

TERMS COMPLETE

**ORDER SUMMARY – Case Number: C-13-1254**

**Name(s):** Ahorita, Inc. d/b/a Colortyme  
 Harold L. Riggle; Mark Wayne Childers; Patrice Ann Childers  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-13-1254-15-CO01  
 \_\_\_\_\_

**Effective Date:** July 16, 2015  
 \_\_\_\_\_

**License Number:** DFI: 28676  
**Or NMLS Identifier [U/L]** \_\_\_\_\_

**License Effect:** Surrendered  
 \_\_\_\_\_  
 \_\_\_\_\_

**Not Apply Until:** July 16, 2020  
 \_\_\_\_\_

**Not Eligible Until:** July 16, 2020  
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**Prohibition/Ban Until:** July 16, 2020  
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<b>Investigation Costs</b>	\$5,595.90	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 7/13/2015
<b>Financial Literacy</b>	\$75,000	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 7/13/2015
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$10,724.05	Due: 11/16/2015	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:**  
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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  
6 Check Cashers and Sellers Act of Washington by:

7 AHORITA, INC. d/b/a COLORTYME,  
8 MARK W. CHILDERS, President and 100%  
9 Owner,  
10 PATRICE A. CHILDERS, Vice President,  
11 HAROLD L. RIGGLE, Compliance Officer,  
12 ALBERT R. VASQUEZ, Vice President, and  
13 LORENA RAMIREZ-ZAPATA, Financial  
14 Service Manager,

15 Respondents.

No.: C-13-1254-15-CO01

16 CONSENT ORDER FOR  
17 AHORITA, INC. d/b/a COLORTYME,  
18 MARK W. CHILDERS,  
19 PATRICE A. CHILDERS, and  
20 HAROLD L. RIGGLES

21 COMES NOW the Director of the Department of Financial Institutions (Director), through  
22 his designee Charles E. Clark, Division Director, Division of Consumer Services, and Ahorita, Inc.  
23 d/b/a Colortyme; Mark W. Childers, President and Owner; Patrice A. Childers, Vice President; and  
24 Harold L. Riggle, Compliance Officer, (Settling Respondents)<sup>1</sup> by and through their attorney, Kevan  
T. Montoya, 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:

25 **AGREEMENT AND ORDER**

26 The Department of Financial Institutions, Division of Consumer Services (Department) and  
27 Settling Respondents have agreed upon a basis for resolution of the matters alleged in Statement of  
28 Charges No. C-13-1254-14-SC01 (Statement of Charges) entered May 19, 2014, (copy attached

29 <sup>1</sup> Settling Respondents refers only to Ahorita, Inc. d/b/a Colortyme, Mark W. Childers, Patrice A. Childers, and Harold  
30 L. Riggle. Respondents Albert R. Vasquez and Lorena Ramirez-Zapata are not parties to this Consent Order.  
31 CONSENT ORDER 1 DEPARTMENT OF FINANCIAL INSTITUTIONS  
32 C-13-1254-15-CO01 Division of Consumer Services  
33 Ahorita, Inc. d/b/a Colortyme, Mark W. Childers, Patrice A. 150 Israel Rd SW  
34 Childers, and Harold Riggle PO Box 41200  
Olympia, WA 98504-1200  
(360) 902-8703

1 hereto), solely as to Settling Respondents Ahorita, Inc. d/b/a Colortyme, Mark W. Childers, Patrice  
2 A. Childers, and Harold L. Riggle. Pursuant to chapter 31.45 RCW, the Check Cashers and Sellers  
3 Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Settling Respondents hereby  
4 agree to the Department's entry of this Consent Order and further agree that the issues raised in the  
5 above-captioned matter may be economically and efficiently settled by entry of this Consent Order.  
6 The parties intend this Consent Order to fully resolve the Statement of Charges solely as to Settling  
7 Respondents Ahorita, Inc. d/b/a Colortyme, Mark W. Childers, Patrice A. Childers, and Harold L.  
8 Riggle and agree that Settling Respondents do not admit any wrongdoing by its entry. Settling  
9 Respondents are agreeing not to contest the Statement of Charges, by proceeding to hearing, in  
10 consideration of the terms of this Consent Order.

