

Terms Completed

ORDER SUMMARY – Case Number: C-10-268

Name(s): Check Into Cash of Washington Inc d/b/a Check Into Cash

Order Number: C-10-268-12-CO01

Effective Date: February 10, 2012

License Number: DFI: 16251

Or NMLS Identifier [U/L] .

License Effect: None

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	\$3,450		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 2/9/2012
Fine	\$6,250		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 2/9/2012
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:

1
2
3
4
5
6
7

**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-10-268-12-CO01

CONSENT ORDER

CHECK INTO CASH OF WASHINGTON INC
d/b/a CHECK INTO CASH,

Respondent.

8
9
10
11
12
13
14

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Check Into Cash of Washington, Inc. d/b/a Check Into Cash (Respondent), 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 the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

15
16

AGREEMENT AND ORDER

17
18
19
20
21
22
23

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-10-268-11-SC01 (Statement of Charges), entered August 29, 2011, (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, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees 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, including all violations of RCW 31.45.082(3) by Respondent

1 which may have occurred from July 26, 2009 through August 29, 2011. Respondent neither admits
2 nor denies the allegations in the Statement of Charges.

3 Based upon the foregoing:

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

6 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a
7 hearing before an administrative law judge, and hereby waives its right to a hearing and any and all
8 administrative and judicial review of the issues raised in this matter, or of the resolution reached
9 herein. Accordingly, Respondent, by the signature of its representative below, withdraws its appeal
10 to the Office of Administrative Hearings.

11 **C. Compliance with the Act.** Respondent has provided the Department with written
12 assurances that Respondent has reviewed and will continue to review its policies, procedures, and
13 practices to ensure compliance with the Act and related rules, including but not limited to the
14 provisions of the Act and related rules dealing with collections on delinquent small loans and
15 recordkeeping.

16 **D. Fine.** It is AGREED that Respondent shall pay a fine to the Department in the amount of
17 \$6,250, in the form of a cashier's check made payable to the "Washington State Treasurer," upon
18 entry of this Consent Order.

19 **E. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an
20 investigation fee of \$3,450, in the form of a cashier's check made payable to the "Washington State
21 Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together
22 in one \$9,700 cashier's check made payable to the "Washington State Treasurer."
23

1 F. **Authority to Execute Order.** It is AGREED that the undersigned has represented and
2 warranted that he has the full power and right to execute this Consent Order on behalf of Respondent.

3 G. **Non-Compliance with Order.** It is AGREED that Respondent understands that failure to
4 abide by the terms and conditions of this Consent Order may result in further legal action by the
5 Director. In the event of such legal action, Respondent may be responsible to reimburse the Director
6 for the cost incurred in pursuing such action, including but not limited to, attorney fees.


7 H. **Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily
8 entered into this Consent Order, which is effective when signed by the Director's designee.

9 I. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read
10 this Consent Order in its entirety and fully understands and agrees to all of the same.

11 **RESPONDENT:**

12 **Check Into Cash of Washington, Inc., d/b/a Check Into Cash**

13 B

14 
15 Gregory T. Madison
Vice President and Secretary

14 2/7/2012
Date

16 DO NOT WRITE BELOW THIS LINE

17 //
18 //
19 //
20 //
21 //
22 //
23 //

24 CONSENT ORDER
C-10-268-12-CO01
Check Into Cash of Washington, Inc., d/b/a Check Into Cash

3

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902.8703

1 THIS ORDER ENTERED THIS 10th DAY OF February, 2012



2 [REDACTED]

3 DEBORAH BORTNER
4 Director
5 Division of Consumer Services
6 Department of Financial Institutions

7 Presented

[REDACTED]

8 MARK T. OLSON
9 Financial Legal Examiner

10 Approved by:

11 [REDACTED]
12 JAMES R. BRUSSELBACK
13 Enforcement Chief

1
2
3
4
5
6
7
8

**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-10-268-11-SC01

CHECK INTO CASH OF WA INC d/b/a
CHECK INTO CASH

STATEMENT OF CHARGES and NOTICE OF
INTENTION TO ENTER AN ORDER TO
CEASE AND DESIST, IMPOSE FINE,
COLLECT INVESTIGATION FEE, AND
MAINTAIN RECORDS

Respondent.

