.9 and the administrative regulations promulgated thereunder, including license suspension, license revocation, license 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 DFI assessed a fine against Respondent in the amount of two thousand dollars (\$2,000) for the above-described violations of KRS 286.9-100(9) and 286.9-140(1).

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

a. Respondent agrees to, and shall pay the total fine assessed herein of two thousand dollars (\$2,000), which shall be due 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, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

b. 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 Respondent 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.

8. Respondent 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.

9. In consideration of the execution of this Agreed Order, Respondent 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 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 examination, this investigation, this disciplinary action, this settlement or its administration.

10. 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 execute this Agreed Order and legally bind their respective parties.

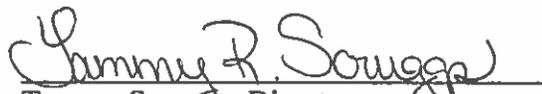
11. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this 4th day of February, 2015.

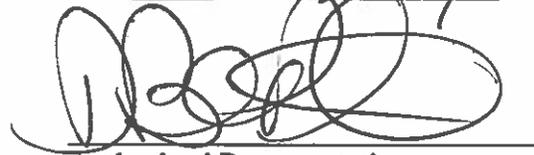

CHARLES A. VICE, COMMISSIONER

Consented to:

This 3rd day of February, 2015.


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

This 27 day of January, 2015


Authorized Representative
Independent Check Cashing, Inc.
License #149-6

ACKNOWLEDGEMENT

STATE OF Kentucky)
)
COUNTY OF Anderson)

On this the 27 day of January, 2015, before me Cheryl Powell, the undersigned, D. Brent Peterson, did personally appear and acknowledge himself/herself to be the authorized representative of Independent Check Cashing, Inc. d/b/a Cash A Check (License #149-6) 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.

My Commission Expires: 2-19-18

Cheryl Powell
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Agreed Order was sent by certified mail, return receipt requested, on this the 4 day of 2015, to the following:
Feb.

Independent Check Cashing, Inc.
d/b/a Cash A Check
Attn: Brent Peterson
1004 Bypass South, Unit 1
Lawrenceburg, KY 40342

& BY HAND DELIVERY TO:

William Owsley
1025 Capital Center Drive, Suite 200
Frankfort, KY 40601
Counsel for Complainant



Christina Hayden
Department of Financial Institutions