11 Based upon the foregoing:

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

14 **B. Waiver of Hearing.** It is AGREED that Settling Respondents have been informed of the  
15 right to a hearing before an administrative law judge, and hereby waive their right to a hearing and all  
16 administrative and judicial review of the issues raised in this matter, or of the resolution reached  
17 herein. Accordingly, Settling Respondents, by their signatures and the signatures of their  
18 representatives below, withdraw their appeal to the Office of Administrative Hearings.

19 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the  
20 Statement of Charges and agree that Settling Respondents do not admit to any wrongdoing by its  
21 entry.

22 **D. Check Cashers and Sellers License Surrender.** It is AGREED that Settling  
23 Respondents' Check Cashers and Sellers license is surrendered.



1 Consent Order, Settling Respondents shall cause the escrow company to provide the Department with  
2 an affidavit attesting that the entire restitution amount has either been received by borrowers or  
3 escheated to the state.

4 **H. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the  
5 consent of any person or entity not a party to this Consent Order to take any action concerning their  
6 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent  
7 Order, this Consent Order does not limit or create any private rights or remedies against Settling  
8 Respondents, limit or create liability of Settling Respondents, or limit or create defenses of Settling  
9 Respondents to any claims.

10 **I. Investigation Fee.** It is AGREED that Settling Respondents shall pay to the Department  
11 an investigation fee of \$5,595.90, in the form of a cashier's check made payable to the "Washington  
12 State Treasurer," upon entry of this Consent Order. The financial literacy payment and investigation  
13 fee may be paid together in one \$80,595.90 cashier's check made payable to the "Washington State  
14 Treasurer."

15 **J. Change of Address.** It is AGREED that for a period of five years from the date of entry  
16 of this Consent Order is in effect, unless otherwise agreed to in writing by the Department, Settling  
17 Respondents shall provide the Department with a mailing address and telephone number at which  
18 Settling Respondents can be contacted and Settling Respondents shall notify the Department in  
19 writing of any changes to their mailing address or telephone number within fifteen days of any such  
20 change.

21 **K. Records Retention.** It is AGREED that Settling Respondents, its officers, employees,  
22 and agents shall maintain records in compliance with the Act and provide the Director with the  
23 location of the books, records and other information relating to Settling Respondents' check casher or

1 seller business, and the name, address and telephone number of the individual responsible for  
2 maintenance of such records in compliance with the Act.

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

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

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

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

15 **P. Counterparts.** This Consent Order may be executed by Settling Respondents in any  
16 number of counterparts, including by facsimile or e-mail of a .pdf or similar file, each of which shall  
17 be deemed to be an original, but all of which, taken together, shall constitute one and the same  
18 Consent Order.

19 **RESPONDENTS:**  
20 **Ahorita, Inc. d/b/a Colortyme**  
21 By:

21 

22 Mark W. Childers  
23 President and Owner

7/7/15  
Date

24 //  
CONSENT ORDER  
C-13-1254-15-CO01  
Ahorita, Inc. d/b/a Colortyme, Mark W. Childers, Patrice A.  
Childers, and Harold Riggle

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Patrice A. Childers  
Vice President

7-7-15  
Date



Mark W. Childers  
Individually

7-7-15  
Date



Patrice A. Childers  
Individually

7-7-15  
Date

Harold L. Riggle  
Individually

Date

Approved for Entry:



Kevan T. Montoya, WSBA No. 19212  
Attorney at Law  
Montoya Hinckley, PLLC  
Attorney for Settling Respondents

7/10/15  
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHARLES E. CLARK  
Director  
Division of Consumer Services  
Department of Financial Institutions

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CONSENT ORDER  
C-13-1254-15-CO01  
Ahorita, Inc. d/b/a Colortyme, Mark W. Childers, Patrice A.  
Childers, and Harold Riggle

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Mark W. Childers  
Individually

Date

Patrice A. Childers  
Individually

Date

[Redacted Signature]

Harold L. Riggle  
Individually

Date 7.1.15 2015

Approved for Entry:

Kevan T. Montoya, WSBA No. 19212  
Attorney at Law  
Montoya Hinckley, PLLC  
Attorney for Settling Respondents

Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CHARLES E. CLARK  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by: [Redacted Signature]

DEBORAH TAELLIUS  
Financial Legal Examiner Supervisor

Approved by: [Redacted Signature]

STEVEN C. SHERMAN  
Enforcement Chief



DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 16th DAY OF July, 2015.



