

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial & Insurance Regulation

In the Matter of:

U.S. Cash Advance, LLC
dba Armada Cash Advance of Waterford

Enforcement Case No. 09-7371

License No.: DP-0014117

Respondent
_____ /

CONSENT ORDER REQUIRING COMPLIANCE AND PAYMENT OF FINES


Issued and entered
on 12/1/09
by Stephen R. Hilker,
Chief Deputy Commissioner

Based upon the Stipulation to Entry of Consent Order and the files and records of the Office of Financial and Insurance Regulation (OFIR) in this matter, the Chief Deputy Commissioner finds and concludes that:

1. The Chief Deputy Commissioner has jurisdiction and authority to adopt and issue this Consent Order in this proceeding pursuant to the Michigan Administrative Procedures Act of 1969 ("MAPA"), as amended, MCL 24.201 *et seq.*, and the Deferred Presentment Service Transactions Act, 2005 PA 244, MCL 487.2121 *et seq.* ("Act").
2. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
3. Acceptance of the parties' Stipulation to Entry of Consent Order is reasonable and in the public interest.
4. All applicable provisions of the MAPA have been met.
5. Respondent violated MCL 487.2154(1)(b), MCL 487.2154(7), and MCL 487.2154(8).

Now therefore, based upon the parties' Stipulation to Entry of Consent Order and the facts surrounding this case, **IT IS ORDERED THAT:**

6. Respondent shall pay to the State of Michigan, through OFIR, administrative fines in the amount of \$600. Respondent shall further pay the fines within 30 days of the invoice date as indicated on the OFIR invoice.
7. Respondent shall not engage in any violations of sections of the Act identified in paragraph 5 of this Order.
8. Respondent shall conduct daily checks of all deferred presentment service contracts to make certain that closed transactions are timely entered into the Veritec database, and all transactions, including repayment plans, are properly reported to the Veritec database.
9. Respondent shall conduct a daily review of its deferred presentment service transactions to determine if the transactions have been reported to the Veritec database, by comparing its daily transactions to the transactions that have been reported to the Veritec database.
10. Respondent shall maintain a direct electronic interface with the Veritec database. Respondent shall further test its software twice per month to verify that it is accurately communicating with the Veritec database. Respondent understands that failure by the software to communicate with the Veritec database does not excuse Respondent from complying with the Act.
11. In the event of an interface or internet interruption, Respondent shall follow Veritec's procedures to submit information to Veritec to determine if a customer is eligible to enter into a transaction, to obtain a transaction number, and/or to provide notification to Veritec that a transaction has been closed.
12. Respondent shall verify with the Veritec database a customer's eligibility to enter into a deferred presentment service transaction prior to entering into a deferred presentment service agreement with a customer.
13. The Chief Deputy Commissioner retains jurisdiction over the matters contained herein and has the authority to issue such further Order(s) as he shall deem just, necessary and appropriate in accordance with the Act. Failure to abide by the terms and provisions of the Stipulation and this Order may result in the commencement of additional proceedings.



Stephen R. Hilker
Chief Deputy Commissioner

**STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

Before the Commissioner of the Office of Financial & Insurance Regulation

In the Matter of:

**U.S. Cash Advance, LLC
dba Armada Cash Advance of Waterford**

Enforcement Case No. 09-7371

License No.: DP-0014117

Respondent

STIPULATION TO ENTRY OF THE CONSENT ORDER


U.S. Cash Advance, LLC dba Armada Cash Advance of Waterford (Respondent) and the Office of Financial and Insurance Regulation ("OFIR") stipulate to the following:


1. On or about September 1, 2009, OFIR served Respondent with a Notice of Opportunity to Show Compliance ("NOSC") alleging that Respondent violated provisions of the Deferred Presentment Service Transactions Act, 2005 PA 244, MCL 487.2121 *et seq.* ("Act").
2. The NOSC contained allegations that Respondent violated the Act, and set forth the applicable laws and penalties which could be taken against Respondent.
3. Respondent exercised its right to an opportunity to show compliance by submitting a written response to the NOSC dated September 11, 2009.
4. OFIR and Respondent have conferred for purposes of resolving this matter and have agreed that it is in the parties' best interest to resolve this matter pursuant to the terms set forth below.
5. The Chief Deputy Commissioner of OFIR has jurisdiction and authority to adopt and issue this Consent Order pursuant to the Michigan Administrative Procedures Act ("MAPA"), MCL 24.201 *et seq.*, and the Act.
6. At all pertinent times, Respondent was licensed with OFIR as a deferred presentment service provider pursuant to the Act.
7. The NOSC alleged the following:

