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:

Benjamin Brothers L.L.C dba Cash Money Payday Advance
3578 Bay Road
Saginaw, MI 48603
License No: DP 0014198

Matthew Benjamin, President **Enforcement Case No.: 08-5763**

Respondent

_____/

STIPULATION TO ENTRY OF CONSENT ORDER
AND CONSENT ORDER REQUIRING COMPLIANCE
AND PAYMENT OF CIVIL FINES

STIPULATION TO ENTRY OF THE CONSENT ORDER

Benjamin Brothers L.L.C dba Cash Money Payday Advance (Respondent) and the Office of Financial and Insurance Regulation ("OFIR") stipulate to the following:

1. On or about September 9, 2008, 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 at an informal conference held at OFIR on October 8, 2008.

4. OFIR and Respondent have conferred for purposes of resolving this matter and determined to settle 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. Based upon the allegations set forth in the NOSC and communications with Respondent, the following facts were established:

a. During OFIR staff's examination of Respondent, OFIR staff found that Respondent failed to enter deferred presentment service transactions into the Veritec database as required by the Act.

Based on the foregoing conduct, Respondent violated Section 34(7) of the Act, MCL 487.2154(7).

8. Respondent agrees that it will pay to the state of Michigan, through OFIR, a civil fine in the amount of $1,000. This fine will be paid on or before 30 days from the date of entry of this Order.

9. Respondent agrees that it shall cease and desist from any and all violations of the Act.

10. Both parties have complied with the procedural requirements of the MAPA and the Act.

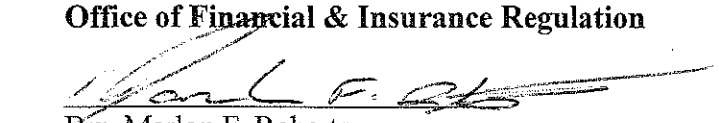
11. Respondent understands and agrees that this Stipulation will be presented to the Chief Deputy Commissioner for approval. The Chief Deputy Commissioner may in his sole discretion, decide to accept or reject the Stipulation and Consent Order. If the Chief Deputy Commissioner accepts the Stipulation and Consent Order, Respondent waives the right to a hearing in this matter and consents to the entry of the Consent Order. 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. Respondent has had an opportunity to review the Stipulation and Consent Order and have the same reviewed by legal counsel.

12. 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.

13. 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.

Office of Financial & Insurance Regulation



2-11-09

By: Marlon F. Roberts
Staff Attorney

Dated

CONSENT ORDER

Issued and entered
on February 13, 2009
by Stephen R. Hilker,
Chief Deputy Commissioner

Based on the Stipulation set forth above, IT IS ORDERED that:

1. Respondent shall CEASE and DESIST from violating Section 34 of the Act.

2. Respondent shall pay to the state of Michigan, through OFIR, a civil fine in the amount of $1,000. The fine shall be paid on or before 30 days of the date of entry of this Order.

3. Respondent shall comply with all Bulletins, Orders, and Rules issued by the Commissioner of OFIR pertaining to deferred presentment service transactions.

4. Respondent shall maintain a program to monitor and assure compliance with all state and federal laws and regulations pertaining to deferred presentment service transactions.

5. The program shall include the immediate designation of a compliance officer. The compliance officer's responsibility is to ensure that Respondent is in compliance with all applicable state and federal laws. Respondent shall provide written notification to OFIR of the compliance officer's name and business address, Respondent's written notice designating a compliance officer shall accompany the payment of a civil fine as provided for in Paragraph 2 of this Order. Respondent shall notify OFIR of any change in designation of the compliance officer within 30 days of such re-designation. Respondent shall educate its officers and employees engaged in the deferred presentment service transactions business with respect to all Michigan and federal laws and regulations applicable to the deferred presentment service transactions business, including the Act.

6. 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.

Stephen R. Hilker
Chief Deputy Commissioner