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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:

NO. C-07-533-09-CO01

PACIFIC CHECKS, INC. dba DOLLARWISE, and
CHARLES C. SEIL, Owner and President,

CONSENT ORDER

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Pacific Checks, Inc. (hereinafter Respondent Pacific Checks), Charles C. Seil, Owner and President (hereinafter Respondent Seil) by and through their attorney Sally Gustafson Garratt, and finding that the issues raised in the above-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:

AGREEMENT AND ORDER

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-07-533-07-SC01 (Statement of Charges), entered January 29, 2008, (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 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 and the February 19, 2008, Report of Examination. Respondents are agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order. The parties agree that Respondents neither admit nor deny any wrongdoing by its entry.

CONSENT ORDER
C-07-533-09-CO01
PACIFIC CHECKS, INC. dba DOLLARWISE and
CHARLES C. SEIL

1

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 hereby waive 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 withdraw their appeal and to inform the Office of Administrative Hearings in
8 writing of their withdrawal.

9 C. **Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$8,100, in the form of a
10 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

11 D. **Suspension of License (Stayed).** It is AGREED that Respondents are subject to a 120-day
12 suspension of its license to conduct of the affairs of any check casher or seller subject to licensure by the
13 Director, in any manner.

14 It is further AGREED that this license suspension shall be stayed for a period of two years from the date
15 of entry of this Consent Order subject to the Department's authority to lift the stay and impose a 120-day
16 suspension pursuant to paragraph E of this Consent Order.

17 It is further AGREED that if, after two years from the date of entry of this Consent Order, the stay has not
18 been previously lifted, and the 120-day suspension has not been previously imposed, and if a notification to lift the
19 stay or proceeding to lift the stay is not then pending by the Director to impose the 120-day suspension, and if
20 Respondents have provided the Department with a written statement signed under penalty of perjury of the laws of
21 the State of Washington that they have complied with the terms and conditions of this Consent Order, then, in
22 such events, the Department shall consider this paragraph of this Consent Order fully performed and the stayed
23 120-day suspension will not be imposed on the Respondents.

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1 It is further AGREED that if, after two years from the date of entry of this Consent Order, notification to
2 lift the stay or proceeding to lift the stay is pending by the Director to impose the 120-day suspension, then those
3 proceedings shall continue according to the terms of this Consent Order, as discussed in paragraph E below.

4 **E. Lifting of Stay and Imposing Suspension.** It is AGREED that:

- 5 1. If the Department determines that Respondents are in violation of RCW 31.45.030(1),
6 RCW 31.45.030(5), RCW 31.45.060, RCW 31.45.070, RCW 31.45.073, RCW 31.45.080,
7 RCW 31.45.082, RCW 31.45.084, RCW 31.45.088(3), or RCW 31.45.105(1) or any of the
8 terms and conditions of this Consent Order and the Department accordingly seeks to lift the
9 stay impose the 120-day suspension, the Department first will notify Respondents in
10 writing of its determination.
- 11 2. Respondents will be afforded ten (10) business days from the date of receipt of the
12 Department's notification to request in writing an expedited administrative hearing to be
13 held before an Administrative Law Judge (ALJ) from the Office of Administrative
14 Hearings (OAH).
- 15 3. Respondents' request for hearing must be sent to the Department and received by the
16 Department within ten (10) business days of the date of the receipt of the Department's
17 notice.
- 18 4. Respondents, in addition to a request for hearing, may provide a written response to
19 include any information pertaining to the alleged noncompliance.
- 20 5. The administrative hearing shall be expedited and follow the timing and processes
21 described in this Consent Order.
- 22 6. If Respondents do not request the expedited hearing within the stated time, the Department
23 will immediately impose the 120-day suspension and pursue whatever action it deems
24 necessary to impose the suspension.
- 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, RCW 31.45.084, RCW 31.45.088(3),
or RCW 31.45.105(1) 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:

- 1 a) A description of the alleged noncompliance
2 b) A statement that because of the noncompliance, the Department seeks to lift
3 the stay and impose the 120 day suspension
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 **F. Compliance Examinations.** It is AGREED that during the two-year stay Respondents at a
11 minimum will be subject to two compliance examinations to be conducted by the Department at the
12 Department's discretion, at Respondents' expense. Respondents further AGREE to promptly respond and
13 address any and all issues, if any, identified in the compliance examinations to the satisfaction of the
14 Department.

