STATE OF WASHINGTON 1 DEPARTMENT OF FINANCIAL INSTITUTIONS DIVISION OF CONSUMER SERVICES 2 No.: C-22-3261-22-SC01 IN THE MATTER OF DETERMINING 3 Whether there has been a violation of the Check Cashers and Sellers Act of Washington by: STATEMENT OF CHARGES and 4 NOTICE OF INTENT TO ENTER AN ORDER TO REVOKE LICENSE, PROHIBIT ADVANCE AMERICA CASH ADVANCE 5 CENTERS OF WASHINGTON, LLC, FROM INDUSTRY, IMPOSE FINE, AND NMLS # 1136446, **COLLECT INVESTIGATION FEE** 6 Respondent. 7 8 INTRODUCTION 9 Pursuant to RCW 31.45.110 and RCW 31.45.200, the Director of the Department of Financial 10 Institutions of the State of Washington (Director) is responsible for the administration of chapter 11 31.45 RCW, the Check Cashers and Sellers Act (Act). After having conducted an investigation 12 pursuant to RCW 31.45.100, the Director, through his designee, Division of Consumer Services 13 Director Lucinda Fazio, institutes this proceeding and finds as follows: 14 I. FACTUAL ALLEGATIONS 15 1.1 Advance America Cash Advance Centers of Washington, LLC (Respondent) was 16 licensed by the Department of Financial Institutions of the State of Washington (Department) to 17 conduct business as a check casher and check seller with a small loan endorsement on May 12, 1998, 18 and has continued to be licensed to date. 19 1.2 **Failed to Maintain Bond.** On May 7, 2021 the Department received notice from RLI 20 Insurance Company that Respondent's surety bond would be cancelled, effective June 9, 2021. 21 Respondent has failed to maintain the required surety bond or an approved alternative from June 9,

Ongoing Investigation. The Department's investigation of violations of the Act by

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Respondent continues to date.

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C-22-3261-22-SC01 ADVANCE AMERICA CASH ADVANCE CENTERS OF WASHINGTON, LLC

2021, to the date of this Statement of Charges.

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
P.O. Box 41200
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(360) 902-8703

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II. GROUNDS FOR ENTRY OF ORDER

Requirement to Maintain Surety Bond. Based on the Factual Allegations set forth in

Section I above, Respondent is in apparent violation of RCW 31.45.030(5), WAC 208.630.180, and

WAC 208.630.190 for failing to maintain a surety bond or approved alternative with the Department.

III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Revoke License. Pursuant to RCW 31.45.110(2)(a), the Director may revoke a

license if a licensee is violating or has violated the Act including rules and orders, or commits any act

or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of injury

or loss to the public.

3.2 **Authority to Remove and Ban from the Industry**. Pursuant to RCW 31.45.110(2)(e), the

Director may remove from office or ban from participation in the conduct of the affairs of any

licensee any director, officer, sole proprietor, partner, controlling person, or employee of a licensee

that is violating or has violated the Act including rules and orders, or commits any act or engages in

conduct that demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the

public.

3.3 Authority to Impose Fine. Pursuant to RCW 31.45.110(2)(c), the Director may impose a

fine, not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or

applicant, or any director, officer, sole proprietor, partner, controlling person, or employee of a

licensee or applicant, that is violating or has violated the Act.

3.4 **Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,

WAC 208-630-360, and WA 208-630-380, the Director shall collect from the licensee the actual cost

of an examination or investigation of the business, books, accounts, records, files, or other

information of a licensee or person who the Director has reason to believe is engaging in the business

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1 governed by the Act. The investigation charge will be calculated at the rate of \$69 per person per 2 hour expended to the investigation, plus actual expenses. 3 IV. NOTICE OF INTENT TO ENTER ORDER Respondent's violations of the provisions of chapter 31.45 RCW and chapter 208-630 WAC, as set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry 5 of an Order under RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director's intent to ORDER: 6 4.1 Respondent Advance America Cash Advance Centers of Washington, LLC's license 7 to conduct the business of a check casher and check seller with a small loan endorsement, be revoked: 8 4.2 Respondent Advance America Cash Advance Centers of Washington, LLC be prohibited from participation in the conduct of the affairs of any check casher or seller 9 in the state of Washington for a period of five years; 10 4.3 Respondent Advance America Cash Advance Centers of Washington, LLC pay a fine in the amount of \$18,000; and 11 12 4.4 Respondent Advance America Cash Advance Centers of Washington, LLC pay an investigation fee in the amount of \$500. 13 V. AUTHORITY AND PROCEDURE 14 This Statement of Charges and Notice of Intent to Enter an Order TO REVOKE LICENSE, 15 PROHIBIT FROM INDUSTRY, IMPOSE FINE, AND COLLECT INVESTIGATION FEE (Statement of Charges) is entered pursuant to the provisions of RCW 31.45.110 and RCW 16 31.45.200, and is subject to the provisions of chapter 34.05 RCW (the Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in the NOTICE OF 17 OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND accompanying this Statement of Charges. 18 19 Dated this 5th 2022 day of 20 21 $/_{S}/$ Lucinda Fazio, Director 22 Division of Consumer Services Department of Financial Institutions 23 24

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5	ANDRES E. BATISTA Financial Legal Examiner
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STATEMENT OF CHARGES C-22-3261-22-SC01 ADVANCE AMERICA CASH ADVANCE CENTERS OF WASHINGTON, LLC