- a. Contrary to the Act, Respondent failed to timely close a deferred presentment service transaction, and to notify the database provider to close said transaction after a customer satisfied his obligation under the deferred presentment service agreement. By failing to timely close the deferred presentment service transaction and notify the database provider to close the transaction, Respondent violated Section 34(8) of the Act, MCL 487.2154(8).
 - b. During OFIR staff's examination of Respondent, staff found that Respondent failed to enter a repayment plan into the Veritec database. By engaging in the foregoing conduct, Respondent violated Section 34(7) of the Act, MCL 487.2154(7).
 - c. Respondent granted deferred presentment service transactions to customers without verifying the customers' eligibility to enter into a deferred presentment service transaction. Respondent also granted transactions to customers who were determined to be ineligible to enter into a deferred presentment service transaction by the Veritec database. By engaging in the aforementioned conduct, Respondent violated Section 34(1)(b) and Section 34(7) of the Act, MCL 487.2154(1)(b) and MCL 487.2154(7),
8. Respondent agrees that it will pay to the state of Michigan, through OFIR, an administrative fine in the amount of \$600. Respondent further agrees to pay the fine within 30 days of the invoice date as indicated on the OFIR invoice.
 9. Both parties have complied with the procedural requirements of the MAPA and the Act.
 10. Respondent understands and agrees that this Stipulation will be presented to the Chief Deputy Commissioner for approval.
 11. Respondent agrees to conduct daily checks of all deferred presentment service contracts to make certain that closed transactions are timely entered into the Veritec database, and all transactions, including repayment plans, are properly reported to the Veritec database.
 12. Respondent agrees to conduct a daily review of its deferred presentment service transactions to determine if the transactions have been reported to the Veritec database, by comparing its daily transactions to the transactions that have been reported to the Veritec database.
 13. Respondent agrees to maintain a direct electronic interface with the Veritec database. Respondent further agrees to test its software twice per month to verify that it is accurately communicating with the Veritec database. Respondent understands that failure by the software to communicate with the Veritec database does not excuse Respondent from complying with the Act.


14. In the event of an interface or internet interruption, Respondent agrees to follow Veritec's procedures to submit information to Veritec to determine if a customer is eligible to enter into a transaction, to obtain a transaction number, and/or to provide notification to Veritec that a transaction has been closed.
15. Respondent agrees to verify with the Veritec database a customer's eligibility to enter into a deferred presentment service transaction prior to entering into a deferred presentment service agreement with a customer.
16. The Chief Deputy Commissioner may in his sole discretion, decide to accept or reject the Stipulation and Consent Order. If the Chief Deputy Commissioner accepts the Stipulation and Consent Order, Respondent waives the right to a hearing in this matter and consents to the entry of the Consent Order. Respondent admits to violating the Act and consents to the entry of the Consent Order. If the Chief Deputy Commissioner does not accept the Stipulation and Consent Order, Respondent waives any objection to the Commissioner holding a formal administrative hearing and making his decision after such hearing.
17. The failure to abide by the terms and conditions of this Stipulation and Consent Order may, at the discretion of the Chief Deputy Commissioner, result in further administrative compliance actions.
18. The Chief Deputy Commissioner has jurisdiction and authority under the provisions of the MAPA and the Act to accept the Stipulation and Consent Order and to issue a Consent Order resolving these proceedings.
19. Respondent has had an opportunity to review the Stipulation and Consent Order and have the same reviewed by legal counsel.

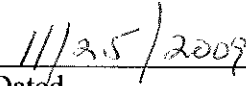
U.S. Cash Advance, LLC
dba Armada Cash Advance of Waterford


By: _____
Its:


Dated _____

Office of Financial & Insurance Regulation


By: Marlon F. Roberts
Staff Attorney

Tran Int: _____ 11/16/09
Chk#: _____ Amt: \$600.00
ID: U S CASH ADVANCE

Dated _____

RECEIVED
NOV 19 2009
OFIR/OGC

RECEIVED
NOV 19 2009
OFIR/OGC