

Terms Completed

ORDER SUMMARY – Case Number: C-06-052

Name(s): Apple Bin, LLC dba Uncle Buck\$ of Selah
Heather Schilperoort
Faron Young
Gary Young
Karen Young

Order Number: C-06-052-06-CO01

Effective Date: March 27, 2006

License Number: DFI: 29266
(Revoked, suspended, stayed, application denied or withdrawn)
Or NMLS Identifier [U/L] If applicable, you must specifically note the ending dates of terms.

License Effect: 5 year ban stayed until March 28, 2008

Not Apply Until: n/a

Not Eligible Until: _____

Prohibition/Ban Until: 5 year ban stayed until March 28, 2008

Investigation Costs	\$1,552.73	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 3.28.06
Fine	\$4,000	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 3.28.06
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments: _____

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Check Cashers and Sellers of Washington by:

NO. C-06-052-06-CO01

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APPLE BIN, LLC, d/b/a UNCLE BUCK\$ OF
SELAH, and HEATHER SCHILPEROORT-
YOUNG, Owner, Managing Member, and
Officer, and FARON YOUNG, Owner,
Managing Member, and Officer, and GARY
YOUNG, Owner, Member, and Officer, and
KAREN YOUNG, Owner, Member, and Officer,

CONSENT ORDER

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Respondents.

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COMES NOW the Director of the Department of Financial Institutions (Director), through his designee
Chuck Cross, Division Director, Division of Consumer Services, and Apple Bin, LLC, d/b/a Uncle Buck\$ of
Selah, Heather Schilperoort-Young, Faron Young, Gary Young, and Karen Young (hereinafter Respondents), and
finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry
of this Consent Order. This Consent Order is entered pursuant to chapter 31.45 of Revised Code of Washington
(RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

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AGREEMENT AND ORDER

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The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents
have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-06-052-06-SC01
(Statement of Charges) entered March 22, 2006 (copy attached hereto). Pursuant to chapter 31.45 RCW, the
Check Cashers and Sellers Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents

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CONSENT ORDER
APPLE BIN, LLC, d/b/a UNCLE BUCK\$ OF SELAH,
HEATHER SCHILPEROORT-YOUNG, FARON
YOUNG, GARY YOUNG, and KAREN YOUNG,
NO. C-06-052-06-CO01

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200

1 hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above
2 captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend
3 this Consent Order to fully resolve all allegations raised in the Statement of Charges entered March 22, 2006.

4 Based upon the foregoing:

5 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the
6 activities discussed herein.

7 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
8 before an administrative law judge, and that Respondents have waived the right to a hearing and any and all
9 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

10 C. **Consent to Be Bound By Order.** It is AGREED that the parties shall be bound by the terms and
11 conditions of this Consent Order as set forth herein.

12 D. **Fine (Partially Stayed).** It is AGREED that Respondents are subject to a fine by the Department in
13 the amount of \$14,500.00 for the following violations:

- 14 • RCW 31.45.030(1), RCW 31.45.070, and RCW 31.45.073, calculated at \$100 per day for 85 days
- 15 • RCW 31.45.088(3), calculated at \$100 per day for 30 days
- 16 • RCW 31.45.082, calculated at \$100 per day for 30 days

17 It is further AGREED that Respondents shall pay to the Department \$4,000 of the total fine in the form of
18 a cashier's check that shall be made payable to the "Washington State Treasurer" and that shall be paid to the
19 Department immediately upon entry of this Consent Order, and that the balance of the fine (\$10,500) shall be
20 stayed for a period of two (2) years from the date of entry of this Consent Order, subject to the Department's
21 authority to lift the stay and impose the balance of the fine (\$10,500) discussed in paragraph F of this Consent
22 Order.

23 It is further AGREED that if, upon expiration of said two (2) year period, the stay has not been previously
24 lifted, and the balance of the fine (\$10,500) has not been previously imposed, and if a notification to lift the stay or

1 proceeding to lift the stay is not then pending by the Director to impose the balance of the fine (\$10,500), then, in
2 such events, the Department shall consider this paragraph of this Consent Order fully performed and the stayed
3 portion of the fine (\$10,500) will not be collected from Respondents.

4 It is further AGREED that, if on the expiration of said two (2) year period a notification to lift the stay or
5 proceeding to lift the stay is pending by the Director to impose the balance of the fine (\$10,500), then those
6 proceedings shall continue according to the terms of this Consent Order, as discussed in paragraph F below.