15 **G. Restitution.** It is AGREED that Respondents shall pay \$9,130.75 to 126 borrowers as identified by
16 the parties. If restitution cannot be made to any particular consumer, Respondents shall take the necessary steps
17 to escheat such funds to the State of Washington as unclaimed property in the name of the consumer. Within 120
18 days of the entry of this Consent Order, Respondents shall provide the Department with an affidavit signed by
19 Respondent Seil attesting to the payment of restitution and providing written proof that the entire restitution
20 amount has either been received by consumers or escheated to the state. The "written proof" at a minimum must
21 consist of copies of the front and back of cancelled checks or documentation of a reduction in the borrower's
22 account balance owed to Respondents.

23 **H. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee
24 of \$1,731, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
25 Consent Order.

1 I. **Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and
2 warranted that they have the full power and right to execute this Consent Order on behalf of the parties
3 represented.

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

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

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

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

15 **RESPONDENTS:**

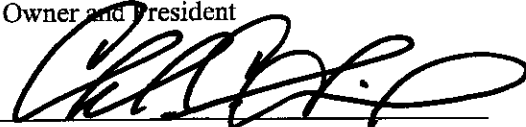
16 **Pacific Checks, Inc. dba Dollarwise**

17 By:

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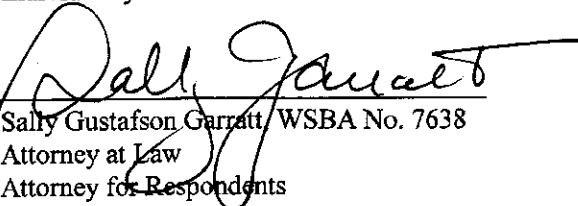
19 Charles C. Seil
Owner and President

5/29/09
Date

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21 Charles C. Seil
Individually

5/29/09
Date

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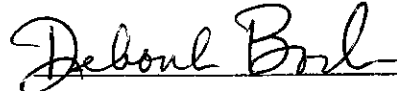
23 Sally Gustafson Garratt, WSBA No. 7638
24 Attorney at Law
Attorney for Respondents

6/1/09
Date

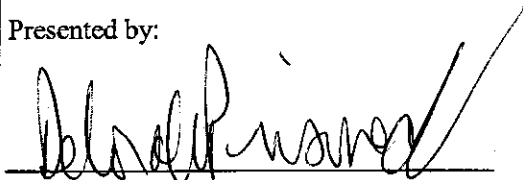
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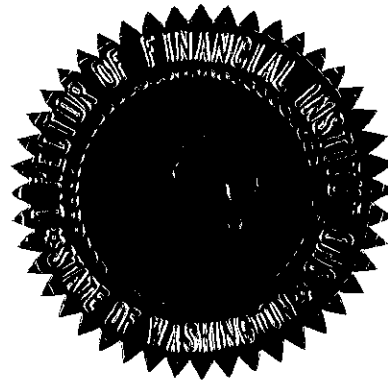
DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 18th DAY OF June, 2009.


DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:


Deborah Pinsonneault
Financial Legal Examiner



Approved by:


JAMES R. BRUSSELBACK
Enforcement Chief

CONSENT ORDER
C-07-533-09-CO01
PACIFIC CHECKS, INC. dba DOLLARWISE and
CHARLES C. SEIL

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

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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:

NO. C-07-533-07-SC01

PACIFIC CHECKS, INC., dba DOLLARWISE
and
CHARLES C. SEIL, President and Owner,

STATEMENT OF CHARGES AND
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE, IMPOSE
FINES, COLLECT INVESTIGATIVE FEE AND
COSTS, AND BAN FROM INDUSTRY

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)¹. After having conducted an investigation pursuant to RCW 31.45.040 and RCW 31.45.100, and based upon the facts available as of the date of this Statement of Charges, the Director institutes this proceeding and finds as follows:

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I. FACTUAL ALLEGATIONS

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1.1 Respondents.

