

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2015-AH-00141**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

V.

SMART PAYMENT PLAN, LLC

RESPONDENT

AGREED ORDER

1. The Department of Financial Institutions ("DFI") is responsible for regulating and licensing entities engaged in the business of money transmission in accordance with the provisions set forth in KRS Chapter 286.11 and applicable regulations.

2. SMART Payment Plan, LLC ("Respondent") has a pending application with the DFI for a Kentucky money transmitter license and has a principal office at 999 Vanderbilt Beach Road, Naples, Florida, 34108.

3. On or about April 16, 2015, Respondent submitted the initial documents for an application for a Kentucky money transmitter license. The accompanying documentation reflects unlicensed money transmission activity occurring in Kentucky prior to submission of the application.

4. This unlicensed activity is a violation of KRS 286.11-005 which requires a person conducting money transmission in Kentucky to be licensed as a money transmitter under KRS Chapter 286.11.

5. 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 \$5,000 per violation per day and settlement. *See* KRS 286.11-047.

6. Respondent neither admits nor denies the DFI's findings of facts and conclusions of law. The DFI and Respondent, in the interest of economically and efficiently resolving this matter, agree as follows:

a. Respondent agrees to a fine assessment in the amount of sixty thousand dollars (\$60,000.00) for the violation(s) described herein;

b. Respondent agrees to and shall pay the total fine assessed herein of sixty thousand dollars (\$60,000.00), which shall be due upon entry of the 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;

c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in KRS Chapter 286.11.

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 Agreed 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

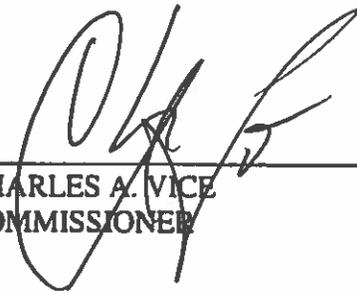
their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

10. Upon the entry of the Agreed Order, DFI acknowledges that it is in possession of all of the materials and information it requires in order to issue a Kentucky money transmitter license to the Respondent.

11. 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.

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

IT IS SO ORDERED on this the 19th day of November, 2015.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 19th day of November, 2015.

This 12 day of November, 2015.

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

J. B. L.
Authorized Representative
SMART Payment Plan, LLC

ACKNOWLEDGEMENT

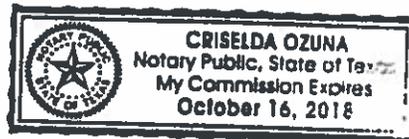
STATE OF Texas)
)
COUNTY OF Travis)

On this the 12 day of November, 2015, before me Criselda Ozuna, the undersigned, Jackson D. Bigham, did personally appear and acknowledge himself/herself to be the authorized representative of SMART Payment Plan, 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.

My Commission Expires: 10/16/2018

Criselda Ozuna
Notary Public



Certificate of Service

I hereby certify that a copy of the foregoing Agreed Order was sent on this the 20th day of November, 2015, by certified mail, return receipt requested, to the following:

Jackson Bigham
Chief Compliance Officer
SMART Payment Plan, LLC
999 Vanderbilt Beach Road
Naples, FL 34108

And by hand-delivery to:

Gary A. Stephens
Kentucky Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, KY 40601
Counsel for the Department



Kelly Childers
Department of Financial Institutions