

**STATE OF MICHIGAN**  
**DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH**  
**OFFICE OF FINANCIAL AND INSURANCE REGULATION**  
**Before the Commissioner of Financial and Insurance Regulation**

**Office of Financial and Insurance Regulation,  
Petitioner**

v

**Debra Sue Ball,  
Respondent**

**Enforcement Case No. 09-753-DP**

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**For the Petitioner:**

**Marlon Roberts  
Office of Financial and Insurance  
Regulation  
P.O. Box 30220  
Lansing, MI 48909-7720**

**For the Respondent:**

**Debra Sue Ball**  


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Issued and entered  
this 21st day of December 2009  
by Ken Ross  
Commissioner

**FINAL DECISION**

On August 11, 2009, Chief Deputy Commissioner Stephen R. Hilker issued an Order for Hearing and Order to Respond in this case. Hearing was scheduled for October 8, 2009. On the hearing date, Respondent did not appear.

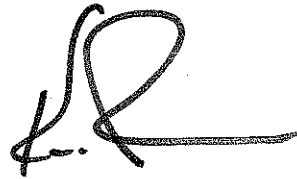
Petitioner moved for a default judgment which was granted by the administrative law judge pursuant to Section 72(1) of the Administrative Procedures Act, MCL 24.272(1). A Proposal for Decision (PFD) was issued October 16, 2009. No exceptions to the PFD were filed.

The factual allegations and conclusions of law stated in the PFD are adopted and made part of this Final Decision.

In addition to the considerations above, it is important that the Respondent did not file exceptions to the PFD. Michigan courts have long recognized that the failure to file exceptions constitutes a waiver of any objections not raised. *Attorney General v. Public Service Comm* 136 Mich App 52 (1984).

**ORDER**

Therefore, it is ordered that the Respondent is prohibited from being employed by, an agent of, or an executive of a licensee under the Deferred Presentment Service Transactions Act, MCL 487.2121, *et seq.*

A handwritten signature in black ink, appearing to be 'K. Ross', written over a horizontal line.

Ken Ross  
Commissioner

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STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

OFIR/OGC

In the matter of:

Docket No. 2009-1348

Office of Financial and Insurance,  
Regulation,

Agency No. 09-753-DP

Petitioner

Agency: Office of Financial and  
Insurance Regulation

v

Debra Sue Ball,  
Respondent

Case Type: Sanction/Prohibition

Issued and entered

This 16<sup>th</sup> day of October 2009

by Renée A. Ozburn

Administrative Law Judge

PROPOSAL FOR DECISION

PROCEDURAL HISTORY

On August 11, 2009, the Office of Financial and Insurance Regulation (OFIR/Petitioner) issued an Order Referring Complaint for Hearing and Order to Respond with an attached Complaint and a Notice of Intent to Issue Order of Prohibition Pursuant to MCL 487.2169(1) alleging violations of the Deferred Presentment Service Transactions Act (Act), 2005 PA 244, MCL 487.2121 *et seq.*, by Debra Sue Ball (Respondent). On August 27, 2009, a Notice of Hearing was issued scheduling a formal administrative hearing for October 8, 2009, in Lansing, Michigan. The Order Referring Complaint, Notice of Intent to Issue Order of Prohibition and Notice of Hearing were mailed to the Respondent's last known address of record. In addition, on September 23, 2009, the Notice of Hearing was personally served on the Respondent. The Notice of

Hearing informs parties that failure to appear for a hearing may result in a default judgment or decision against the non-appearing party.

On October 8, 2009, at the time scheduled for hearing, Attorney Marlon Roberts appeared and was ready to proceed on behalf of OFIR. The Respondent did not appear. The undersigned Administrative Law Judge deemed that the Respondent had been duly served with notice, and the hearing could proceed in her absence pursuant to Section 72 of the Administrative Procedures Act, 1969 PA 306, as amended, (APA) MCL 24.201 *et seq.* Mr. Roberts motioned to default Respondent pursuant to Section 78 of the APA. The undersigned Administrative Law Judge granted a default. A default judgment constitutes a decision that allegations in the Complaint are true as alleged.

