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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Check Cashers and Sellers Act of Washington by:

NO. C-08-215-08-SC01

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CASH IN ADVANCE, INC.,
JOHN W. GRIFFIN,
President and 50% Owner, and
HURSELL ALAN DASHER,
Vice President and 50% Owner,

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STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE, IMPOSE
FINE, BAN FROM INDUSTRY, AND COLLECT
INVESTIGATION FEE

Respondents.

INTRODUCTION

Pursuant to RCW 31.45.110 and RCW 31.45.200, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.45 RCW, the Check Cashers and Sellers Act (Act). After having conducted an investigation pursuant to RCW 31.45.100, and based upon the facts available as of the date of these charges, the Director institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Cash In Advance, Inc., (Cash In Advance)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a check casher with a small loan endorsement on March 14, 1996. Respondent Cash In Advance's license was suspended effective April 25, 2008, based upon Respondent's failure to pay its annual assessment fee by April 15, 2008. Respondent Cash In Advance's license expired on April 28, 2008, because Respondent failed to pay its annual assessment by that date. Respondent Cash In Advance was licensed to conduct the business of a check casher with a small loan endorsement at two locations in Washington State – Bremerton and Lakewood.

B. **John W. Griffin (Griffin)** is President and 50% owner of Respondent Cash In Advance.

C. **Hurshell Alan Dasher (Dasher)** is Vice President and 50% owner of Respondent Cash In Advance.

1 **1.2 Failure to File Annual Financial Reports and Pay Annual Assessment.** For licensees on a calendar
2 year, an Annual Assessment Worksheet and Consolidated Annual Report, as well as the annual assessment
3 calculated thereon, are due to the Department within one hundred five days after the close of each calendar
4 year, concerning the business and operations of each licensed place of business conducted during the preceding
5 calendar year. To date, Respondents, who were on a calendar year, have not provided the calculation worksheet
6 or paid the annual assessment fee for calendar year 2007, which was due by April 14, 2008.

7 **1.3 Failure to File Closing Audit Report.** On or about April 18, 2008, Respondents' license was
8 suspended because they did not timely pay their annual assessment. Respondents were required to file a closing
9 audit report within one hundred five days of the effective date of the suspension of their license. To date,
10 Respondents have not filed a closing audit report.

11 **1.4 Failure to Comply with Director's Authority.** On May 13, 2008, the Department issued a Directive
12 to Respondents which required Respondents to provide certain information and documents on or before May
13 23, 2008. To date, Respondents have not responded to the Directive.

14 **1.5 Failure to Notify Department of the Closure of an Existing Place of Business.** On or about April
15 15, 2008, Respondents closed their two business locations in Washington without providing notice to the
16 Department.

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

19 II. GROUNDS FOR ENTRY OF ORDER

20 **2.1 Requirement to File Annual Financial Reports.** Based on the Factual Allegations set forth in Section
21 I above, Respondents are in apparent violation of RCW 31.45.090(1) and WAC 208-630-830 for failing to
22 provide annual financial reports to the Director on or before April 14, 2008.

23 **2.2 Requirement to Pay Annual Assessment.** Based on the Factual Allegations set forth in Section I
24 above, Respondents are in apparent violation of RCW 31.45.050(1) and WAC 208-630-400 for failing to pay
25 to the Director an annual assessment fee no later than April 14, 2008.

1 **2.3 Requirement to File Closing Audit Report.** Based on the Factual Allegations set forth in Section I
2 above, Respondents are in apparent violation of RCW 31.45.090(2) and WAC 208-630-890 for failing to file a
3 closing audit report no later than August 1, 2008.

4 **2.4 Requirement to Comply with Director's Authority.** Based on the Factual Allegations set forth in
5 Section I above, Respondents are in apparent violation of RCW 31.45.100 and WAC 208-630-370 for failing to
6 respond to a Directive issued by the Director.

7 **2.5 Requirement to Notify Department of the Closure of an Existing Place of Business.** Based on the
8 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.45.050(3) for
9 failing to notify the Director in writing at least thirty days prior to closing an existing place of business.

10 III. AUTHORITY TO IMPOSE SANCTIONS

11 **3.1 Authority to Revoke License.** Pursuant to RCW 31.45.110(1)(b) and (2)(a), the Director may revoke
12 a license if a licensee is violating or has violated the Act or rules promulgated thereunder.

13 **3.2 Authority to Impose Fine.** Pursuant to RCW 31.45.110(1)(b) and (2)(c), the Director may impose a
14 fine, not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or applicant,
15 or any director, officer, sole proprietor, partner, controlling person, or employee of a licensee or applicant, that
16 is violating or has violated the Act or rules promulgated thereunder.

17 **3.3 Authority to Ban from the Industry.** Pursuant to RCW 31.45.110(1)(b) and (2)(e), the Director may
18 remove from office or ban from participation in the conduct of the affairs of any licensee any director, officer,
19 sole proprietor, partner, controlling person, or employee of a licensee that is violating or has violated the Act or
20 rules promulgated thereunder.

21 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100, and WAC 208-
22 630-380, the Director shall collect from the licensee the actual cost of an investigation of a licensee. The
23 investigation charge will be calculated at the rate of \$69 per hour for each hour that each staff person devoted to the
24 investigation, plus actual expenses.

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IV. NOTICE OF INTENTION TO ENTER ORDER

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

4.1 Respondent Cash In Advance, Inc.'s license to conduct the business of a check casher with a small loan endorsement be revoked; and

4.2 Respondents Cash In Advance, Inc., John W. Griffin, and Hurshell Alan Dasher jointly and severally pay a fine which as of the date of these charges totals \$20,000; and

4.3 Respondents John W. Griffin, and Hurshell Alan Dasher be banned from participation in the conduct of the affairs of any check casher or check casher with a small loan endorsement or check seller subject to licensure by the Director, in any manner, for a period of five years; and

4.4 Respondents Cash In Advance, Inc., John W. Griffin, and Hurshell Alan Dasher jointly and severally pay an investigation fee which as of the date of these charges totals \$690, calculated at \$69 per hour for the ten staff hours devoted to the investigation; and

4.5 Respondents Cash In Advance, Inc., John W. Griffin, and Hurshell Alan Dasher maintain records in compliance with the Act and provide the Director with the location of the books, records, and other information relating to Respondent s' check casher with a small loan endorsement business, and the name, address, and telephone number of the individual responsible for maintenance of such records in compliance with the Act.


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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, Prohibit from Industry, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 8th day of August, 2008.


DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:


STEVEN C. SHERMAN
Financial Legal Examiner



Approved by:


JAMES R. BRUSSELBACK
Enforcement Chief