7 **E. Prohibition from Participation in the Industry (Stayed).** It is AGREED that Respondents are
8 subject to a prohibition from participating in the conduct of the affairs of any check casher or seller subject to
9 licensure by the Director, in any manner, for a period of five (5) years from the date of entry of this Consent
10 Order.

11 It is further AGREED that this prohibition shall be stayed for the duration of this Consent Order subject to
12 the Department's authority to lift the stay and impose the five (5) year prohibition pursuant to paragraph F of this
13 Consent Order.

14 It is further AGREED that if, after two (2) years from the date of entry of this Consent Order, the stay has
15 not been previously lifted, and the five (5) year prohibition has not been previously imposed, and if a notification
16 to lift the stay or proceeding to lift the stay is not then pending by the Director to impose the five (5) year
17 prohibition, and if Respondents have provided the Department with a written statement signed under penalty of
18 perjury of the laws of the State of Washington that they have complied with the terms and conditions of this
19 Consent Order, then, in such events, the Department shall consider this paragraph of this Consent Order fully
20 performed and the stayed five (5) year prohibition will not be imposed on the Respondents.

21 It is further AGREED that if, after two (2) years from the date of entry of this Consent Order, notification
22 to lift the stay or proceeding to lift the stay is pending by the Director to impose the five (5) year prohibition, then
23 those proceedings shall continue according to the terms of this Consent Order, as discussed in paragraph F below.

1 **F. Lifting of Stay and Imposing Prohibition.** It is AGREED that:

- 2 1. If the Department determines that Respondents are in violation of RCW 31.45.030(1),
3 RCW 31.45.030(5), RCW 31.45.060, RCW 31.45.070, RCW 31.45.073, RCW 31.45.080,
4 RCW 31.45.082, or RCW 31.45.088(3), or any of the terms and conditions of this Consent
5 Order and the Department accordingly seeks to lift the stay and impose the balance of the
6 fine (\$10,500) and impose the five (5) year prohibition, the Department first will notify
7 Respondents in writing of its determination.
- 8 2. Respondents will be afforded ten (10) business days from the date of receipt of the
9 Department's notification to request in writing an expedited administrative hearing to be
10 held before an Administrative Law Judge (ALJ) from the Office of Administrative
11 Hearings (OAH).
- 12 3. Respondents' request for hearing must be sent to the Department and received by the
13 Department within ten (10) business days of the date of the receipt of the Department's
14 notice.
- 15 4. Respondents, in addition to a request for hearing, may provide a written response to
16 include any information pertaining to the alleged noncompliance.
- 17 5. The administrative hearing shall be expedited and follow the timing and processes
18 described in this Consent Order.
- 19 6. If Respondents do not request the expedited hearing within the stated time, the Department
20 will immediately impose the balance of the fine (\$10,500), impose the five (5) year
21 prohibition, and pursue whatever action it deems necessary to collect the balance of the
22 fine and impose the prohibition. The fine is due immediately upon demand by the
23 Department; Respondents must make payment by cashier's check payable to the
24 "Washington State Treasurer."
- 25 7. If requested, the hearing will be held within fifteen (15) business days (or as soon as the
 schedule of the ALJ permits) from the due date for Respondents' request for hearing or
 from the date of receipt of Respondents' timely request for hearing, whichever is sooner.
 The parties will accommodate the prompt scheduling of the hearing.
8. The scope and issues of the hearing are limited solely to whether or not Respondents are in
 violation of RCW 31.45.030(1), RCW 31.45.030(5), RCW 31.45.060, RCW 31.45.070,
 RCW 31.45.073, RCW 31.45.080, RCW 31.45.082, or RCW 31.45.088(3). or any of the
 terms and conditions of this Consent Order.
9. At the conclusion of the hearing, the ALJ will issue an initial decision. Either party may
 file a Petition for Review with the Director of the Department.
10. The Department's notification will include:

- a) A description of the alleged noncompliance

- 1 b) A statement that because of the noncompliance, the Department seeks to lift
2 the stay and impose the balance of the fine (\$10,500) and impose the five (5)
3 year prohibition
- 4 c) The opportunity for Respondents to contest the Department's determination of
5 noncompliance in an administrative hearing before an ALJ of OAH
- 6 d) A copy of this Consent Order. The notification and hearing process provided
7 in this Consent Order applies only to this Consent Order. It is solely provided
8 in the event Respondents choose to contest the Department's determination of
9 noncompliance.