[Redacted signature]

CHARLES E. CLARK  
Director  
Division of Consumer Services  
Department of Financial Institutions

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Presented by:

[Redacted signature]

DEBORAH TAEILLIOUS  
Financial Legal Examiner Supervisor

Approved by:

[Redacted signature]

STEVEN C. SHERMAN  
Enforcement Chief

<b>Borrower</b>	<b>Restitution</b>
L.A.	\$60.00
E.A.	\$255.00
R.A.	\$75.00
A.A.	\$45.00
C.A.	\$75.00
G.A.	\$195.00
M.B.	\$630.00
D.B.	\$967.50
A.C.	\$15.00
D.C.	\$120.00
C.C.	\$49.50
V.C.	\$427.50
M.D.	\$180.00
P.F.	\$7.50
A.F.	\$292.50
M.G.	\$191.25
R.G.	\$315.00
L.G.	\$112.50
E.G.	\$150.00
R.G.	\$270.00
G.H.	\$82.50
J.H.	\$45.00
M.H.	\$22.50
D.H.	\$125.75
C.J.	\$135.00
T.K.	\$90.00
P.L.	\$157.50
J.M.	\$22.50
A.M.	\$72.00
J.M.	\$45.00
S.M.	\$45.00
T.M.	\$180.00
G.M.	\$235.30
A.M.	\$172.50
A.M.	\$135.00
S.M.	\$279.00
A.M.	\$225.00
A.M.	\$30.00

A.P.	\$150.00
D.P.	\$337.50
J.P.	\$216.75
J.P.	\$333.00
O.P.	\$151.50
I.P.	\$180.00
M.R.	\$90.00
G.R.	\$410.00
G.R.	\$457.50
M.R.	\$150.00
P.R.	\$97.50
M.S.	\$30.00
J.S.	\$447.50
N.S.	\$198.00
B.S.	\$540.00
M.S.	\$30.00
I.S.	\$72.00
S.S.	\$270.00
J.V.	\$30.00
<b>TOTAL</b>	<b>\$10,724.05</b>

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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:

AHORITA, INC. d/b/a COLORTYME,  
MARK W. CHILDERS, President and 100%  
Owner,  
PATRICE A. CHILDERS, Vice President,  
HAROLD L. RIGGLE, Compliance Officer,  
ALBERT R. VASQUEZ, Vice President, and  
LORENA RAMIREZ-ZAPATA, Financial  
Service Manager,

Respondents.

No.: C-13-1254-14-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER AN  
ORDER TO REVOKE LICENSE, BAN  
FROM INDUSTRY, ORDER RESTITUTION,  
IMPOSE FINE, AND COLLECT  
INVESTIGATION FEE

**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, through his designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

**A. Ahorita, Inc. (Ahorita)** is a Nevada corporation registered with the Washington Secretary of State. Respondent Ahorita 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

1 check seller on September 26, 2005, and continues to be licensed to date.<sup>1</sup> Respondent Ahorita is  
2 licensed to conduct the business of a check cashier with a small loan endorsement and a check seller  
3 at its main office in Sunnyside, Washington, and its branch office in Pasco, Washington.

4 **B. Mark W. Childers (M. Childers)** is President and 100% owner of Respondent Ahorita.

5 **C. Patrice A. Childers (P. Childers)** is Vice President of Respondent Ahorita.

6 **D. Harold L. Riggle (Riggle)** is Compliance Officer for Respondent Ahorita.

7 **E. Albert R. Vasquez (Vasquez)** is Vice President of Operations of Respondent Ahorita.

8 **F. Lorena Ramirez-Zapata (Ramirez)** is the Financial Service Manager of Respondent  
9 Ahorita's main office.

