



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

NO. C-09-345-09-FO01

FASTBUCKS OF BREMERTON WASHINGTON,  
LLC, and CHARLES ALAN HORTON, President,

FINAL ORDER

Respondents.

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On September 23, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Revoke License, Impose Fine, and Collect Investigation Fee (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated September 24, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Fastbucks of Bremerton Washington, LLC and Charles Alan Horton. The Department served the Statement of Charges, cover letter dated September 24, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Fastbucks of Bremerton Washington, LLC and Charles Alan Horton on Respondents on September 24, 2009 by First-Class mail and Federal Express overnight delivery. On September 25, 2009, the documents sent via Federal Express overnight

1 delivery were delivered. The documents sent via First-Class mail were not returned to the Department  
2 by the United States Postal Service.

3 Respondents did not request an adjudicative hearing within twenty calendar days after the  
4 Department served them with the Notice of Opportunity to Defend and Opportunity for Hearing, as  
5 provided for in WAC 208-08-050(2).

6 B. Record Presented. The record presented to the Director's designee for her review and  
7 for entry of a final decision included the following:  
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- 9 1. Statement of Charges;
- 10 2. Cover letter dated September 24, 2009;
- 11 3. Notice of Opportunity to Defend and Opportunity for Hearing; and
- 12 4. Blank Applications for Adjudicative Hearing for Fastbucks of Bremerton  
Washington, LLC and Charles Alan Horton, with documentation of service.

13 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the  
14 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

## 15 II. FINAL ORDER

16 Based upon the foregoing, and the Director's designee having considered the record and  
17 being otherwise fully advised, NOW, THEREFORE:

18 A. IT IS HEREBY ORDERED, That:

- 19 1. Respondent Fastbucks of Bremerton Washington, LLC cease and desist engaging in  
20 the business of a check casher with a small loan endorsement;
- 21 2. Respondent Fastbucks of Bremerton Washington, LLC's license to conduct the  
22 business of a Check Casher with a Small Loan Endorsement is revoked;
- 23 3. Respondents Fastbucks of Bremerton Washington, LLC and Charles Alan Horton  
24 jointly and severally pay a fine of \$3,000; and
- 25 4. Respondents Fastbucks of Bremerton Washington, LLC and Charles Alan Horton  
jointly and severally pay an investigation fee of \$565.80.

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2 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a  
3 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
4 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
5 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
6 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The  
7 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
8 Reconsideration a prerequisite for seeking judicial review in this matter.

9 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date  
10 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written  
11 notice specifying the date by which it will act on a petition.

12 C. Stay of Order. The Director's designee has determined not to consider a Petition  
13 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition  
14 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

15 D. Judicial Review. Respondents have the right to petition the superior court for  
16 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements  
17 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

18 E. Non-compliance with Order. If you do not comply with the terms of this order, the  
19 Department may seek its enforcement by the Office of Attorney General to include the collection of the  
20 fines, and fees imposed herein.

21 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
22 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
23 attached hereto.  
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DATED this 3<sup>rd</sup> day of November, 2009.

STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS



A handwritten signature in cursive script, appearing to read "Deborah Bortner", is written over a horizontal line.

DEBORAH BORTNER  
DIRECTOR  
DIVISION OF CONSUMER SERVICES

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

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

NO. C-09-345-09-SC01

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FASTBUCKS OF BREMERTON  
WASHINGTON, LLC, and  
CHARLES ALAN HORTON, President,

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STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO CEASE AND DESIST, REVOKE  
LICENSE, IMPOSE FINE, 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 31.45.100, 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**

**1.1 Respondents.**

A. **Fastbucks of Bremerton Washington, LLC (Fastbucks)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a check casher with a small loan endorsement on September 24, 2004, and has continued to be licensed to date. Respondent Fastbucks is licensed to conduct the business of a check casher with a small loan endorsement at at the following locations:

3320 Wheaton Way  
Bremerton, WA 98130

309-C E 15<sup>th</sup> St.  
Vancouver, WA 98663

1 B. **Charles Alan Horton (Horton)** is President of Respondent Fastbucks.

2 **1.2 Failure to Maintain Bond.** On July 14, 2009, the Department received notice from the Great American  
3 Insurance Company that Respondent Fastbucks's surety bond would be cancelled, effective August 13, 2009.  
4 On August 13, 2009, Respondent Fastbucks's surety bond cancelled. To date, Respondents have failed to  
5 provide the Department the required surety bond or an approved alternative.