#### **ISSUES AND APPLICABLE LAW**

The issue is whether the Respondent violated the Deferred Presentment Service Transactions Act, (Act) and should be subject to penalties provided in Section 49(1), MCL 487.2169, which states:

Sec. 49.

- (1) If in the opinion of the commissioner a person has engaged in fraud, the commissioner may serve upon that person a written notice of intention to prohibit that person from being employed by, an agent of, or an executive officer of a licensee under this act. As used in this subsection, "fraud" includes actionable fraud, actual or constructive fraud, criminal fraud, extrinsic or intrinsic fraud, fraud in the execution, in the inducement, in fact, or in law, or any other form of fraud.

FINDINGS OF FACT

1. On January 27, 2009, pursuant to Section 45(2) of the Act, MCL 487.2165(2), the Office of Financial and Insurance Regulation (OFIR) conducted an examination of QWIK CASH INC. (QWIK CASH) located at 814 South Main Street, Suite 4, Lapeer, Michigan 48446. QWIK CASH's business location of 814 South Main Street, Suite 4, Lapeer, Michigan 48446, was issued a deferred presentment service provider license by OFIR on June 1, 2006. During the course of the examination, OFIR staff determined that Debra Sue Ball (Respondent) engaged in fraud in connection with several deferred presentment service transactions while employed at QWIK CASH. The information obtained as a result of the examination is set forth more specifically below.
  
2. The examination revealed that Respondent created fraudulent deferred presentment service transactions using the names of QWIK CASH's customers and, in some cases, created transactions using fictitious names in order to obtain money from QWIK CASH for her personal use. In particular, Respondent created deferred presentment service transactions by executing deferred presentment service agreements which purported to be agreements between QWIK CASH and the following persons: [REDACTED]  
[REDACTED]  
[REDACTED] and [REDACTED]. Consequently, Respondent defalcated money in excess of \$3,000 from QWIK CASH.

3. On or about October 15, 2008, Respondent created and executed a deferred presentment service agreement in the names of [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] are not customers of QWIK CASH nor do such persons exist. Respondent surreptitiously defalcated the monies she obtained from QWIK CASH as a result of the foregoing transactions.
4. On or about November 12, 2008, Respondent created and executed contracts in the names of [REDACTED]. [REDACTED] Respondent surreptitiously defalcated the monies she obtained from QWIK CASH as a result of the foregoing transactions.
5. Respondent created transactions by utilizing QWIK CASH's customers' information. For instance, Respondent created deferred presentment transactions in the name of [REDACTED] by utilizing the social security number of [REDACTED] drivers license number, [REDACTED] pay stub, and Respondent's bank statement. Respondent created twelve fraudulent contracts naming [REDACTED] as a party to the agreements. [REDACTED] is a fictitious person created by Respondent. Respondent was able to obtain approximately \$6,800 from QWIK CASH by creating the abovementioned twelve contracts to create the impression that they were the true transactions entered into between QWIK CASH and [REDACTED].
6. Respondent created deferred presentment service transactions under the name of [REDACTED] by utilizing [REDACTED] social security and driver

license numbers and a bank statement from [REDACTED]. Respondent executed approximately eight deferred presentment service agreements using the name [REDACTED] [REDACTED] is a fictitious person created by Respondent for the purpose of creating fraudulent deferred presentment service transactions. Respondent fraudulently manufactured the transactions to create the impression that they were true transactions entered into between QWIK CASH and [REDACTED], for the purpose of surreptitiously defalcating money from QWIK CASH.

