



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:

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

Respondents.

NO. C-09-345-09-FO02

FINAL ORDER TO CEASE AND DESIST

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 Temporary Order to Cease and Desist against Respondents Fastbucks of Bremerton Washington, LLC and Charles Alan Horton (Temporary Order to Cease and Desist). A copy of the Temporary Order to Cease and Desist is attached and incorporated into this order by this reference. The Temporary Order to Cease and Desist 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 Temporary Order to Cease and Desist, 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

1 First-Class mail and Federal Express overnight delivery. On September 25, 2009, the documents sent
2 via Federal Express overnight delivery were delivered. The documents sent via First-Class mail were
3 not returned to the Department by the United States Postal Service.

4 Respondents Fastbucks of Bremerton Washington, LLC and Charles Alan Horton did not
5 request an adjudicative hearing within twenty calendar days after the Department served them with the
6 Notice of Opportunity to Defend and Opportunity for Hearing, as provided for in WAC 208-08-
7 050(2).

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9 B. Record Presented. The record presented to the Director's designee for her review and
10 for entry of a final decision included the following:

- 11 1. Temporary Order to Cease and Desist;
- 12 2. Cover letter dated September 24, 2009;
- 13 3. Notice of Opportunity to Defend and Opportunity for Hearing; and
- 14 4. Blank Applications for Adjudicative Hearing for Fastbucks of Bremerton
15 Washington, LLC and Charles Alan Horton, with documentation of service.

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

19 II. FINAL ORDER

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

22 A. IT IS HEREBY ORDERED, That Respondents Fastbucks of Bremerton Washington,
23 LLC, and Charles Alan Horton shall permanently cease and desist from engaging in the business of a
24 check casher with small loan endorsement.

25 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition

1 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
2 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
3 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
4 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
5 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

16 E. Non-compliance with Order. If you do not comply with the terms of this order, the
17 Department may seek its enforcement by the Office of Attorney General.

18 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for
19 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
20 attached hereto.

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DATED this 3rd day of November, 2009.

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS



DEBORAH BORTNER
DIRECTOR
DIVISION OF CONSUMER SERVICES



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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:

C-09-345-09-TD01

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

TEMPORARY ORDER TO
CEASE AND DESIST

THE STATE OF WASHINGTON TO: FASTBUCKS OF BREMERTON WASHINGTON, LLC
CHARLES ALAN HORTON

COMES NOW the Director of the Washington State Department of Financial Institutions (Director), by and through his designee Deborah Bortner, Division Director, Division of Consumer Services (designee), and finding that the public is likely to be substantially injured by delay in issuing a cease and desist order, the Director, through his designee, enters this temporary cease and desist order pursuant to chapter 31.45 RCW, the Check Cashers and Sellers Act (Act), based on the following findings.

I. FACTUAL FINDINGS

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 the following locations:

3320 Wheaton Way
Bremerton, WA 98130

309-C E 15th St.
Vancouver, WA 98663

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

1 **1.2 Surety Bond Cancellation.** On July 14, 2009, the Department received notice from the Great
2 American Insurance Company that Respondent Fastbucks's surety bond would be cancelled, effective August
3 13, 2009. On August 13, 2009, Respondent Fastbucks's surety bond was cancelled. To date, Respondents have
4 failed to provide the required bond.

5 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act
6 by Respondents continues to date.

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

8 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section
9 I above, Respondents are in apparent violation of RCW 31.45.030(5)(b) and RCW 31.45.110(1)(f) for failing to
10 file and maintain a surety bond with the Department.

11 **III. AUTHORITY TO ISSUE TEMPORARY ORDER TO CEASE AND DESIST**

12 **3.1 Authority to Issue Cease and Desist Order.** Pursuant to RCW 31.45.120, the Director is
13 authorized to issue a temporary cease and desist order requiring the licensee to cease and desist from a violation
14 or practice whenever the Director determines that the acts specified in RCW 31.45.110 or their continuation are
15 likely to cause insolvency or substantial injury to the public. Based on the above Factual Findings, Respondents
16 have failed to maintain the required surety bond. Pursuant to RCW 31.45.120, and RCW 31.45.110(1)(f), the
17 Director determines Respondents' acts and conduct and its continuation is likely to cause substantial injury to
18 the public.

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1 **IV. ORDER**

2 Based on the above Factual Findings and Grounds for Entry of Order and pursuant to RCW 31.45.120
3 and RCW 31.45.110(1)(f), the Director determines the acts and conduct of Respondents Fastbucks and Charles
4 Alan Horton and the continuation of such conduct is likely to cause substantial injury to the public. Therefore,
5 the Director ORDERS that:

6 4.1 Respondents Fastbucks of Bremerton Washington, LLC, and Charles Alan Horton are to
7 immediately cease and desist from engaging in the business of a check casher with small loan endorsement.

8 4.2 This order shall take effect immediately and shall remain in effect unless set aside, limited, or
9 suspended by a court under RCW 31.45.130.