10 **G. Compliance Examinations.** It is AGREED that Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah is
11 subject to compliance examinations for two (2) years from the date of entry of this Consent Order to be
12 conducted by the Department at the Department's discretion (not to exceed one compliance examination per
13 year), at Respondents' expense. Respondents further AGREE to promptly respond and address any and all
14 issues, if any, identified in the compliance examinations to the satisfaction of the Department.

15 **H. Respondents' Cooperation Upon Notification of Violations.** It is AGREED that once Respondents
16 became aware of the Statement of Charges and the circumstances described therein, Respondents immediately
17 responded and cooperated with the Department to resolve the issues raised by the Statement of Charges.

18 **I. Future Applications.** It is AGREED that the conduct giving rise to the issuance of the above-
19 referenced Statement of Charges will not be considered by the Department in the assessment of any future
20 applications for check casher licenses or small loan endorsements in the state of Washington in the event
21 Respondents wish to pursue such applications.

22 **J. Restitution.** It is AGREED that Respondents shall charge interest or fees on small loans not to
23 exceed in the aggregate seven and one half percent (7.5%) of the first five hundred dollars (\$500) of principal,
24 and not to exceed in the aggregate five percent (5%) of that portion of the principal in excess of five hundred
25 dollars (\$500) for a period of three (3) months, beginning immediately upon entry of this Consent Order.

It is further AGREED that Respondents shall charge no more than a one percent (1%) fee for check
cashing transactions for a period of three (3) months, beginning immediately upon entry of this Consent Order.

1 **K. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee
2 in the amount of \$1,552.73, calculated at \$69.01 per hour for twenty two and one-half (22.5) staff hours devoted
3 to the examination and investigation in the form of a cashier's check made payable to the "Washington State
4 Treasurer" upon entry of this Consent Order.

5 **L. Notification of Current Address and Telephone Number(s).** It is AGREED that during the entire
6 term of this Consent Order Respondents must notify the Department in writing of any changes in their current
7 main address and telephone number(s) within five (5) days of such change.

8 **M. Authority of Department.** It is AGREED that nothing in this Consent Order shall be construed as
9 preventing the Department from fully exercising its authority and enforcing any provision of chapter 31.45 RCW
10 and chapter 208-630 WAC.

11 **N. Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented
12 and warranted that they have the full power and right to execute this Consent Order on behalf of the parties
13 represented.

14 **O. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide
15 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
16 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in
17 pursuing such action, including but not limited to, attorney fees.

18 **P. Complete Cooperation with Department.** During the entire term of this order Respondents shall
19 cooperate fully, truthfully and completely with the Department. A failure to cooperate fully, truthfully and
20 completely is a breach of this order.

21 **Q. Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered
22 into this Consent Order, which is effective when signed by the Director's designee.

23 **R. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this
24 Consent Order in its entirety and fully understand and agree to all of the same.

1 RESPONDENTS:

2 Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah
3 By:

4 *Heather Schilperoort-Young* 3/28/06
5 Heather Schilperoort-Young Date
6 Owner, Managing Member, and Officer

Heather Schilperoort-Young 3/28/06
Heather Schilperoort-Young Date
Individually

7 *Faron Young* 3-28-06
8 Faron Young Date
9 Owner, Managing Member, and Officer

Faron Young 3-28-06
Faron Young Date
Individually

10 *Gary Young* 3/28/06
11 Gary Young Date
12 Owner, Member, and Officer

Gary Young 3/28/06
Gary Young Date
Individually

13 *Karen Young* 3/28/06
14 Karen Young Date
15 Owner, Member, and Officer

Karen Young 3/28/06
Karen Young Date
Individually

16 DO NOT WRITE BELOW THIS LINE

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18 THIS ORDER ENTERED THIS 28th DAY OF March, 2006.



Chuck Cross
25 CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Check Cashers and Sellers Act of Washington by:

NO. C-06-052-06-SC01

APPLE BIN, LLC, d/b/a UNCLE BUCK\$ OF
SELAH, and HEATHER SCHILPEROORT-
YOUNG, Owner, Managing Member, and
Officer, and FARON YOUNG, Owner, Managing
Member, and Officer, and GARY YOUNG, Owner,
Member, and Officer, and KAREN YOUNG,
Owner, Member, and Officer,

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO CEASE AND DESIST CHECK
CASHING AND MAKING OF SMALL LOANS,
DENY LICENSE APPLICATION, IMPOSE FINE,
ORDER RESTITUTION, BAN FROM INDUSTRY,
AND COLLECT INVESTIGATION FEE

Respondents.

