

TERMS COMPLETED

ORDER SUMMARY – Case Number: C-16-1924

Name: Nguyen, Truyen Minh d/b/a Jolinas Boutique

Order Number: C-16-1924-17-CO01

Effective Date: August 8, 2017

License Number: NMLS # 1277897
Or NMLS Identifier

License Effect: Surrendered

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	\$1,190.25	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 6/30/2017
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
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 checked="" type="checkbox"/> N		
No. of Victims:				

Comments: Engaging in activity as a check cashier without a license or an exemption to the license requirement, not updating address as required, or not retaining records as required may result in further legal action.

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

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

8 **C. Check Casher License Surrender.** It is AGREED that Respondent’s check casher
9 license is surrendered. It is further AGREED that, upon entry of this Consent Order, Respondent
10 shall no longer engage in business of a check casher unless Respondent qualifies for an exemption to
11 the license requirement.

12 **D. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an
13 investigation fee of \$1,190.25, in the form of a cashier’s check made payable to the “Washington
14 State Treasurer,” upon entry of this Consent Order.

15 **E. Change of Address.** It is AGREED that for the duration of two years following entry of
16 this Consent Order, unless otherwise agreed to in writing by the Department, Respondent shall
17 provide the Department with a mailing address and telephone number at which Respondent can be
18 contacted and Respondent shall notify the Department in writing of any changes to his mailing
19 address or telephone number within fifteen days of any such change.

20 **F. Records Retention.** It is AGREED that Respondent, his employees, and agents shall
21 maintain records in compliance with the Act and provide the Director with the location of the books,
22 records and other information relating to Respondent’s check casher business, and the name, address
23

1 and telephone number of the individual responsible for maintenance of such records in compliance
2 with the Act.

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 Respondent has voluntarily entered into this
8 Consent Order, which is effective when signed by the Director's designee.

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

11 **RESPONDENT:**

12
13 /s/ _____
14 Truyen Minh Nguyen

13 6/26/2017 _____
14 Date

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 8th DAY OF August, 2017.

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

Presented by:

/s/ _____
AMANDA J. HERNDON
Financial Legal Examiner

Approved by:

/s/ _____
STEVEN C. SHERMAN
Enforcement Chief

1 **1.3 Failure to Respond to Report of Examination.** Nguyen did not respond to the ROE by
2 May 24, 2015. Between approximately May 27, 2015, and January 17, 2017, the Department
3 contacted Nguyen numerous times about his response to the ROE. Nguyen did not submit a
4 sufficient response to the ROE until on or about January 30, 2017.

5 **1.4 Requirement to Transition onto Nationwide Multistate Licensing System and Registry**
6 **(NMLS).** NMLS is a database used by the Department to receive and maintain information and
7 documents from or about licensees. Before December 31, 2014, licensed check cashers were not
8 required to use NMLS. The Department required licensed check cashers to transition onto NMLS by
9 December 31, 2014. To complete the transition onto NMLS, each licensed check casher was
10 required to upload an accurate management chart onto NMLS.

11 **1.5 Failure to Complete Transition onto NMLS.** Nguyen did not transition onto NMLS by the
12 December 31, 2014, deadline. Between approximately August 8, 2014, and February 1, 2017, the
13 Department contacted Nguyen about the transition onto NMLS numerous times. In several of those
14 contacts, the Department instructed Nguyen to upload an accurate management chart onto NMLS.
15 Nguyen did not upload an accurate management chart and complete the transition onto NMLS until
16 on or about February 22, 2017.

17 **1.6 On-going Investigation.** The Department's investigation into the alleged violations of the
18 Act by Respondent continues to date.

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

20 **2.1 Failure to Produce Information.** Based on the Factual Allegations set forth in Section I
21 above, Respondent is in apparent violation of RCW 31.45.110(1)(k), for failing to disclose any
22 information within his knowledge or produce any document, book, or record in his possession for
23 inspection by the Director upon demand.

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1 **2.2 Failure to Transition onto a Multistate Licensing System.** Based on the Factual
2 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 31.45.043 for
3 failing to transition onto a multistate licensing system as prescribed by the Director.

4 **2.3 Failure to Comply with the Director's Authority.** Based on the Factual Allegations set
5 forth the in Section I above, Respondent is in apparent violation of RCW 31.45.100 for failing to
6 timely respond to the ROE and transition onto NMLS as prescribed by the Director.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a
9 fine, not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee
10 that has violated the Act.

11 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,
12 WAC 208-630-360, and WAC 208-630-380, the Director shall collect from the licensee the actual
13 cost of an investigation of the business, books, accounts, records, files, or other information of a
14 licensee. The investigation charge will be calculated at the rate of \$69 per person per hour expended
15 to the investigation, plus actual expenses.

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

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

21 **4.1** Respondent Truyen Minh Nguyen pay a fine of \$6,000.00 for failing to timely submit
22 a complete response to the ROE and transition onto NMLS.

23 **4.2** Respondent Truyen Minh Nguyen pay investigation fee in the amount of \$1,190.25,
calculated at \$69 per hour for the 17.25 staff hours devoted to the investigation.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 31.45.110 and RCW
3 31.45.200, and is subject to the provisions of chapter 34.05 RCW (the Administrative Procedure Act).
4 Respondent may make a written request for a hearing as set forth in the NOTICE OF
5 OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND accompanying this
6 Statement of Charges.

7
8 Dated this 1st day of March, 2017.

9
10 /s/
11 CHARLES E. CLARK
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 /s/
17 AMANDA J. HERNDON
18 Financial Legal Examiner

19 Approved by:

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