9
10
11
12
13
14
15

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

16
17
18
19
20
21
22
23

I. FACTUAL ALLEGATIONS

1.1 Respondent. Check Into Cash of WA Inc d/b/a Check Into Cash (Respondent) 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 or about March 4, 1998, and has continued to be licensed to date. Respondent is licensed to conduct the business of a check casher with a small loan endorsement at five (5) locations.

24

¹ 2009 Act.

1 **1.2 Unlawful Communications or Collection Practices.** The Department received complaints
2 from Washington consumers after the Act's collection practices provisions were amended, effective
3 July 26, 2009. The Department found violations of the Act related to Respondent's collection
4 practices as outlined below.

5 **1.3 Complaint No. 34405.** Between at least September 13, 2009, and November 7, 2009, in six
6 separate weeks, Respondent contacted the consumer in excess of three times per week. During this
7 same time period, Respondent contacted the consumer in excess of one time per week at the
8 consumer's work telephone number.

Week (Sun to Sat)	Number of Contacts (at least)
9/13/09 – 9/19/09	6 contacts, including 2 contacts at work
9/20/09 – 9/26/09	5 contacts, including 2 contacts at work
10/4/09- 10/10/09	4 contacts, including 2 contacts at work
10/11/09-10/17/09	5 contacts, including 3 contacts at work
10/18/09-10/24/09	6 contacts, including 2 contacts at work
11/1/09- 11/7/09	5 contacts, including 2 contacts at work

13
14 **1.4 Complaint No. 33776.** Between at least October 4, 2009, and November 21, 2009, in at
15 least two separate weeks, Respondent contacted the consumer in excess of three times per week. In
16 the alternative, Respondent did not sufficiently maintain a communication log to enable the
17 Department to determine compliance with the Act.

Week (Sun to Sat)	Number of Contacts (at least)
10/4/09- 10/10/09	Appears 5 contacts
11/15/09-11/21/09	Appears 4 contacts

18
19
20 **1.5 Complaint No. 33811.** Between at least December 27, 2009, and January 23, 2010, in four
21 separate weeks, Respondent contacted the consumer in excess of three times per week. During this
22 same time period, in three separate weeks, Respondent contacted the consumer in excess of one time
23 per week at the consumer's work telephone number.

Week (Sun to Sat)	Number of Contacts (at least)
12/27/09- 1/2/10	4 contacts at work
1/03/10- 1/8/10	6 contacts
1/09/10-1/16/10	6 contacts, including 5 contacts at work
1/17/10- 1/23/10	4 contacts, including 3 contacts at work

1.6 Complaint No. 34336. Between at least February 14, 2010, and April 3, 2010, in seven separate weeks, Respondent contacted the consumer in excess of three times per week. During this same time period, in four separate weeks, Respondent contacted the consumer in excess of one time per week at the consumer's work telephone number, including continuing to contact the consumer's work telephone number even after being told by the employer's representative not to use the telephone number.

Week (Sun to Sat)	Number of Contacts (at least)
2/14/10-2/20/10	4 contacts
2/21/10-2/27/10	12 contacts, including 4 contacts at work
2/23/10	Receptionist stated do not call
2/28/10- 3/6/10	10 contacts, including 4 contacts at work
3/7/10- 3/13/10	7 contacts
3/14/10- 3/20/10	8 contacts, including 2 at work
3/21/10- 4/3/10	4 contacts

1.7 Complaint 35212. Between at least April 4, 2010, and May 8, 2010, in four separate weeks, Respondent contacted the consumer in excess of three times per week. During the week of April 18, 2010, to April 24, 2010, Respondent contacted the consumer in excess of one time per week at the consumer's work telephone number.

