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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:

HONEY BEE ENTERPRISES, LLC and
BRETT GALLIHER, Manager,

Respondents.

No.: C-10-450-11-FO01

FINAL ORDER
HONEY BEE ENTERPRISES, LLC

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I. DIRECTOR'S CONSIDERATION

A. Default. 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 (Director's designee), pursuant to RCW 34.05.440(1). On August 18, 2011, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Ban From Industry, Impose Fine, and Collect Examination and Investigation Fees (Statement of Charges) against Honey Bee Enterprises, LLC and Brett Galliher (Respondents). 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 August 19, 2011, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents (collectively, accompanying documents).

On August 19, 2011, the Department served Respondents with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. On August 22, 2011, the documents sent via Federal Express overnight delivery were delivered. The documents sent via First-Class mail were not returned to the Department by the United States Postal Service.

1 Respondent Honey Bee Enterprises, LLC did not request an adjudicative hearing within
2 twenty calendar days after the Department served the Notice of Opportunity to Defend and
3 Opportunity for Hearing, as provided for in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the following: Statement of Charges, cover letter dated August
6 19, 2011, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for
7 Adjudicative Hearing for Respondents, with documentation for service.

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

10 II. FINAL ORDER

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

13 A. IT IS HEREBY ORDERED, That:

- 14 1. Respondent Honey Bee Enterprises, LLC be banned from participation in the
15 conduct of the affairs of any check casher or check casher with a small loan
16 endorsement or check seller subject to licensure by the Director, in any manner,
17 for a period of five years.
- 18 2. Respondent Honey Bee Enterprises, LLC jointly and severally pay a fine of \$500.
- 19 3. Respondent Honey Bee Enterprises, LLC pay an examination fee plus outstanding
20 accrued interest totaling \$2,268.07.
- 21 4. Respondent Honey Bee Enterprises, LLC jointly and severally pay an investigation
22 fee of \$752.10.

23 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
24 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
must be filed in the Office of the Director of the Department of Financial Institutions by courier at
150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,

1 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
2 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
3 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

10 D. Judicial Review. Respondent has the right to petition the superior court for judicial
11 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
12 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

13 E. Non-compliance with Order. If you do not comply with the terms of this order, the
14 Department may seek its enforcement by the Office of the Attorney General to include the collection
15 of the fines and fees imposed herein. The Department also may assign the amounts owed to a
16 collection agency for collection.

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

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1 DATED this 17th day of October, 2011



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STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

A handwritten signature in blue ink, appearing to read "Deborah Bortner", written over a horizontal line.

DEBORAH BORTNER
Director
Division of Consumer Services

1 STATE OF WASHINGTON
2 DEPARTMENT OF FINANCIAL INSTITUTIONS
3 DIVISION OF CONSUMER SERVICES

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

8 HONEY BEE ENTERPRISES, LLC and
9 BRETT GALLIHER, Manager,

10 Respondents.

No.: C-10-450-11-SC01

11 STATEMENT OF CHARGES and
12 NOTICE OF INTENTION TO ENTER AN
13 ORDER TO BAN FROM INDUSTRY,
14 IMPOSE FINE, AND COLLECT
15 EXAMINATION AND INVESTIGATION
16 FEES

17 INTRODUCTION

18 Pursuant to RCW 31.45.110 and RCW 31.45.200, the Director of the Department of Financial
19 Institutions of the State of Washington (Director) is responsible for the administration of chapter
20 31.45 RCW, the Check Cashers and Sellers Act (Act). After having conducted an investigation
21 pursuant to RCW 31.45.100, and based upon the facts available as of the date of this Statement of
22 Charges, the Director, through his designee, Division of Consumer Services Director Deborah
23 Bortner, institutes this proceeding and finds as follows:

24 I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Honey Bee Enterprises, LLC (Honey Bee Enterprises) 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 and a check seller on or about September 9, 2003.

Respondent Honey Bee Enterprises surrendered its license on or about March 31, 2010.

B. Brett Galliher (Galliher) is the Manager and majority owner of Respondent Honey
Bee Enterprises.

1 **1.2 Failure to Pay Examination Fee.** On or about August 12 and August 13, 2010, the
2 Department conducted an examination of the books and records of Respondent Honey Bee
3 Enterprises pursuant to RCW 31.45.100. On or about September 13, 2010, the Department submitted
4 an invoice to Respondent Honey Bee Enterprises for the examination fee of \$2,070. The examination
5 fee was due by October 13, 2010. To date, Respondents have not paid the examination fee.

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

7 **2.1 Requirement to Pay Examination Fee.** Based on Factual Allegations set forth in Section I,
8 above, Respondents are in apparent violation RCW 31.45.050 and WAC 208-630-350 for failure to
9 pay an Examination Fee.

10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the Director may
12 remove from office or ban from participation in the conduct of the affairs of any licensee any
13 director, officer, sole proprietor, partner, controlling person, or employee of a licensee that is
14 violating or has violated the Act including rules and orders.

15 **3.2 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a
16 fine, not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or
17 applicant, or any director, officer, sole proprietor, partner, controlling person, or employee of a
18 licensee or applicant, that is violating or has violated the Act including rules and orders.

19 **3.3 Authority to Collect Examination and Investigation Fees.** Pursuant to RCW 31.45.050(1),
20 RCW 31.45.100, WAC 208-630-015, WAC 208-630-020, WAC 208-630-023 and WAC 208-630-
21 02303, the Director shall collect from the licensee the actual cost of an examination or investigation
22 of the business, books, accounts, records, files, or other information of a licensee or person who the
23 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 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,
5 as set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the
6 entry of an Order under RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director's
7 intention to ORDER that:

8 **4.1** Respondent Honey Bee Enterprises, LLC be banned from participation in the conduct of the
9 affairs of any check casher or check casher with a small loan endorsement or check seller
subject to licensure by the Director, in any manner, for a period of five years; and

10 **4.2** Respondent Brett Galliher be banned from participation in the conduct of the affairs of any
11 check casher or check casher with a small loan endorsement or check seller subject to
licensure by the Director, in any manner, for a period of five years; and

12 **4.3** Respondents Honey Bee Enterprises, LLC and Brett Galliher jointly and severally pay a fine
13 which as of the date of this Statement of Charges totals \$500.

14 **4.4** Respondent Honey Bee Enterprises, LLC pay an examination fee plus outstanding accrued
15 interest, which as of the date of this Statement of Charges totals \$2,268.07.

16 **4.5** Respondents Honey Bee Enterprises, LLC and Brett Galliher jointly and severally pay an
17 investigation fee. As of the date of this Statement of Charges the investigation fee is \$752.10.

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1 **V. AUTHORITY AND PROCEDURE**

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


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9 Dated this 18th day of August, 2011



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

17 Presented by:

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20 ROBERT E. JONES
21 Financial Legal Examiner

22 Approved by:

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25 JAMES R. BRUSSELBACK
26 Enforcement Chief