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INTRODUCTION

Pursuant to RCW 31.45.110 and RCW 31.45.200, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.45 RCW, the Check Cashers and Sellers Act (Act). After having conducted an investigation pursuant to RCW 31.45.040 and RCW 31.45.100, and based upon the facts available as of March 22, 2006, the Director institutes this proceeding and finds as follows:

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I. FACTUAL ALLEGATIONS

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1.1 Respondents.

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A. **Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah (Uncle Buck\$)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a license to conduct business as a check casher with a small loan endorsement at the following location:

619 S. First Street, Suite B
Selah, WA 98492

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The application was received by the Department on March 9, 2006.

1 Apple Bin, LLC, was incorporated in the State of Washington on May 27, 1999, and has maintained a
2 corporate license in the State of Washington to date. Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah received a
3 Master Business License from the Washington State Department of Licensing on October 24, 2005.

4 B. **Heather Schilperoort-Young** is listed as Owner, Managing Member, and Officer of
5 Respondent Uncle Buck\$ in the application.

6 C. **Faron Young** is listed as Owner, Managing Member, and Officer of Respondent Uncle Buck\$
7 in the application.

8 D. **Gary Young** is listed as Owner, Member, and Officer of Respondent Uncle Buck\$ in the
9 application.

10 E. **Karen Young** is listed as Owner, Member, and Officer of Respondent Uncle Buck\$ in the
11 application.

12 **1.2 Unlicensed Locations.** For at least the period beginning December 2005 through March 6, 2006,
13 Respondents have conducted business from the following location:

14 619 S. First Street, Suite B
15 Selah, WA 98942

16 **1.3 Check Cashier License with Small Loan Endorsement.** To date, the Department has not issued a
17 license to any of the Respondents to conduct the business of a check cashier with a small loan endorsement. To
18 date, the Department has not issued a license to any person to conduct the business of a check cashier with a
19 small loan endorsement from the address listed in paragraph 1.2.

20 **1.4 Declaration and Agreement to Cease and Desist.** On March 3, 2006, the Department sent a letter that
21 included a form entitled "Declaration and Agreement to Cease and Desist," which was served on Respondents the
22 following day. Respondent Schilperoort-Young signed and returned the Declaration and Agreement to Cease and
23 Desist on March 7, 2006.

24 **1.5 Unauthorized Check Cashing.** Respondents have engaged in the business of check cashing from the
25 address listed in paragraph 1.2 from at least December 2005 through March 2006.

1 On March 3, 2006, a Subpoena to Produce Records 19406-06-SB01 (Subpoena) was issued by the
2 Department, and was served on Respondents the following day. Pursuant to the Subpoena, Respondent
3 Schilperoort-Young provided the Department with check cashing and small loan transaction histories for over one
4 hundred and seventy-five (175) consumers, each with small loan or check cashing activity during at least the period
5 from December 2005 through March 6, 2006. According to these check cashing activity schedules, Respondents
6 collected over three thousand eight hundred dollars (\$3,800) in check cashing fees during this period.

7 **1.6 Unauthorized Making of Small Loans.** Respondents have engaged in the business of making small
8 loans from the address listed in paragraph 1.2 from at least December 2005 through March 2006.

9 A. On February 9, 2006, Department personnel visited Respondents at the address listed in paragraph
10 1.2. During that visit, Respondents' employee stated that Respondents:

- 11 • Give small loans
- 12 • Cash checks
- 13 • Had engaged in the business of cashing checks and making small loans since at least
14 December 2005

15 Department personnel also obtained a small loan application and business card from Respondents' store.

16 B. Pursuant to the Subpoena discussed in paragraph 1.5, the Department obtained small loan
17 transaction histories. According to the small loan transaction histories, at least thirty-four (34) consumers had
18 outstanding small loans, with principal balances totaling at least nine thousand dollars (\$9,000), due to Respondents
19 as of March 6, 2006.