A. **Pacific Checks, Inc. (Pacific Checks)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a check casher on or about January 15, 1992, and has continued to be licensed to date. Respondent Pacific Checks, Inc. is licensed to conduct the business of a check casher with a small loan endorsement at twelve (12) locations.

B. **Charles C. Seil (Seil)** is President and 91% Owner of Respondent Pacific Checks.

C. **Respondent Pacific Checks** submitted applications to the Department for licenses to conduct business as a check casher with a small loan endorsement at the following locations:

25

¹ RCW 31.45 (Effective January 1, 1992).

1 15001 Pacific Highway 5, Tukwila, WA 98188
2 2816 Auburn Way North, Auburn, WA 98008
3 22848 Pacific Highway South, Des Moines, WA 98198
4 31007 Pacific Highway South, Federal Way, WA 98003
5 10426 Kent Kangley Road, Kent, WA 98031
6 9211 Delridge Way SW, Seattle, WA 98106
7 19410 State Highway 410 E, Tukwila, WA 98390
8 3825 Pacific Ave. #3, Tukwila, WA 98408
9 9671 Silverdale Way NW, Silverdale, WA 98001
10 2416 SW 336th Street, Federal Way, WA 98188
11 5500 Olympic Dr NW, Gig Harbor, WA 98335
12 27112 167th Place SE, Covington, WA 98042

13 D. **Respondent Seil** is listed as President of Respondent Pacific Checks in the applications.

14 **1.2 Criminal Conviction.** The Department received an anonymous tip on or about October 10, 2007,
15 stating that Respondent Seil was operating Respondent Pacific Checks from prison.

16 On or about October 13, 2006, Respondent Seil was charged with the following felonies: Count 1)
17 Watercraft Homicide—DUI pursuant to RCW 79A.60.050; or in the alternative Count 2) Watercraft
18 Homicide—Reckless pursuant to 79A.60.050; Count 3) Watercraft Assault pursuant to RCW 79A.60.060; and
19 Count 4) Watercraft Assault pursuant to RCW 79A.60.060 in the Superior Court of Washington for Grant
20 County case number 06-1-00666-9. Respondent Seil pleaded guilty to one count of Watercraft Homicide—
21 Reckless on or about June 13, 2007.

22 **1.3 Failure to Notify Department of Significant Changes.** As a licensee or controlling person,
23 Respondent Seil had an obligation to notify the Department within 15 days of his conviction. WAC 208-630-
24 460(4). Respondent did not provide notice to the Department of the criminal conviction.

25 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
Respondents continues to date.

II. GROUNDS FOR ENTRY OF ORDER

2.1 Requirement to Notify Department of Significant Changes and Criminal Conviction. Based on
the Factual Allegations set forth in Section I above, Respondent Seil is in apparent violation of RCW
31.45.110(1) and WAC 208-630-460(4) for committing a crime against the laws of the state of Washington
involving moral turpitude and failing to notify the Director in writing within fifteen days of the occurrence of

1 the following significant development: a licensee, key officer, board director, or principal having been
2 convicted of a crime. Respondent Pacific Checks is in apparent violation of WAC 208-630-460(4) for failing to
3 notify the Director in writing within fifteen days of the occurrence of the following significant development: a
4 licensee, key officer, board director, or principal having been convicted of a crime.

5 III. AUTHORITY TO IMPOSE SANCTIONS

6 **3.1 Authority to Revoke License.** Pursuant to RCW 31.45.110(1) and (2)(a), the Director may revoke a
7 license if a licensee commits a crime against the laws of the state of Washington involving moral turpitude, is
8 violating or has violated the Act including rules and orders, or commits any act or engages in conduct that
9 demonstrates incompetence or untrustworthiness or is a source of injury or loss to the public.