10 **1.2 Examination.** The Department conducted an on-site examination of Respondent Ahorita on  
11 or about April 22, 2013. The scope of this examination included a review of Respondent Ahorita's  
12 business practices regarding Washington borrowers from June 8, 2009, through April 19, 2013. The  
13 examination uncovered violations as follows:

14 **A. Falsifying Small Loan Database Entries.** Beginning at least in July 2010, Respondents  
15 created secondary borrower accounts in the small loan database for existing borrowers. For at least  
16 57 borrowers, Respondents created accounts with incorrect or altered social security numbers or  
17 identification card numbers. Respondents' creation of these alternate accounts resulted in  
18 Respondents making loans in violation of the Act's restrictions.

19 **B. Improperly Closing Loans in the Small Loan Database.** Respondents administratively  
20 closed at least 216 loans in the small loan database. These loans did not meet the criteria for  
21 administrative closure. Respondents' closure of these loans resulted in Respondents making loans in  
22 violation of the Act's restrictions.

23 \_\_\_\_\_  
24 <sup>1</sup> In October 2013, Respondent Ahorita submitted documents to the Department to close and surrender its licenses, which  
have not yet been accepted.

1 **C. Failure to Limit Borrowers to Eight Loans in a Twelve-Month Period.** Respondents  
2 provided at least 57 borrowers with a total of at least 315 loans in excess of the eight loan limit.  
3 Respondents extended over \$71,000 in loans beyond the eight loan limit, earning over \$10,000 in  
4 fees for these loans.

5 **D. Failure to Limit Borrowers to Maximum Allowable Principal.** Respondents provided at  
6 least four borrowers with small loans with aggregated principal exceeding \$700 or 30% of the  
7 borrower's gross monthly income.

8 **E. Failure to Provide for an Adequate Installment Plan Length.** In at least 12 instances,  
9 Respondents failed to provide borrowers with an installment plan length of not less than 90 days on  
10 loan amounts of \$400 or less.

11 **F. Failure to Provide Small Loan Database Denial Letter to Borrowers.** In at least 60  
12 instances, Respondents failed to provide borrowers with a copy of the small loan database's denial  
13 letter.

14 **G. Failure to Correctly Disclose Right of Rescission and Installment Plan to Borrowers.**  
15 Between at least January 1, 2010, and April 22, 2013, Respondents did not provide borrowers with  
16 the required disclosures explaining their rights to convert a loan to an installment plan or to cancel the  
17 loan by the close of business the day following the date of the loan. During this same period,  
18 Respondents also failed to conspicuously post a notice disclosing these rights.

19 **H. Failure to Disclose Small Loan Database Transaction Number to Borrowers.**  
20 Respondents did not disclose the small loan database number on all small loan agreements provided  
21 to borrowers.

22 **I. Failure to File Accurate Annual Assessment Reports.** Respondents filed incomplete  
23 annual assessment reports in 2010, 2011, and 2012 by failing to include Respondent Ahorita's annual  
24 financial statements.

1 **1.3 Failure to Comply with the Department's Investigative Authority.** On or about May 30,  
2 2013, the Department issued a subpoena to Respondent Ahorita, compelling it to produce records  
3 related to Respondent Ahorita's lending and training practices. Respondent Ahorita was required to  
4 provide its response to the Department on or before June 13, 2013. On or about June 12, 2013, the  
5 Department received an incomplete response from Respondent Ahorita. The Department requested  
6 that Respondent Ahorita provide a complete response and an explanation regarding missing and  
7 apparently altered documents. On or about August 30, 2013, the Department received an additional  
8 response from Respondent Ahorita.

9 **1.4 Providing Altered Documents to the Department.** Respondent Ahorita's initial response to  
10 the subpoena contained at least two documents which were apparently altered prior to delivery to the  
11 Department.

12 **1.5 Failure to Comply with Recordkeeping Requirements.** Respondents failed to keep and  
13 maintain the business books and records required by the Act. In at least 11 borrower files,  
14 Respondents failed to retain the approval printout from the small loan database. In at least 15  
15 borrower files, Respondents failed to keep records relating to specific loans. In multiple instances for  
16 at least 45 borrowers, Respondents failed to provide denial of application forms. In at least 107  
17 denials for at least 45 borrowers, Respondents failed to retain decline printouts from the small loan  
18 database.

