

Terms Completed

ORDER SUMMARY – Case Number: C-07-124

Name(s): Sandoval's Market
Jesus J. Sandoval

Order Number: C-07-124-09-CO01

Effective Date: March 31, 2009

License Number: DFI: 28517
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect: None

Not Apply Until: n/a

Not Eligible Until:

Prohibition/Ban Until: n/a

Investigation Costs	\$276.04	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 3.30.09
Fine	\$3,500	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 3.30.09
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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5 **STATE OF WASHINGTON**
6 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
7 **DIVISION OF CONSUMER SERVICES**

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

11 SANDOVAL'S MARKET, and
12 JESUS J. SANDOVAL, Owner,

13 Respondents.

NO. C-07-124-09-CO01

CONSENT ORDER

14 COMES NOW the Director of the Department of Financial Institutions (Director), through his designee
15 Deborah Bortner, Division Director, Division of Consumer Services, and Sandoval's Market.(hereinafter
16 Respondent Sandoval's Market), and Jesus J. Sandoval, Owner, (hereinafter Respondent Sandoval), and finding
17 that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this
18 Consent Order. This Consent Order is entered pursuant to chapter 31.45 of Revised Code of Washington (RCW),
19 and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

20 **AGREEMENT AND ORDER**

21 The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents
22 have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-07-124-08-SC01
23 (Statement of Charges), entered November 21, 2008, (copy attached hereto). Pursuant to chapter 31.45 RCW, the
24 Check Cashers and Sellers Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, Respondents
25 hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above
captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend
this Consent Order to fully resolve the Statement of Charges.

CONSENT ORDER
C-07-124-09-CO01
Sandoval's Market and
Jesus J. Sandoval

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 Based upon the foregoing:

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

4 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
5 before an administrative law judge, and that they have waived their right to a hearing and any and all
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.
7 Accordingly, Respondents agree to, and by their signature below, withdraw their appeal.

8 C. **Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$3,500, in the form of a
9 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

10 D. **Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee
11 of \$276.04, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
12 Consent Order. Respondents may pay the fine and the investigation fee in the form of a single cashier's check
13 made payable to the "Washington State Treasurer."

14 E. **Authority to Execute Order.** It is AGREED that Respondent Sandoval has represented and
15 warranted that he has the full power and right to execute this Consent Order on behalf of the parties.

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

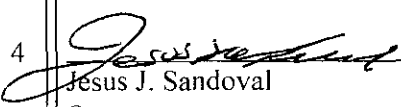
20 G. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into
21 this Consent Order, which is effective when signed by the Director's designee.

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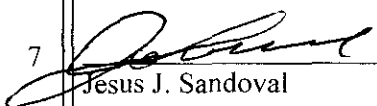
1 **RESPONDENTS:**

2 **Sandoval's Market**

3 By:

4 
Jesus J. Sandoval
5 Owner

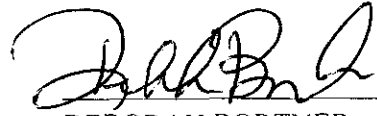
3-27-09
Date

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7 
Jesus J. Sandoval
8 Individually

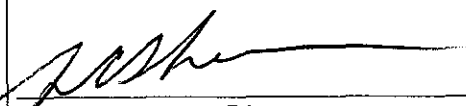
3-27-09
Date

9
10 DO NOT WRITE BELOW THIS LINE


11 THIS ORDER ENTERED THIS 31st DAY OF March, 2009.

12 
13 DEBORAH BORTNER
14 Director
15 Division of Consumer Services
Department of Financial Institutions

16 Presented by:

17 
18 STEVEN C. SHERMAN
19 Financial Legal Examiner

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21 Approved by:

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23 JAMES R. BRUSSELBACK
24 Enforcement Chief



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CONSENT ORDER
C-07-124-09-CO01
Sandoval's Market and
Jesus J. Sandoval

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

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

SANDOVAL'S MARKET, and
JESUS J. SANDOVAL, Owner,

Respondents.

NO. C-07-124-08-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO IMPOSE FINE AND
COLLECT INVESTIGATION FEE

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 31.45.100, and based upon the facts available as of the date of these charges, the Director, through his designee, Deborah Bortner, Division Director, Division of Consumer Services, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Sandoval's Market was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a check casher on August 25, 2005, and has continued to be licensed to date. Respondent Sandoval's Market was licensed by the Department to conduct business as a check seller on July 9, 2007, and continues to be licensed to date. Respondent Sandoval's Market is licensed to conduct the business of a check casher and a check seller at three

1 locations: 6930 Rd 170, Basin City, Washington; 406 Frontage Rd., George, Washington; and 104
2 Camelia St. NE, Royal City, Washington.

3 **B. Jesus J. Sandoval (Respondent Sandoval)** is known to be the sole owner of
4 Respondent Sandoval's Market.

5 **1.2 Unauthorized Check Selling.** Between August 25, 2005, and December 31, 2006, prior to
6 being issued a license to conduct business as a check seller, Respondents engaged in the business of
7 check selling as follows:

8 **A.** From August 25, 2005, through December 31, 2005, Respondents sold 2,692 checks for
9 a total volume of \$1,074,241 and received \$36,306 in fees.

10 **B.** From January 1, 2006, through December 31, 2006, Respondents sold 17,513 checks
11 for a total volume of \$5,286,526 and received \$50,147 in fees.

12 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the
13 Act by Respondents continues to date.

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

15 **2.1 Definition of Check Seller.** Pursuant to RCW 31.45.010(5), a "Check Seller" is defined as an
16 individual, partnership, unincorporated association, or corporation that, for compensation, engages, in
17 whole or in part, in the business of selling checks, drafts, money orders, or other commercial paper
18 serving the same purpose.

19 **2.2 Requirement to Obtain a Check Seller License.** Based on the Factual Allegations set forth
20 in Section I above, Respondents are in apparent violation of RCW 31.45.030(1) for engaging in the
21 business of a check seller without first obtaining a license from the Director.

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23 //

III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Impose Fine. Pursuant to RCW 31.45.110(2)(c), the Director may impose a fine, not to exceed \$100 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 including rules and orders.

3.2 Authority to Collect Investigation Fee. Pursuant to RCW 31.45.050(1), RCW 31.45.100, WAC 208-630-015, WAC 208-630-020, WAC 208-630-023, and WAC 208-630-02303, 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 governed by the Act. The investigation charge will be calculated at the rate of sixty-nine dollars and one cent (\$69.01) per hour that each staff person devoted to the investigation, plus actual expenses.

IV. NOTICE OF INTENTION TO ENTER ORDER

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

4.1 Respondent Sandoval's Market and Jesus J. Sandoval jointly and severally pay a fine which as of the date of these charges totals \$20,000; and

4.2 Respondent Sandoval's Market and Jesus J. Sandoval jointly and severally pay an investigation fee which as of the date of these charges totals \$276.04, calculated at \$69.01 per hour for the four staff hours devoted to the investigation.

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V. AUTHORITY AND PROCEDURE


This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 21st day of November, 2008.


DEBORAH BORTNER


Director
Division of Consumer Services
Department of Financial Institutions

Presented by:


STEVEN C. SHERMAN
Financial Legal Examiner



Approved by:


JAMES R. BRUSSELBACK
Enforcement Chief