10 **3.2 Authority to Impose Fine.** Pursuant to RCW 31.45.110(1) and (2)(c), the Director may impose a fine,
11 not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or applicant, or
12 any director, officer, sole proprietor, partner, controlling person, or employee of a licensee or applicant, that
13 commits a crime against the laws of the state of Washington involving moral turpitude, is violating or has
14 violated the Act including rules and orders, or commits any act or engages in conduct that demonstrates
15 incompetence or untrustworthiness or is a source of injury or loss to the public.

16 **3.3 Authority to Remove and Ban from the Industry.** Pursuant to RCW 31.45.110(1) and (2)(e), the
17 Director may remove from office or ban from participation in the conduct of the affairs of any licensee any
18 director, officer, sole proprietor, partner, controlling person, or employee of a licensee that commits a crime
19 against the laws of the state of Washington involving moral turpitude, is violating or has violated the Act
20 including rules and orders, or commits any act or engages in conduct that demonstrates incompetence or
21 untrustworthiness or is a source of injury or loss to the public.

22 **3.4 Authority to Collect Investigation Fee and Costs.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,
23 WAC 208-630-350, and WAC 208-630-380, the Director shall collect from the licensee the actual cost of an
24 examination or investigation of the business, books, accounts, records, files, or other information of a licensee or
25 person who the Director has reason to believe is engaging in the business governed by the Act. The investigation

1 charge will be calculated at the rate of sixty-nine dollars (\$69) per hour that each staff person devoted to the
2 investigation, plus actual expenses.

3 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

- 7 **4.1** Respondent Pacific Checks, Inc.'s license to conduct the business of a check seller check casher with a
8 small loan endorsement be revoked; and
- 9 **4.2** Respondents Pacific Checks, Inc. and Charles C. Seil jointly and severally pay a fine of \$1,500; and
- 10 **4.3** Respondent Pacific Checks, Inc. be banned from participation in the conduct of the affairs of any check
11 casher or check casher with a small loan endorsement or check seller subject to licensure by the Director, in
12 any manner, for a period of seven (7) years; and
- 13 **4.4** Respondent Charles C. Seil be banned from participation in the conduct of the affairs of any check casher
14 or check casher with a small loan endorsement or check seller subject to licensure by the Director, in any
15 manner, for a period of seven (7) years; and
- 16 **4.5** Respondents Pacific Checks, Inc. and Charles C. Seil jointly and severally pay an investigation fee.
17 Calculated as of the date of this Statement of Charges, the investigative fee totals at least \$1,731.90.

18 **V. AUTHORITY AND PROCEDURE**

19 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fines,
20 Collective Investigative Fee and Costs, and Ban From Industry (Statement of Charges) is entered pursuant to
21 the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of chapter 34.05 RCW
22 (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the
23 NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this
24 Statement of Charges.

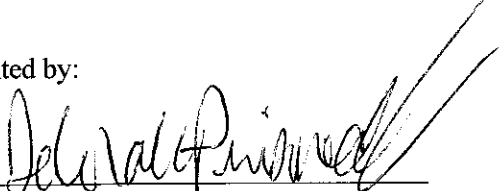
25 Dated this 29th day of January, 2008.



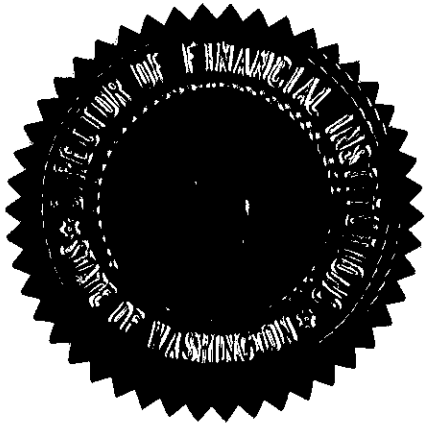
DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

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Presented by:



DEBORAH PINSONNEAULT
Financial Legal Examiner



Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief