

**ORDER SUMMARY – Case Number: C-19-2602**

**Name(s):** Tienda La Mexicana LLC  
Aida Mendez

**Order Number:** C-19-2602-20-CO01

**Effective Date:** 5/21/2020

**License Number:** Entity1318446, Individual 1404344  
**Or NMLS Identifier [U/L]**

**License Effect:** Surrendered

**Not Apply Until:**

**Not Eligible Until:**

**Prohibition/Ban Until:** Permanent

<b>Investigation Costs</b>	\$ 1,600		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 4/14/20
<b>Fine</b>	\$ 1,000	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 4/14/20
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Financial Literacy and Education</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Cost of Prosecution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:			

Comments: A portion of the fine due has been stayed for \$2,000. \$1,000 is owed at entry of CO. Stay period is for two years. AAR and payment for 2018 was submitted prior to entry of the consent order.

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

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

No.: C-19-2602-20-CO01

6 **CONSENT ORDER**

7 TIENDA LA MEXICANA, LLC,  
NMLS #1318446, and  
AIDA MENDEZ, Member-Director,

Respondents.

8 COMES NOW the Director of the Department of Financial Institutions (Director), through his  
9 designee Lucinda Fazio, Division of Consumer Services Director, and Tienda La Mexicana, LLC  
10 (Respondent TLM), and Aida Mendez, Member-Director (Respondent Mendez), and finding that the  
11 issues raised in the above-captioned matter may be economically and efficiently settled, agree to the  
12 entry of this Consent Order. This Consent Order is entered pursuant to chapter 31.45 of the Revised  
13 Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the  
14 following:

15 **AGREEMENT AND ORDER**

16 The Department of Financial Institutions, Division of Consumer Services (Department) and  
17 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges  
18 No. C-19-2602-19-SC01 (Statement of Charges), entered July 2, 2019, (copy attached hereto).  
19 Pursuant to chapter 31.45 RCW, the Check Cashers and Sellers (Act), and RCW 34.05.060 of the  
20 Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent  
21 Order and further agree that the issues raised in the above-captioned matter may be economically and  
22 efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully  
23 resolve the Statement of Charges and agree that the Respondents do not admit any wrongdoing by its

1 entry. Respondents are agreeing not to contest the Statement of Charges in consideration of the terms  
2 of this Consent Order.

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 Respondents have been informed of the right to a  
7 hearing before an administrative law judge, and hereby waive their 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, Respondents, by their signatures and the signatures of their representatives  
10 below, withdraw their appeal to the Office of Administrative Hearings.

11 **C. Payment of Annual Assessment.** It is AGREED that Respondent TLM has submitted  
12 and paid its Annual Assessment for calendar year 2018.

13 **D. Check Casher License Surrendered.** It is AGREED that Respondent TLM's check  
14 casher license expired effective June 5, 2019, and is now surrendered.

15 **E. Prohibition from Industry.** It is AGREED that Respondents are permanently prohibited  
16 from participating, in any capacity, in the conduct of the affairs of any check casher or check seller  
17 licensed by the Department or subject to licensure or regulation by the Department.

18 **F. Fine (and Stayed Amount).** It is AGREED that Respondents shall pay a fine to the  
19 Department in the amount of \$3,000 upon entry of this Consent Order. It is further AGREED that the  
20 Department shall stay \$2,000 of the fine for a period of two (2) years from the date of entry of this  
21 Consent Order, at which point the stayed amount of the fine shall be withdrawn, unless the stay is  
22 lifted pursuant to Paragraph G prior to the end of the two year period.

