

**ORDER SUMMARY – Case Number: C-19-2746**

**Name(s):** Gamez Orchard, LLC  
Atayde Gamez

**Order Number:** C-19-2746-19-FO01

**Effective Date:** 10/21/2019

**License Number:** NMLS # 1225523; 530-CC-69212 (Terminated-Expired)  
**Or NMLS Identifier [U/L]**

**License Effect:** Revoked

**Not Apply Until:** N/A

**Not Eligible Until:** N/A

**Prohibition/Ban Until:** 10/23/2024 (5 years)

<b>Investigation Costs</b>	\$ 724.50	Due 11/23/2019	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$ 10,000.00	Due 11/23/2019	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$ TBD	Due 11/23/2019	Paid <input type="checkbox"/> Y <input checked="" 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:**  


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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:

No.: C-19-2746-19-FO01

GAMEZ ORCHARD, LLC, NMLS # 1225523,  
and ATAYDE GAMEZ, Owner,

FINAL ORDER RE:

Gamez Orchard, LLC and Atayde Gamez.

Respondents.

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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 Richard St. Onge, Acting Division Director, Division of Consumer Services (Director's designee), pursuant to RCW 34.05.440(1). On September 13, 2019, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry, Collect Annual Assessment, File Annual Reports, Impose Fine, and Collect Investigation Fee (Statement of Charges) against Gamez Orchard, LLC and Atayde Gamez (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 September 16, 2019, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, accompanying documents).

On September 16, 2019, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail, and Federal Express overnight delivery. On September 19, 2019, the Statement of Charges and accompanying documents sent by Federal Express overnight delivery to 1106 Columbia Street, Bridgeport, WA 98813, were returned to the Department

1 as “refused by recipient”. The Statement of Charges and accompanying documents sent by First-  
2 Class mail to PO Box 853, Bridgeport, WA 98813, were not returned to the Department by the  
3 United States Postal Service.

4 On October 8, 2019, after prior failed service attempts on Respondents, the Department  
5 received confirmation from the Bridgeport, WA Branch Office of the United States Post Office that  
6 mail addressed to Respondents was being delivered to PO Box 853, Bridgeport, WA 98813.

7 Respondents did not request an adjudicative hearing within twenty calendar days after the  
8 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for  
9 in WAC 208-08-050(2).

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

- 12 1. Statement of Charges, cover letter dated September 16, 2019, Notice of  
13 Opportunity to Defend and Opportunity for Hearing, and blank Application for  
Adjudicative Hearing for Respondents, with documentation for service.
- 14 2. Post Office Address Verification Request form completed by Bridgeport, WA  
15 Branch Office of the United States Post Office received by the Department of  
October 8, 2019.

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

## 18 II. FINAL ORDER

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

21 A. IT IS HEREBY ORDERED, That:

- 22 1. Respondents Gamez Orchard, LLC and Atayde Gamez’s license to conduct the  
23 business of a Check Casher and/or Check Seller is revoked;

2. Respondents Gamez Orchard, LLC and Atayde Gamez are banned from participation in the conduct of the affairs of any check casher and/or check seller subject to licensure by the Director, in any manner, for a period of five (5) years;
3. Respondents Gamez Orchard, LLC and Atayde Gamez jointly and severally pay an annual assessment, as calculated in accordance with the instructions for the AAR for 2018, plus all accrued interest and/or late fees, or in an amount to be determined by declaration with supporting documentation in the event of default by Respondents;
4. Respondents Gamez Orchard, LLC and Atayde Gamez file with the Department complete 2018 AAR, CAR, and year-end financial statements;
5. Respondents Gamez Orchard, LLC and Atayde Gamez jointly and severally pay a fine of \$10,000.00; and
6. Respondents Gamez Orchard, LLC and Atayde Gamez jointly and severally pay an investigation fee of \$724.50.