6 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
7 Respondents continues to date.

## 8 II. GROUNDS FOR ENTRY OF ORDER

9 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section I  
10 above, Respondents are in apparent violation of RCW 31.45.030(5), RCW 31.45.110(1)(f) and WAC 208-630-  
11 180 for failing to file and maintain a surety bond or approved alternative with the Department.

## 12 III. AUTHORITY TO IMPOSE SANCTIONS

13 **3.1 Authority to Revoke License.** Pursuant to RCW 31.45.110(2)(a), the Director may revoke a license if  
14 a licensee is violating or has violated the Act including rules and orders, or commits any act or engages in  
15 conduct that demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the public.

16 **3.2 Authority to Issue Cease and Desist Order.** Pursuant to RCW 31.45.110(2)(b), the Director may  
17 order a licensee to cease and desist from practices in violation of the Act or practices that constitute unsafe and  
18 unsound financial practices in the sale of checks.

19 **3.3 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a fine, not to  
20 exceed one hundred dollars per day for each day's violation of the Act, on any licensee or applicant, or any  
21 director, officer, sole proprietor, partner, controlling person, or employee of a licensee or applicant, that is  
22 violating or has violated the Act including rules and orders, or commits any act or engages in conduct that  
23 demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the public.

24 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100, WAC 208-  
25 630-350, and WAC 208-630-380, the Director shall collect from the licensee the actual cost of an examination or

1 investigation of the business, books, accounts, records, files, or other information of a licensee or person who the  
2 Director has reason to believe is engaging in the business governed by the Act. The investigation charge will be  
3 calculated at the rate of sixty-nine dollars (\$69) per hour that each staff person devoted to the investigation, plus  
4 actual expenses.

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

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

- 9 **4.1** Respondent Fastbucks of Bremerton Washington, LLC cease and desist engaging in the business  
10 of a check casher with a small loan endorsement;
- 11 **4.2** Respondent Fastbucks of Bremerton Washington, LLC's license to conduct the business of a  
12 check casher with a small loan endorsement be revoked; and
- 13 **4.3** Respondents Fastbucks of Bremerton Washington, LLC and Charles Alan Horton jointly and  
14 severally pay a fine which as of the date of this Statement of Charges totals \$3,000;
- 15 **4.4** Respondents Fastbucks of Bremerton Washington, LLC and Charles Alan Horton jointly and  
16 severally pay an investigation fee in the amount of \$565.80, calculated at \$69 per hour for the eight  
17 and two tenths (8.2) staff hours devoted to the investigation.

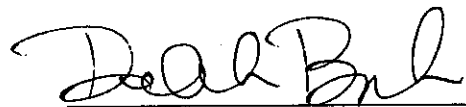
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**IV. AUTHORITY AND PROCEDURE**

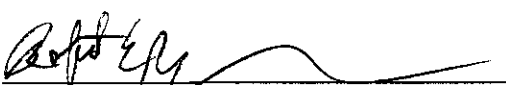
This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Revoke License, Impose Fine, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of chapter 34.05 RCW (The 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 23<sup>rd</sup> day of September, 2009.

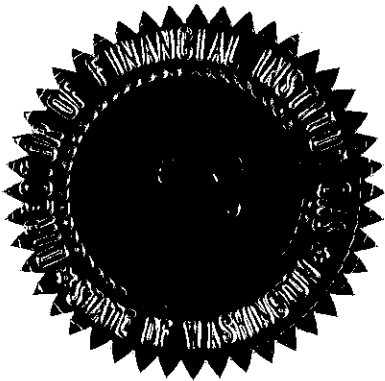


DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:



ROBERT E. JONES  
Financial Legal Examiner



Approved by:



JAMES R. BRUSSELBACK  
Enforcement Chief