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1           **G. Lifting the Stay and Imposing the Stayed Fine.** It is AGREED that:

- 2           i. If the Department determines that Respondents have not complied with the terms of  
3           this Consent Order to a degree sufficient to warrant imposition of the Stayed Fine, and  
4           the Department accordingly seeks to lift the stay and impose the Stayed Fine set forth  
5           in Paragraph F above, the Department will first notify Respondents in writing of its  
6           determination.
- 7           ii. The Department’s notification will include:
- 8           a. A description of the alleged noncompliance;
- 9           b. A statement that because of the noncompliance, the Department seeks to lift the  
10           stay and impose the Stayed Fine;
- 11           c. The opportunity for Respondents to contest the Department’s determination of  
12           noncompliance in an administrative hearing before an Administrative Law Judge  
13           (ALJ) of the Office of Administrative Hearings (OAH); and
- 14           d. A copy of this Consent Order. The notification and hearing process provided in  
15           this Consent Order applies only to this Consent Order. It is solely provided in the  
16           event Respondents choose to contest the Department’s determination of  
17           noncompliance.
- 18           iii. Respondents will be afforded twenty (20) business days from the date of receipt of the  
19           Department’s notification to submit a written request to the Department for an  
20           administrative hearing to be held before an ALJ from the OAH.
- 21           iv. The scope and issues of the hearing are limited solely to whether or not Respondents  
22           are in violation of the terms of this Consent Order to a degree sufficient to warrant  
23           imposition of the Stayed Fine.
- 24           v. At the conclusion of the hearing, the ALJ will issue an initial decision. Either party  
            may file a Petition for Review with the Director of the Department.

If Respondents do not request the hearing within the stated time, the Department will impose the Stayed Fine and pursue whatever action it deems necessary to enforce the Stayed Fine.

**H. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee of \$1,600, in the form of a cashier’s check made payable to the “Washington State Treasurer,” upon delivery of this Consent Order to the Department, properly dated and signed. The

1 Fine and Investigation Fee may be paid together in one \$2,600 cashier's check made payable to the  
2 "Washington State Treasurer."

3 **I. Non-Compliance with Order.** It is AGREED that Respondents understand 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, Respondents may be responsible to reimburse the Director  
6 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

7 **J. Voluntarily Entered.** It is AGREED that Respondents have voluntarily entered into this  
8 Consent Order, which is effective when signed by the Director's designee.

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

11 **L. Counterparts.** This Consent Order may be executed by the Respondents in any number  
12 of counterparts, including by facsimile or e-mail of a .pdf or similar file, each of which shall be  
13 deemed to be an original, but all of which, taken together, shall constitute one and the same Consent  
14 Order.

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1 **RESPONDENTS:**

2 Tienda La Mexicana, LLC

3 By:

4 /s/\_\_\_\_\_

Aida Mendez  
Member-Director

4-10-2020\_\_\_\_\_

Date

5 /s/\_\_\_\_\_

6 Aida Mendez  
Individually

4-10-2020\_\_\_\_\_

Date

7  
8 **DO NOT WRITE BELOW THIS LINE**

9 THIS ORDER ENTERED THIS 21st DAY OF May, 2020.

10  
11 /s/\_\_\_\_\_

12 Lucinda Fazio, Director  
13 Division of Consumer Services  
Department of Financial Institutions

14 Presented by:

15  
16 /s/\_\_\_\_\_

17 **BRETT CARNAHAN**  
Financial Legal Examiner

18 Approved by:

19 /s/\_\_\_\_\_

20 **STEVEN C. SHERMAN**  
Enforcement Chief

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

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

5 TIENDA LA MEXICANA, LLC,  
NMLS #1318446, and  
6 AIDA MENDEZ, Member – Director,

7 Respondents.

No.: C-19-2602-19-SC01

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

8 **INTRODUCTION**

9 Pursuant to RCW 31.45.110 and RCW 31.45.200, the Director of the Department of Financial  
10 Institutions of the State of Washington (Director) is responsible for the administration of chapter  
11 31.45 RCW, the Check Cashers and Sellers Act (Act). After having conducted an investigation  
12 pursuant to RCW 31.45.100, and based upon the facts available as of June 25, 2019, the Director,  
13 through his designee, Division of Consumer Services Acting Director Richard St. Onge, institutes  
14 this proceeding and finds as follows:

15 **I. FACTUAL ALLEGATIONS**

16 **1.1 Respondents.**

17 A. **Tienda La Mexicana, LLC (Respondent TLM)** was licensed by the Department of  
18 Financial Institutions of the State of Washington (Department) to conduct business as a check casher  
19 on July 20, 2010. Respondent TLM was licensed to conduct the business of a check casher at one  
20 location, in Bellevue, Washington. Respondent TLM's license expired on or about June 5, 2019.