19 **1.6 On-going Investigation.** The Department's investigation into the alleged violations of the  
20 Act by Respondents continues to date.

## 21 II. GROUNDS FOR ENTRY OF ORDER

22 **2.1 Prohibited Acts and Practices.** Based on the Factual Allegations set forth in Section I  
23 above, Respondents are in apparent violation of RCW 31.45.105(1)(a), (b), and (c) and WAC 208-  
24 630-8201(a), (b), (c), (g), and (m) for directly or indirectly employing any scheme, device, or artifice

1 to defraud or mislead any person; directly or indirectly engaging in any unfair or deceptive practice  
2 toward any person; directly or indirectly obtaining property by fraud or misrepresentation; directly or  
3 indirectly structuring a loan transaction in order to exceed the loan limit in RCW 31.45.073; and  
4 engaging in any device or subterfuge to evade the requirements of the Act.

5 **2.2 Forgery.** Based on the Factual Allegations set forth in Section I above, Respondents are in  
6 apparent violation of RCW 31.45.070(5) for failing to comply with all applicable state statutes  
7 relating to the activities governed by the Act; specifically, Respondents put off as true written  
8 instruments which they knew to have been forged in violation of RCW 9A.60.020.

9 **2.3 Requirement to Comply with the Regulations Related to the Small Loan Database.**

10 Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation  
11 of RCW 31.45.093 and WAC 208-630-556(9) for administratively closing loans that did not qualify  
12 for closure pursuant to the small loan database instructions.

13 **2.4 Statutory Maximum Number of Small Loans.** Based on the Factual Allegations set forth in  
14 Section I above, Respondents are in apparent violation of RCW 31.45.073(4) and WAC 208-630-463  
15 for making small loans to borrowers when making those small loans resulted in a borrower receiving  
16 more than eight small loans from all licensees in any twelve-month period.

17 **2.5 Statutory Maximum Principal Amount of Small Loan.** Based on the Factual Allegations  
18 set forth in Section I above, Respondents are in apparent violation of RCW 31.45.073(2) and WAC  
19 208-630-461 for making small loans with aggregated principal exceeding \$700 or 30% of the  
20 borrower's gross income at any one time.

21 **2.6 Inaccurate Small Loan Database Reporting.** Based on the Factual Allegations set forth in  
22 Section I above, Respondents are in apparent violation of RCW 31.45.093(3) for not accurately  
23 entering information about a borrower or a loan into the small loan database.



1 **2.7 Statutory Requirement for Length of Installment Plan.** Based on the Factual Allegations  
2 set forth in Section I above, Respondents are in apparent violation of RCW 31.45.084 and WAC 208-  
3 630-530(3) for making installment plans of shorter than 90 days on loan amounts of \$400 or less.

4 **2.8 Requirement to Provide Small Loan Database Denial Letter to Borrower.** Based on the  
5 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW  
6 31.45.093 and WAC 208-630-556(8) for not providing the small loan database denial letter to at least  
7 60 borrowers who were deemed ineligible due to restrictions of the Act.

8 **2.9 Requirement to Provide Complete and Accurate Disclosures to Borrowers.** Based on the  
9 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW  
10 31.45.084, RCW 31.45.086, WAC 208-630-560, and WAC 208-630-570 for not providing accurate  
11 disclosures to borrowers regarding their rights to convert to an installment plan or to rescind the small  
12 loan. Respondents are also in apparent violation of WAC 208-630-580 for not conspicuously posting  
13 the disclosure of the right to convert to an installment plan and the right to rescind the small loan.

14 **2.10 Requirement to Provide Small Loan Database Number to Borrower.** Based on the  
15 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW  
16 31.45.093 and WAC 208-630-566(7)(b) for not disclosing the small loan database transaction  
17 authorization number on the small loan agreement.

18 **2.11 Requirement to File Accurate Annual Assessment Reports.** Based on the Factual  
19 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.45.090  
20 and WAC 208-630-830(1) for not filing complete annual assessment reports with the Department.