10 **NOTICE**

11 YOU ARE ENTITLED TO A HEARING PURSUANT TO CHAPTER 31.45 RCW TO DETERMINE
12 WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU DESIRE A HEARING, THEN YOU
13 MUST RETURN THE ATTACHED APPLICATION FOR ADJUDICATIVE HEARING INCORPORATED
14 HEREIN BY THIS REFERENCE. FAILURE TO COMPLETE AND RETURN THE APPLICATION FOR
15 ADJUDICATIVE HEARING FORM SO THAT IT IS RECEIVED BY THE DEPARTMENT OF FINANCIAL
16 INSTITUTIONS WITHIN TWENTY (20) DAYS OF THE DATE THAT THIS ORDER WAS SERVED ON
17 YOU WILL CONSTITUTE A DEFAULT AND WILL RESULT IN THE LOSS OF YOUR RIGHT TO A
18 HEARING. SERVICE ON YOU IS DEFINED AS POSTING IN THE U.S. MAIL, POSTAGE PREPAID, TO
19 YOUR LAST KNOWN ADDRESS. BE ADVISED THAT DEFAULT WILL RESULT IN THIS ORDER TO
20 CEASE AND DESIST BECOMING PERMANENT ON THE TWENTY-FIRST (21ST) DAY FOLLOWING
21 SERVICE OF THIS ORDER UPON YOU.

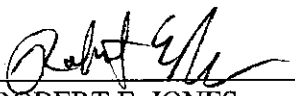
22
23 WITHIN TEN DAYS AFTER YOU HAVE BEEN SERVED WITH THIS TEMPORARY CEASE
24 AND DESIST ORDER, YOU MAY APPLY TO THE SUPERIOR COURT IN THE COUNTY OF YOUR
25 PRINCIPAL PLACE OF BUSINESS FOR AN INJUNCTION SETTING ASIDE, LIMITING, OR

1 SUSPENDING THIS ORDER PENDING THE COMPLETION OF THE ADMINISTRATIVE
2 PROCEEDINGS PURSUANT TO THIS NOTICE.

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4 DATED this 23rd day of September, 2009.


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7 DEBORAH BORTNER
8 Division Director
9 Division of Consumer Services
10 Department of Financial Institutions

11 Presented by:

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13 ROBERT E. JONES
14 Financial Legal Examiner



15 Approved by:

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17 JAMES R. BRUSSELBACK
18 Enforcement Chief

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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
Mortgage Broker Practices Act of Washington by:

C-09-345-09-TD01

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

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO: FASTBUCKS OF BREMERTON WASHINGTON, LLC
CHARLES ALAN HORTON

YOU ARE HEREBY NOTIFIED that a Temporary Order to Cease and Desist has been filed by the
Department of Financial Institutions, a true and correct copy of which is attached and made a part hereof..

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the
Washington State Department of Financial Institutions to contest the Temporary Order to Cease and Desist.

YOUR APPLICATION MUST BE RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS

WITHIN TWENTY (20) DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. Service of this notice is
deemed complete upon deposit in the United States mail. If you demand a hearing, you will be notified of the time
and place for the hearing at least seven (7) days in advance of the hearing date.

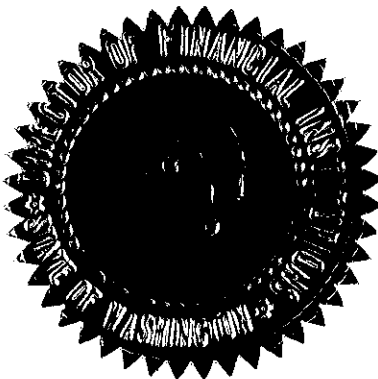
At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal
as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The
hearing will be recorded. The primary concern will be getting to the truth of the matter insofar as the Temporary
Order is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege
recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-
examine those witnesses presented in support of the Temporary Order to Cease and Desist. You may require the
attendance of witnesses by subpoena. If you are limited English-speaking or hearing impaired, you have the right
to have an interpreter appointed at no cost to you, as discussed below.

1 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-
2 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for
3 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate
4 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN
5 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may
6 request the appointment of a qualified interpreter by indicating your request on the attached Application for
7 Adjudicative Hearing form.

8 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
9 Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this
10 will constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations
11 of the Temporary Order to Cease and Desist. Upon such a finding by the Director, a permanent Order to Cease
12 and Desist will be immediately entered disposing of this matter as described in the Temporary Order to Cease and
13 Desist. If you desire a hearing in this matter, please return the attached Application for Adjudicative Hearing to:

14 Department of Financial Institutions, Division of Consumer Services
15 Attn: Fatima Batic
16 PO Box 41200
17 Olympia, Washington 98504-1200

18 Dated this 23rd day of September, 2009.



19 *Deborah Bortner*

20 DEBORAH BORTNER
21 Director
22 Division of Consumer Services
23 Department of Financial Institutions