20 C. Pursuant to the Subpoena discussed in paragraph 1.6B, the Department obtained loan activity
21 schedules from Respondents for the period from December 2005 through March 6, 2006. According to these
22 loan activity schedules, Respondents made over twenty-four thousand dollars (\$24,000) in small loans and
23 collected over two thousand five hundred dollars (\$2,500) in interest on small loans during this period.

24 **1.7 Failure to Disclose Terms of Small Loans to Borrowers.** Respondents have failed to provide
25 borrowers with statutorily required written agreements or written disclosures during the course of making small
loans. During the February 9, 2006, visit by Department personnel discussed in paragraph 1.6A, Department

1 personnel obtained a small loan application, which Respondents' employee identified as the only written document
2 required to obtain a small loan. The application has blank spaces for the name of the borrower, the name of
3 borrower's spouse, the borrower's social security number, the borrower's spouse's social security number, the
4 borrower's address, the borrower's phone number, the borrower's employment information, the borrower's
5 spouse's employment information, the borrower's references, the borrower's signature, the borrower's spouse's
6 signature, and the following text:

7 "I agree that Uncle Buck\$ and its representatives may contact any person listed above
8 or relatives or other persons having dealings with me in order to obtain information and
9 to discuss any debts which I owe Uncle Buck\$, to the extent not prohibited by law. I
10 waive any privacy claims against Uncle Buck\$. I agree to pay Uncle Buck\$ the sum of
11 10% of the face amount of any check or \$25.00, whichever is greater, for any check
12 returned or dishonored, together with collection costs and reasonable attorney fees. I
13 agree that any action upon dishonored or returned check shall lie in the Yakima
14 County, Washington. My signature or endorsement or both on items presented to
15 Uncle Buck\$ guarantees payment of the item(s) cashed at Uncle Buck\$ and I hereby
16 authorize payment if due from this or subsequent items presented at Uncle Buck\$."

17 The application does not contain any of the statutorily required written disclosures.

18 **1.8 Charging Fees on Delinquent Small Loans in Excess of Statutory Maximum.** Respondents' loan
19 application includes an agreement to "pay Uncle Buck\$ the sum of 10% of the face amount of any check or
20 \$25.00, whichever is greater, for any check returned or dishonored, together with collection costs and reasonable
21 attorney fees." The agreement violates statutory provisions related to the collection of fees on delinquent small
22 loans. The statute authorizes the following fees: (1) a one-time fee up to twenty-five dollars (\$25.00) where a
23 borrower's check has been returned unpaid by the financial institution upon which it is drawn or (2) where civil
24 action is taken under Title 62A RCW, the cost of collection as allowed under RCW 62A.3-515 (the lesser of
25 forty dollars (\$40.00) or the face amount of the check), but not attorney's fees or any other interest or damages
as allowed under RCW 62A.3-515.

1.9 On-Going Investigation. The Department's investigation into the alleged violations of the Act by
Respondents continues to date.

1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Definition of Check Casher.** Pursuant to RCW 31.45.010(5), a "Check Casher" is defined as an
3 individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or
4 in part, in the business of cashing checks, drafts, money orders, or other commercial paper serving the same
5 purpose.

6 **2.2 Definition of Licensee.** Pursuant to RCW 31.45.010(12), a "Licensee" is defined as a check casher or
7 seller licensed by the director to engage in business in accordance with the Act. For the purpose of the
8 enforcement powers of the Act, including the power to issue cease and desist orders under RCW 31.45.110,
9 "licensee" also means a check casher or seller who fails to obtain the license required by the Act.

10 **2.3 Definition of Small Loan.** Pursuant to RCW 31.45.010(19), a "Small Loan" is defined as a loan up to
11 the maximum amount and for a period of time up to the maximum term specified in RCW 31.45.073.

12 **2.4 Requirement to Obtain a Check Casher License.** Based on the Factual Allegations set forth in
13 Section I above, Respondents are in apparent violation of RCW 31.45.030(1) for engaging in the business of a
14 check casher without first obtaining a license from the Director.

15 **2.5 Requirement to Obtain a Small Loan Endorsement.** Based on the Factual Allegations set forth in
16 Section I above, Respondents are in apparent violation of RCW 31.45.070 and RCW 31.45.073 for engaging in
17 the business of making small loans without first obtaining a small loan endorsement from the Director.