21 **2.12 Requirement to Comply with the Department's Investigative Authority.** Based on the  
22 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW  
23 31.45.100 for not providing a complete response to the Department's subpoena and for providing  
24 apparently altered documents in their response.

1 **2.13 Requirement to Maintain Business Books and Records.** Based on the Factual Allegations  
2 set forth in Section I above, Respondents are in apparent violation of RCW 31.45.060(2) for failing to  
3 keep and maintain the business books, accounts, and records as required by the Director.

4 **III. AUTHORITY TO IMPOSE SANCTIONS**

5 **3.1 Authority to Revoke License.** Pursuant to RCW 31.45.110(2)(a), the Director may revoke a  
6 license if a licensee is violating or has violated the Act including rules and orders, or commits any act  
7 or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of injury  
8 or loss to the public.

9 **3.2 Authority to Remove and Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the  
10 Director may remove from office or ban from participation in the conduct of the affairs of any  
11 licensee any director, officer, sole proprietor, partner, controlling person, or employee of a licensee  
12 that is violating or has violated the Act including rules and orders, or commits any act or engages in  
13 conduct that demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the  
14 public.

15 **3.3 Authority to Order Restitution.** Pursuant to RCW 31.45.110(2)(d), the Director may order  
16 restitution to borrowers damaged by the licensee's violation of this chapter.

17 **3.4 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a  
18 fine, not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or  
19 applicant, or any director, officer, sole proprietor, partner, controlling person, or employee of a  
20 licensee or applicant, that is violating or has violated the Act including rules and orders, or commits  
21 any act or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of  
22 injury or loss to the public.

23 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,  
24 WAC 208-630-360, WAC 208-630-370, and WAC 208-630-380, the Director shall collect from the

1 licensee the actual cost of an investigation of the business, books, accounts, records, files, or other  
2 information of a licensee. The investigation charge will be calculated at the rate of sixty-nine dollars  
3 (\$69) per hour that each staff person devoted to the investigation, plus actual expenses.

#### 4 IV. NOTICE OF INTENTION TO ENTER ORDER

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

- 9 **4.1** Respondent Ahorita, Inc.'s license to conduct the business of a check seller and check  
10 cashier with a small loan endorsement be revoked;
- 11 **4.2** Respondents Ahorita, Inc., Mark W. Childers, and Patrice A. Childers be banned from  
12 participation in the conduct of the affairs of any check cashier, check cashier with a  
13 small loan endorsement, or check seller subject to licensure by the Director, in any  
14 manner, for a period of five (5) years;
- 15 **4.3** Respondents Harold Riggle, Albert Vasquez, and Lorena Ramirez-Zapata be banned  
16 from participation in the conduct of the affairs of any check cashier, check cashier with  
17 a small loan endorsement, or check seller subject to licensure by the Director, in any  
18 manner, for a period of three (3) years;
- 19 **4.4** Respondents Ahorita, Inc., Mark W. Childers, and Patrice A. Childers jointly and  
20 severally pay restitution to all affected borrowers for any interest or fees collected on  
21 small loans originated beyond the eight-loan limit from January 1, 2010, through the  
22 date of this order, including at least \$10,806.05 collected from borrowers between  
23 January 2010 and April 19, 2013, as discussed in paragraph 1.2C.
- 24 **4.5** Respondents Ahorita, Inc., Mark W. Childers, and Patrice A. Childers jointly and  
severally pay a fine of \$75,000.
- 4.6** Respondents Ahorita, Inc., Mark W. Childers, and Patrice A. Childers jointly and  
severally pay investigation fee in the amount of \$5,595.90.

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1 **V. AUTHORITY AND PROCEDURE**

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

8  
9 Dated this 19<sup>th</sup> day of May, 2014.



10 [Redacted signature]

11  
12 DEBORAH BORTNER  
13 Director  
14 Division of Consumer Services  
15 Department of Financial Institutions

16 Presented by:

17 [Redacted signature]

18 SHANA L. OLIVER  
19 Financial Legal Examiner

20 Approved by:

21 [Redacted signature]

22 CHARLES E. CLARK  
23 Enforcement Chief