21 B. **Aida Mendez (Respondent Mendez)** is Member - Director of Respondent TLM.

22 **1.2 Annual Assessment.** For licensees on calendar year, an Annual Assessment Worksheet and  
23 Consolidated Annual Report, as well as the annual assessment calculated thereon, are due to the

24 Department on or before the fifteenth day of April of each year, concerning the business and



1 operations of each licensed place of business conducted during the preceding calendar year. To date,  
2 Respondents, who were on a calendar year, have not provided the calculation worksheets or paid the  
3 annual assessment fee for calendar year 2018, due by April 15, 2019. Because of its non-payment of  
4 the Annual Assessment fee, Respondent TLM's license expired on or about June 5, 2019.

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

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

8 **2.1 Requirement to Pay Annual Assessments.** Based on the Factual Allegations set forth in  
9 Section I above, Respondents are in apparent violation of RCW 31.45.050(1) and WAC 208-630-400  
10 for failing to pay to the Director an annual assessment fee by the statutory deadline.

## 11 **III. AUTHORITY TO IMPOSE SANCTIONS**

12 **3.1 Authority to Revoke License.** Pursuant to RCW 31.45.110(2)(a), the Director may revoke a  
13 license if a licensee is violating or has violated the Act including rules and orders, or commits any act  
14 or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of injury  
15 or loss to the public.

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

20 **3.3 Authority to Remove and Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the  
21 Director may remove from office or ban from participation in the conduct of the affairs of any  
22 licensee any director, officer, sole proprietor, partner, controlling person, or employee of a licensee  
23 that is violating or has violated the Act including rules and orders, or commits any act or engages in

1 conduct that demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the  
2 public.

3 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,  
4 WAC 208-630-360, and WA 208-630-380, the Director shall collect from the licensee the actual cost  
5 of an examination or investigation of the business, books, accounts, records, files, or other  
6 information of a licensee or person who the Director has reason to believe is engaging in the business  
7 governed by the Act. The investigation charge will be calculated at the rate of \$69 per person per  
8 hour expended to the investigation, plus actual expenses.

9 **IV. NOTICE OF INTENT TO ENTER ORDER**

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

- 14 **4.1** Respondent Tienda La Mexicana, LLC's license to conduct the business of a check  
15 cashier be revoked.
- 16 **4.2** Respondents Tienda La Mexicana, LLC and Aida Mendez jointly and severally pay a  
17 fine of \$3,000.
- 18 **4.3** Respondents Tienda La Mexicana, LLC and Aida Mendez be banned from  
19 participation in the conduct of the affairs of any check cashier, check cashier with a  
20 small loan endorsement, or check seller subject to licensure by the Director, in any  
21 manner, for a period of two years.
- 22 **4.4** Respondents Tienda La Mexicana, LLC and Aida Mendez jointly and severally pay an  
23 investigation fee in the amount of \$550.

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1 **V. AUTHORITY AND PROCEDURE**

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

8  
9 Dated this 2nd day of July, 2019.

10  
11 /s/  
12 RICHARD ST. ONGE  
13 Acting Division Director  
14 Division of Consumer Services  
15 Department of Financial Institutions

16 Presented by:

17 /s/  
18 BRETT CARNAHAN  
19 Financial Legal Examiner

20 Approved by:

21 /s/  
22 STEVEN C. SHERMAN  
23 Enforcement Chief