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

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

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

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

4 E. Non-compliance with Order. If you do not comply with the terms of this order,  
5 **including payment of any amounts owed within 30 days of receipt of this order**, the Department  
6 may seek its enforcement by the Office of the Attorney General to include the collection of the fines,  
7 assessments, late penalties, and fees imposed herein. The Department also may assign the amounts  
8 owed to a collection agency for collection.

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

12 DATED this 21st day of October, 2019.

13 STATE OF WASHINGTON  
14 DEPARTMENT OF FINANCIAL INSTITUTIONS

15  
16 /s/ \_\_\_\_\_  
17 RICHARD ST. ONGE  
18 Acting Director  
19 Division of Consumer Services  
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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 Check  
Cashers and Sellers Act of Washington by:

5 GAMEZ ORCHARD, LLC, NMLS # 1225523,  
and ATAYDE GAMEZ, Owner,

6 Respondents.  
7

No.: C-19-2746-19-SC01

8 STATEMENT OF CHARGES and  
NOTICE OF INTENT TO ENTER AN  
ORDER TO REVOKE LICENSE, PROHIBIT  
FROM INDUSTRY, COLLECT ANNUAL  
ASSESSMENT, FILE ANNUAL REPORTS,  
IMPOSE FINE, 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 the date of this Statement of  
13 Charges, the Director, through his designee, Division of Consumer Services Acting Director Richard  
14 St. Onge, institutes this proceeding and finds as follows:

15 **I. FACTUAL ALLEGATIONS**

16 **1.1 Respondents.**

17 A. **Gamez Orchard, LLC** was licensed by the Department of Financial Institutions of  
18 the State of Washington (Department) to conduct business as a check casher on September 21, 2011.  
19 Respondent Gamez Orchard, LLC's license was suspended on April 24, 2019, and expired on June 5,  
20 2019. Respondent Gamez Orchard, LLC was licensed to conduct the business of a check casher at  
21 1106 Columbia St., Bridgeport, WA 98813.

22 B. **Atayde Gamez** is owner of Respondent Gamez Orchard, LLC.

23 **1.2 Failure to File Annual Reports.** For licensees on calendar year, an Annual Assessment

24 Report (AAR), Consolidated Annual Report (CAR), and year-end annual financial statements are due

1 to the Department on or before the fifteenth day of April of each year, concerning the business and  
2 operations of each licensed place of business conducted during the preceding calendar year. To date,  
3 Respondents, who were on a calendar year, have not provided the AAR, CAR, and year-end financial  
4 statements for calendar year 2018, due by April 15, 2019. The annual report for the year ending  
5 December 31, 2019, will be due no later than April 15, 2020.

6 **1.3 Failure to Pay Annual Assessment.** An annual assessment, based upon Respondents' AAR,  
7 CAR, and year-end financial statements, and calculated pursuant to WAC 208-630-400, is due to the  
8 Department on or before the fifteenth day of April each year. To date, Respondents, have not paid an  
9 annual assessment for 2018.

10 **1.4 Failure to Respond to Department's Directives.**

11 A. On or about June 21, 2019, the Department's Enforcement Unit delivered a Directive, via  
12 First-Class Mail and FedEx, to Respondents' last known business address, and via First-Class Mail,  
13 to Respondents' last known mailing address. The Department gave Respondents until July 10, 2019,  
14 to respond. Respondents did not provide a response.

15 B. On or about July 19, 2019, the Department's Enforcement Unit delivered a Directive, via  
16 First-Class Mail and FedEx, to Respondents' last known business address, via First-Class Mail, to  
17 Respondents' last known mailing address, and via e-mail, to Respondents' last known regulatory  
18 contact. The Department gave Respondents until August 5, 2019, to respond. Respondents did not  
19 provide a response.

20 **1.5 On-going Investigation.** The Department's investigation into the alleged violations of the  
21 Act by Respondents continues to date.

