STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial & Insurance Regulation

In the Matter of:

Allied Check Cashing Michigan, LLC
dba Allied Cash Advance
dba Allied Check Cashing

Enforcement Case No. 11-11316

License No.: DP-0017062

Respondent.

_____/

ORDER REQUIRING COMPLIANCE AND PAYMENT OF FINES

Issued and entered
on 3/30/12
by Stephen R. Hilker
Senior 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 Senior Deputy Commissioner finds and concludes that:

1. The Senior 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 (Act), 2005 PA 244, MCL 487.2121 *et seq.*

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 Section 33(4) of the Act, MCL 487.2153(4), Section 34(8) of the Act, MCL 487.2154(8), and Section 35(1) of the Act, MCL 487.2155(1).

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

A. Respondent shall pay to the State of Michigan, through OFIR, administrative and civil fines in the amount of $5,600.00. Respondent shall further pay the fines within 30 *days of* the date as indicated on the OFIR invoice.

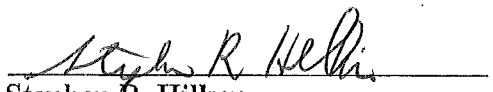
B. Respondent shall comply with all terms agreed to in the Stipulation to Entry of Order.

C. Respondent shall not engage in any violations of sections of the Act identified in paragraph 5 of this Order.

D. Respondent shall, on each business day, conduct 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, in compliance with the Act.

E. Respondent shall, on each business day, conduct a 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.

F. The Senior Deputy Commissioner retains jurisdiction over the matters contained herein and has the authority to issue such further order(s) as shall be deemed just, necessary, and appropriate in accordance with the Act. Failure to abide by the terms and provisions of the Stipulation to Entry of Order and this Order may result in the commencement of additional proceedings.



Stephen R. Hilker
Senior Deputy Commissioner

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STIPULATION TO ENTRY OF ORDER

Allied Check Cashing of Michigan, LLC dba Allied Cash Advance dba Allied Check Cashing (Respondent) and the Office of Financial and Insurance Regulation (OFIR) stipulate to the following:

1. On or about November 9, 2011, OFIR served Respondent with a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondent violated provisions of the Deferred Presentment Service Transactions Act (Act), 2005 PA 244, MCL 487.2121 *et seq.*

2. The NOSC contained allegations that Respondent violated the Act, specifically Section 33(4) of the Act, MCL 487.2153(4), Section 34(8) of the Act, MCL 487.2154(8), and Section 35(1) of the Act, MCL 487.2155(1), 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 pursuant to the Michigan Administrative Procedures Act (MAPA), MCL 24.201 *et seq.*

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. At all pertinent times, Respondent was licensed with OFIR as a deferred presentment service provider pursuant to the Act.

6. Respondent neither admits nor denies the allegations contained in the NOSC, and the parties have reviewed this matter and desire to avoid the time and expense of formal proceedings and have determined to resolve this matter pursuant to this Stipulation to Entry of Order and Order.

7. Respondent agrees to, on each business day, conduct 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, in compliance with the Act.

8. Respondent agrees to, on each business day, conduct a 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.

9. Respondent agrees that it will pay to the State of Michigan, through OFIR, administrative and civil fines in the amount of $5,600.00. Respondent agrees to pay the fine within 30 days of the invoice date as indicated on the OFIR invoice. Respondent further agrees that failure to timely pay the civil fine in the manner prescribed herein is a violation of the Consent Order and will result in further administrative action as set forth below.

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

11. Respondent understands and agrees that this Stipulation to Entry of Order will be presented to the Senior Deputy Commissioner for approval.

12. The Senior Deputy Commissioner may, in his sole discretion, decide to accept or reject the Stipulation to Entry of Order. If the Senior Deputy Commissioner accepts the Stipulation to Entry of Order, Respondent waives the right to a hearing in this matter and consents to the entry of the Order Accepting Stipulation and Requiring Compliance and Payment of Fines. If the Senior Deputy Commissioner does not accept the Stipulation to Entry of Order, Respondent waives any objection to the Commissioner holding a formal administrative hearing and making his decision after such hearing.

13. Respondent has had an opportunity to review the Stipulation to Entry of Order and the proposed Order Accepting Stipulation and Requiring Compliance and Payment of Fines and have the same reviewed by legal counsel.

14. It is further stipulated, by and between the parties hereto, that failure to pay the administrative and civil fines as set forth above shall result in a suspension or continued suspension of all licenses and registrations under the Act held by Respondent, and suspension or continued suspension of all licenses and registrations under the Act held by its **executive officers and each person, as defined in the Act, who directly or indirectly owns or controls 10% or more of the ownership interest of the Respondent (owners)**, and in the denial of any license or registration renewal and the denial of future applications for any licensure or registration of both Respondent and its

owners until compliance is made with the terms of this Stipulation. In addition, if Respondent fails to pay the administrative and civil fines in accordance with the terms of this Stipulation and Order, then the **administrative and civil fines shall increase to the maximum amount allowed under the Act.**

15. It is further stipulated, by and between the parties hereto, that failure to pay the administrative and civil fines as set forth above within six (6) months of the invoice date shall result in a revocation of all licenses or registrations held under the Act by Respondent, **and its owners,** or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this Stipulation to Entry of Order.

16. Respondent understands and intends that by signing this Stipulation to Entry of Order, Respondent is waiving the right, pursuant to the Act, the rules promulgated thereto, and the MAPA, to a hearing before an administrative law judge, at which the OFIR would be required to prove the charges set forth by presentation of evidence and legal authority and at which Respondent would be entitled to appear to cross-examine all witnesses presented by the OFIR and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Allied Check Cashing Michigan, LLC
dba Allied Cash Advance
dba Allied Check Cashing

By: _____ Dated
Its:

Office of Financial & Insurance Regulation

By: Marlon F. Roberts (P68523) Dated 3/29/2012
Staff Attorney