7. Respondent created six transactions under the name of [REDACTED] by utilizing a Ms [REDACTED] social security number, driver license number, pay stub, and bank statement. Respondent fraudulently manufactured the transactions to create the impression that they were true transactions entered into between QWIK CASH and Ms. [REDACTED], for the purpose of surreptitiously defalcating money from QWIK CASH.
8. Respondent created three transactions under the name of [REDACTED] by using the social security and drivers license numbers of [REDACTED] [REDACTED] and executed three deferred presentment service agreements under the name of [REDACTED]. [REDACTED] is a fictitious person created by Respondent for the purpose of creating fraudulent deferred presentment service transactions. Respondent fraudulently manufactured the transactions to create the impression that they were true transactions entered into between QWIK CASH and [REDACTED], for the purpose of surreptitiously defalcating money from QWIK CASH.

9. Respondent created three transactions under the name of a [REDACTED] [REDACTED]. Respondent utilized her social security and driver license numbers, a social security letter of payment from [REDACTED], and a bank statement from [REDACTED]. Respondent executed three deferred presentment service agreements under the name of [REDACTED]. [REDACTED] is a fictitious person created by Respondent for the purpose of creating fraudulent deferred presentment service transactions. Respondent fraudulently manufactured the transactions to create the impression that they were true transactions entered into between QWIK CASH and [REDACTED] for the purpose of surreptitiously defalcating money from QWIK CASH.
10. Respondent created a transaction under the name of [REDACTED] by utilizing the social security number and paystub from [REDACTED] and a driver license number from [REDACTED], and executed a deferred presentment service agreement under the name [REDACTED]. [REDACTED] is a fictitious person created by Respondent for the purpose of creating fraudulent deferred presentment service transactions. Respondent fraudulently manufactured the transactions to create the impression that they were true transactions entered into between QWIK CASH and [REDACTED], for the purpose of surreptitiously defalcating money from QWIK CASH.
11. Respondent created a transaction in the name of [REDACTED], who is a customer of QWIK CASH, by utilizing Ms. [REDACTED] social security



number, driver license number, pay stub, and bank statement and forged Ms. [REDACTED] signature on a deferred presentment service provider agreement. Respondent also used a blank starter check from her checking account to secure the transaction and printed Ms. [REDACTED] name at the top of the check and signed Ms. [REDACTED] name on the signature line of the check. Respondent fraudulently manufactured the transaction to create the impression that it was a true transaction entered into between QWIK CASH and [REDACTED] for the purpose of surreptitiously defalcating money from QWIK CASH.

12. The aforementioned facts describe conduct that clearly indicates that Respondent has engaged in a pattern of fraudulent practices in connection with deferred presentment service transactions subject to this Act.

### **CONCLUSIONS OF LAW**

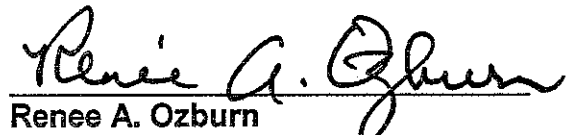
Petitioner bears the burden of proving, by a preponderance of the evidence, that the Respondent violated the Act as alleged, and that grounds exist for imposing sanctions. Having granted a default judgment, the undersigned Administrative Law judge concludes that the aforementioned findings of fact describe conduct which indicates that Respondent has engaged in a pattern of fraudulent practices in connection with deferred presentment service transactions and should be prohibited pursuant to Section 49(1) of the Act.

**PROPOSED DECISION**

The undersigned Administrative Law Judge proposes that, pursuant to Section 49(1) of the Act, the Commissioner shall prohibit Respondent from being employed by an agent of, or an executive officer of, a licensee under the Act.

**EXCEPTIONS**

The parties may file Exceptions to this Proposal for Decision within 20 days after it is issued. Exceptions should be addressed to the Office of Financial and Insurance Regulation, 611 West Ottawa Street, 3rd Floor, P.O. Box 30220, Lansing, Michigan 48909;

  
Renee A. Ozburn  
Administrative Law Judge