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

23 **2.1 Requirement to File Annual Reports.** Based on the Factual Allegations set forth in Section  
24 I above, Respondents are in apparent violation of RCW 31.45.090 and WAC 208-630-830 for failing

1 to provide Respondents' 2018 AAR, CAR, and year-end annual financial statements to the Director  
2 by April 15, 2019.

3 **2.2 Requirement to Pay Annual Assessments.** Based on the Factual Allegations set forth in  
4 Section I above, Respondents are in apparent violation of RCW 31.45.050(1) and WAC 208-630-400  
5 for failing to pay to the Director Respondents' 2018 annual assessment fee by April 15, 2019.

6 **2.3 Requirement to Respond to Department's Directives.** Based on the Factual Allegations set  
7 forth in Section I above, Respondents are in apparent violation of RCW 31.45.100 for failing to  
8 respond to the Department's Directives.

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

10 **3.1 Authority to Revoke License.** Pursuant to RCW 31.45.110(2)(a), the Director may revoke a  
11 license if a licensee is violating or has violated the Act including rules and orders, or commits any act  
12 or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of injury  
13 or loss to the public.

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

20 **3.3 Authority to Collect Annual Assessment.** Pursuant to RCW 31.45.050(1), WAC 208-630-  
21 400, and WAC 208-630-830, every licensee shall pay to the Director, on or before the fifteenth day  
22 of April each year, an annual assessment fee for the coming year, calculated pursuant to WAC 208-  
23 630-400.



1 **3.4 Authority to Order Affirmative Action.** Pursuant to RCW 31.45.110(2)(d), the Director  
2 may order or take other affirmative action as necessary to comply with this chapter against any  
3 licensee or applicant, or any directors, officers, sole proprietors, partners, controlling persons, or  
4 employees of a licensee or applicant.

5 **3.5 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 or  
7 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.

9 **3.6 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,  
10 WAC 208-630-360, and WA 208-630-380, the Director shall collect from the licensee the actual cost  
11 of an examination or investigation of the business, books, accounts, records, files, or other  
12 information of a licensee or person who the Director has reason to believe is engaging in the business  
13 governed by the Act. The investigation charge will be calculated at the rate of \$69.00 per person per  
14 hour expended to the investigation, plus actual expenses.

#### 15 **IV. NOTICE OF INTENT TO ENTER ORDER**

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

- 20 **4.1** Respondents Gamez Orchard, LLC and Atayde Gamez's license to conduct the  
21 business of a check casher be revoked;
- 22 **4.2** Respondents Gamez Orchard, LLC and Atayde Gamez be banned from participation  
23 in the conduct of the affairs of any check casher subject to licensure by the Director, in  
24 any manner, for a period of five (5) years;
- 4.3** Respondents Gamez Orchard, LLC and Atayde Gamez jointly and severally pay an  
annual assessment, as calculated in accordance with the instructions for the AAR for

1 2018, plus all accrued interest and/or late fees, or in an amount to be determined by  
2 declaration with supporting documentation in the event of default by Respondents;

3 **4.4** Respondents Gamez Orchard, LLC and Atayde Gamez file with the Department  
4 complete 2018 AAR, CAR, and year-end financial statements;

5 **4.5** Respondents Gamez Orchard, LLC and Atayde Gamez jointly and severally pay a  
6 fine, which as of the date of this Statement of Charges is \$10,000.00; and

7 **4.6** Respondents Gamez Orchard LLC and Atayde Gamez jointly and severally pay the  
8 Department an investigation fee. As of the date of this Statement of Charges, the  
9 investigation fee totals \$724.50.

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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, Prohibit  
3 From Industry, Collect Annual Assessment, File Annual Reports, Impose Fine, and Collect  
4 Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 31.45.110 and  
5 RCW 31.45.200, and is subject to the provisions of chapter 34.05 RCW (the Administrative  
6 Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE  
7 OF OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND accompanying this  
8 Statement of Charges.

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10 Dated this 13th day of September, 2019.

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

17 Presented by:

18 /s/  
19 AMANDA B. STARNES  
20 Financial Legal Examiner

21 Approved by:

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