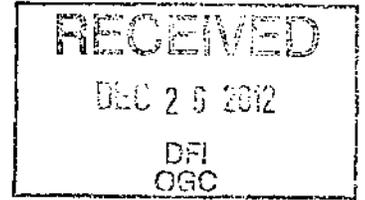


COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2012-AH-0316



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

SOUTHERN SPECIALTY FINANCE, INC.

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. Southern Specialty Finance, Inc. d/b/a Check ’N Go (“Respondent”) has a branch office authorized to do business in Kentucky as a check casher pursuant to KRS Chapter 286.9 and which is located at 1999 Highway 60 East, Henderson, Kentucky. The branch license number is 18854.

3. DFI conducted an investigation on Respondent. During the investigation, DFI discovered that on two occasions Respondent allowed a customer to submit a check on an account for which the customer was not an authorized signer, in violation of KRS 286.9-100(7).

4. DFI 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 and 286.9-991.

5. In this case, DFI assessed the following against Respondent for violating KRS 286.9-100(7): a fine against Respondent in the amount of two thousand dollars (\$2,000.00); a refund to the customer of all fees collected from the customer’s account in the amount of one

hundred ten dollars and 29 cents (\$110.29); and DFI's investigation costs in the amount of one hundred and twenty-six dollars (\$126.00).

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

a. Respondent agrees to an assessment of (i) a fine in the amount of two thousand dollars (\$2,000.00), (ii) a refund to the customer of all fees collected from the customer's account in the amount of one hundred ten dollars and 29 cents (\$110.29), and (iii) DFI's investigation costs in the amount of one hundred and twenty-six dollars (\$126.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the amounts specified above, and provide DFI with a copy of checks and transmittal letter to the customer showing proof of refund of the fees, which shall be due when Respondent signs and returns the Agreed Order. The payment of the fine and the Department's investigation costs 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: Anetria K. Connell, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601;

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.

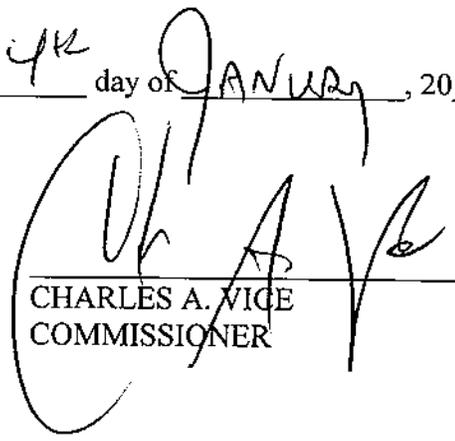
8. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

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 4<sup>th</sup> day of JANUARY, 2013.

  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 14<sup>th</sup> day of January, 2013.

This 13<sup>th</sup> day of December, 2012.

[Signature]  
\_\_\_\_\_  
Division of Non-Depository Institutions  
Department of Financial Institutions

[Signature]  
\_\_\_\_\_  
Rick Pennington  
Southern Specialty Finance, Inc.

**ACKNOWLEDGEMENT**

STATE OF Ohio )  
COUNTY OF Hamilton )

On this the 13<sup>th</sup> day of December, 2012, before me Cynthia Parker, the undersigned, Rick Pennington, did personally appear and acknowledge himself/herself to be an authorized representative of Southern Specialty Finance, Inc. 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: 6/14/2016

[Signature]  
\_\_\_\_\_  
Notary Public

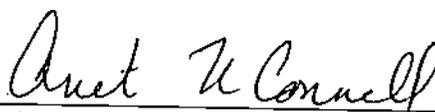


Cynthia L. Parker  
Notary Public, State of Ohio  
My Commission Expires 6/14/16

**Certificate of Service**

I, Anetria K. Connell, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 8<sup>th</sup> day of January, 2013, by certified mail, return receipt requested, to the following:

Benjamin Alexander  
Compliance Manager  
Southern Speciality Finance, Inc.  
7755 Montgomery Road, Suite 400  
Cincinnati, Ohio 45236



Anetria K. Connell  
Department of Financial Institutions  
1025 Capital Center Drive  
Suite 200  
Frankfort, Kentucky 40601  
502-573-3390 ext. 235 (phone)  
502-573-2183 (facsimile)

Counsel for Complainant