18 **2.6 Requirement to Provide Small Loan Disclosures.** Based on the Factual Allegations set forth in
19 Section I above, Respondents are in apparent violation of RCW 31.45.088(3), WAC 208-630-065, WAC 208-
20 630-068 and WAC 208-630-080(3) for failing to provide disclosures to small loan borrowers including the
21 terms of the small loan, the principal amount of the small loan, the total of payments of the small loan, the fee
22 or interest rate charged by the licensee on the small loan, and the annual percentage rate resulting from this fee
23 or interest rate.

24 **2.7 Statutory Maximum Fees on Delinquent Small Loans.** Based on the Factual Allegations set forth in
25 Section I above, Respondents are in apparent violation of RCW 31.45.082 for charging fees on delinquent small

1 loans in excess of: (1) a one-time fee as determined in rule by the director where a borrower's check has been
2 returned unpaid by the financial institution upon which it is drawn and (2) where civil action is taken under
3 Title 62A RCW, the allowable cost of collection as allowed under RCW 62A.3-515, but not attorney's fees or
4 any other interest or damages as allowed under RCW 62A.3-515. Pursuant to WAC 208-630-085(1)(b), the
5 allowable one-time fee where a borrower's check has been returned unpaid by the financial institution upon
6 which it is drawn is currently up to twenty-five dollars (\$25). Pursuant to RCW 62A.3-515(a), the allowable
7 cost of collection is currently the lesser of forty dollars (\$40) or the face amount of the check.

8 **2.8 Investigation of License Application.** Pursuant to RCW 31.45.040(1), the Director shall conduct an
9 investigation of the applicant to determine the financial responsibility, experience, character, and general fitness
10 of the applicant. Pursuant to RCW 31.45.040(1)(b), prior to the issuance of a license the Director must
11 determine to his or her satisfaction that the applicant is financially responsible and appears to be able to conduct
12 the business of cashing or selling checks or making small loans in an honest, fair, and efficient manner with the
13 confidence and trust of the community. Based on the Factual Allegations set forth in Section I above, the
14 Director has determined to his satisfaction that Respondents are not financially responsible and able to conduct
15 the business of cashing or selling checks or making small loans in an honest, fair, and efficient manner with the
16 confidence and trust of the community.

17 **2.9 Authority to Issue Cease and Desist Order.** Pursuant to RCW 31.45.110(2)(b), the Director is
18 authorized to issue a cease and desist order requiring a licensee or applicant to cease and desist from practices in
19 violation of the Act or practices that constitute unsafe and unsound financial practices in the cashing of checks
20 and making of small loans.

21 **2.10 Authority to Deny License Application.** Pursuant to RCW 31.45.110(2)(a), the Director may deny a
22 license application if an applicant is violating, or has violated, the Act including rules and orders, or commits
23 any act or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of injury or
24 loss to the public.

1 **2.11 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a fine, not to
2 exceed one hundred dollars per day for each day's violation of the Act, on any licensee, or any director, officer,
3 sole proprietor, partner, controlling person, or employee of a licensee, that is violating or has violated the Act
4 including rules and orders, or commits any act or engages in conduct that demonstrates incompetence or
5 untrustworthiness, or is a source of injury or loss to the public.

6 **2.12 Authority to Order Restitution.** Pursuant to RCW 31.45.110(2)(d), the Director may order restitution
7 to borrowers damaged by the applicant's violation of this chapter.

8 **2.13 Authority to Remove and Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the Director
9 may remove from office or ban from participation in the conduct of the affairs of any licensee or applicant any
10 director, officer, sole proprietor, partner, controlling person, or employee of a licensee or applicant that is
11 violating or has violated the Act including rules and orders, or commits any act or engages in conduct that
12 demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the public.

13 **2.14 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.030(4), RCW 31.45.050(1), RCW
14 31.45.100, WAC 208-630-010, WAC 208-630-020, WAC 208-630-021 and WAC 208-630-02303, the Director
15 shall collect from an applicant the actual cost of a review and investigation of an application. The investigation
16 charge will be calculated at the rate of sixty-nine dollars and one cent (\$69.01) per hour that each staff person
17 devoted to the investigation, plus actual expenses. The deposit fee is applied to the actual cost of investigating the
18 application. If the deposit fee is not sufficient to cover the cost, the applicant will be assessed and responsible for
19 any additional cost. Pursuant to RCW 31.45.050(1), RCW 31.45.100, WAC 208-630-015, WAC 208-630-020,
20 WAC 208-630-023 and WAC 208-630-02303, the Director shall collect from the licensee the actual cost of an
21 examination or investigation of the business, books, accounts, records, files, or other information of a licensee or
22 person who the Director has reason to believe is engaging in the business governed by the Act. The investigation
23 charge will be calculated at the rate of sixty-nine dollars and one cent (\$69.01) per hour that each staff person
24 devoted to the investigation, plus actual expenses.