Week (Sun to Sat)	Number of Contacts
4/4/10- 4/10/10	6 contacts
4/18/10- 4/24/10	5 contacts, including 4 at work
4/25/10- 5/1/20	4 contacts
5/2/10-5/8/10	4 contacts

1 **1.8 Complaint 038559.** On or about June 30, 2011, the Department served a directive on
2 Respondent requiring Respondent to provide to the Department various documents, including but
3 not limited to all communication logs related to the consumer. Respondent did not sufficiently
4 maintain a communication log to enable the Department to determine compliance with the Act in
5 that the Department is unable to determine, from the communication log itself, what year the entries
6 reference, and is unable to determine who contacted who on dates wherein telephone conversations
7 occurred with the consumer.

8 **1.9 On-Going Investigation.** The Department's investigation into the alleged violations of the
9 Act by Respondent continues to date.

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

11 **2.1 Restrictions on Collection Practices.** Based on the Factual Allegations set forth in Section I
12 above, Respondent is in apparent violation of RCW 31.45.082(3), (6), (7), and (8) for
13 communicating with borrowers in such a manner as to harass, intimidate, abuse, or embarrass.

14 **2.2 Deceptive and Unfair Practices.** Based upon the Factual Allegations set forth in Section I
15 above, Respondent is in apparent violation of RCW 31.45.105(1)(b), for directly or indirectly
16 engaging in any unfair or deceptive practice toward any person.

17 **2.3 Requirement to Maintain Communication Log and Books and Records.** Based upon the
18 Factual Allegations set forth in Section I above, the Respondent is in apparent violation of RCW
19 31.45.082(4), RCW 31.45.060(2) and WAC 208-630-543 for failing to keep and maintain such
20 books, accounts, and records as required by the director.

21 //

22 //

23

24

1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Issue Cease and Desist Order.** Pursuant to RCW 31.45.110(2)(b), the
3 Director may order a licensee to cease and desist from practices in violation of the Act or practices
4 that constitute unsafe and unsound financial practices in the sale of checks.

5 **3.2 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a
6 fine, not to exceed one hundred dollars per day for each day’s violation of the Act, on any licensee
7 or applicant, or any director, officer, sole proprietor, partner, controlling person, or employee of a
8 licensee or applicant, that is violating or has violated the Act including rules and orders, or commits
9 any act or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of
10 injury or loss to the public.

11 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,
12 WAC 208-630-350 and WAC 208-630-380, the Director shall collect from the licensee the actual cost
13 of an examination or investigation of the business, books, accounts, records, files, or other information
14 of a licensee or person who the Director has reason to believe is engaging in the business governed by
15 the Act. The investigation charge will be calculated at the rate of sixty-nine dollars (\$69) per hour that
16 each staff person devoted to the investigation, plus actual expenses.

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

18 Respondent’s violations of the provisions of chapter 31.45 RCW and chapter 208-630 WAC, as
19 set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the
20 entry of an Order under RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director’s intention
21 to ORDER that:

22 **4.1** Respondent Check Into Cash of WA Inc d/b/a Check Into Cash cease and desist from
23 communicating with borrowers in such a manner as to harass, intimidate, abuse or embarrass a
24 borrower, including but not limited to communication at an unreasonable hour, at an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

unreasonable frequency, by threats of force or violence, or by any other manner or means in violation of RCW 31.04.082.

4.2 Respondent Check Into Cash of WA Inc d/b/a Check Into Cash pay a fine, which as of the date of this Statement of Charges totals \$12,500.

4.3 Respondent Check Into Cash of WA Inc d/b/a Check Into Cash pay an investigation fee which as of the date of this Statement of Charges, totals \$3,450, calculated at \$69 per hour for the fifty staff hours devoted to the investigation.

4.4 Respondent Check Into Cash of WA Inc d/b/a Check Into Cash maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Check Into Cash of WA Inc d/b/a Check Into Cash's check casher with a small loan endorsement business, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

//
//
//
//
//
//
//
//
//
//
//
//
//
//
//
//
//
//
//
//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

V. AUTHORITY AND PROCEDURE

This 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). Respondent 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 29th day of August, 2011

[Redacted Signature]

DEBORAH BÖRTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted Signature]

MARNIE SHEERAN
Financial Legal Examiner



Approved by:

[Redacted Signature]

JAMES R. BRUSSELBACK
Enforcement Chief