1 **III. NOTICE OF INTENTION TO ENTER ORDER**

2 Respondents' violations of the provisions of chapter 31.45 RCW and chapter 208-630 WAC, as set forth in
3 the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry of an Order under
4 RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director's intention to ORDER that:

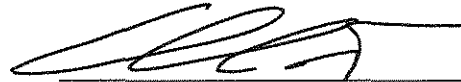
- 5 **3.1** Respondents Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah, Heather Schilperoort-Young, Faron Young,
6 Gary Young, and Karen Young shall cease and desist any activities involving check cashing or making
7 small loans
- 8 **3.2** Respondent Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah's application for a license to conduct the
9 business of a check casher with a small loan endorsement be denied
- 10 **3.3** Respondents Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah, Heather Schilperoort-Young, Faron Young,
11 Gary Young, and Karen Young jointly and severally pay a fine of \$14,500 for:
12 **a.** Engaging in the business of a check casher making small loans without a check casher license with a
13 small loan endorsement in violation of RCW 31.45.030(1), RCW 31.45.070, and RCW 31.45.073,
14 calculated at \$100 per day for 85 days
15 **b.** Failing to disclose the terms of small loans to borrowers in violation of RCW 31.45.088(3), calculated
16 at \$100 per day for 30 days
17 **c.** Charging fees on delinquent small loans in excess of the statutory maximum in violation of RCW
18 31.45.082, calculated at \$100.00 per day for 30 days
- 19 **3.4** Respondents Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah, Heather Schilperoort-Young, Faron Young,
20 Gary Young, and Karen Young jointly and severally pay restitution to all affected borrowers for:
21 **a.** Any interest or fees collected on small loans originated without a license from December 2005 through
22 the date of this order, including at least \$2500 collected from borrowers between December 2005 and
23 the date of this order, as discussed in paragraph 1.6C
24 **b.** Any fees collected on check cashing transactions without a license from December 2005
25 through the date of this order, including at least \$3,800 collected from consumers between December
13, 2005 and March 6, 2006, as discussed in paragraph 1.5
- 3.5** Respondent Heather Schilperoort-Young be banned from participation in the conduct of the affairs of any
check casher or check casher with a small loan endorsement or check seller subject to licensure by the
Director, in any manner, for a period of five (5) years
- 3.6** Respondent Faron Young be banned from participation in the conduct of the affairs of any check casher or
check casher with a small loan endorsement or check seller subject to licensure by the Director, in any
manner, for a period of five (5) years
- 3.7** Respondent Gary Young be banned from participation in the conduct of the affairs of any check casher or
check casher with a small loan endorsement or check seller subject to licensure by the Director, in any
manner, for a period of five (5) years
- 3.8** Respondent Karen Young be banned from participation in the conduct of the affairs of any check casher or
check casher with a small loan endorsement or check seller subject to licensure by the Director, in any
manner, for a period of five (5) years

1 3.9 Respondents Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah, Heather Schilperoort-Young, Faron Young,
2 Gary Young, and Karen Young jointly and severally pay an investigation fee in the amount of \$1,552.73,
3 calculated at \$69.01 per hour for the twenty two and one half (22.5) staff hours devoted to the investigation.

4 IV. AUTHORITY AND PROCEDURE


5 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist Check Cashing and
6 Making Small Loans, Deny License Application, Impose Fine, Order Restitution, Ban from Industry, and
7 Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 31.45.110 and
8 RCW 31.45.200, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act).
9 Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO
10 DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

11 Dated this 22nd day of March, 2006.



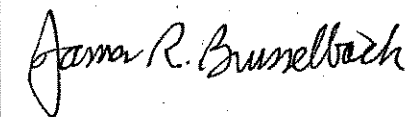
12 CHUCK CROSS
13 Director
14 Division of Consumer Services
15 Department of Financial Institutions

16 Presented by:

17 
18 Rayne Tronset-Moore
19 Financial Legal Examiner



20 Approved by:

21 
22 James R. Brusselback
23 Enforcement Chief