



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

MERTROSE INC. d/b/a CASH PLUS, and MERTON  
HARVEY ROSENBERG, President and Owner,

Respondents.

NO. C-09-085-09-FO01

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On May 22, 2009, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Ban from Industry, Impose Fine, Collect Examination and Investigation Fees (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated May 27, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents. The Department served the Statement of Charges, cover letter dated May 27, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing on Respondents on May 27, 2009, by First-Class mail and Federal Express overnight delivery<sup>1</sup>. The documents sent to the

<sup>1</sup> The documents were sent to 3 addresses, 2315 N. Pearl St. Ste. A6, Tacoma, WA 98406 (business address), 9136 Dalwood Rd. SW, Lakewood, WA 98499 (business address), and the Respondents' registered agent at Shillito & Giske PS 1919 N. Pearl St. Ste C2 Tacoma, WA 98406 (registered agent).

1 Respondents' business addresses via Federal Express overnight delivery were returned to the  
2 Department as undeliverable. The documents sent to the Respondents' business addresses via First-  
3 Class mail were returned to the Department as undeliverable. The documents sent to the Respondents'  
4 registered agent via Federal Express were delivered on May 28, 2009. The documents sent to the  
5 Respondents' registered agent via First-Class mail were not returned to the Department.

6 Respondents did not request an adjudicative hearing within twenty calendar days after the  
7 Department served them with the Notice of Opportunity to Defend and Opportunity for Hearing, as  
8 provided for in WAC 208-08-050(2).

9  
10 B. Record Presented. The record presented to the Director's designee for her review and  
11 for entry of a final decision included the Statement of Charges, cover letter dated May 27, 2009, Notice of  
12 Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for  
13 Respondents, with documentation of service.

14 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1) the  
15 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

16  
17 II. FINAL ORDER

18 Based upon the foregoing, and the Director's designee having considered the record and  
19 being otherwise fully advised, NOW, THEREFORE:

20 A. IT IS HEREBY ORDERED, That:

21 4.1 Respondent Mertrose Inc. d/b/a Cash Plus's license to conduct the business of a check  
22 seller and check casher with a small loan endorsement be revoked;

23 4.2 Respondents Mertrose Inc. d/b/a Cash Plus and Merton Harvey Rosenberg jointly and  
24 severally pay a fine of \$9,000;

1           **4.3**    Respondent Mertrose Inc. d/b/a Cash Plus be banned from participation in the conduct of  
2            the affairs of any check casher or check casher with a small loan endorsement or check  
3            seller subject to licensure by the Director, in any manner, for a period of 5 years;

4           **4.4**    Respondent Merton Harvey Rosenberg be banned from participation in the conduct of the  
5            affairs of any check casher or check casher with a small loan endorsement or check seller  
6            subject to licensure by the Director, in any manner, for a period of 5 years;

7           **4.5**    Respondents Mertrose Inc. d/b/a Cash Plus and Merton Harvey jointly and severally pay  
8            an examination fee of \$1,308.50, calculated at \$69 per hour for the 14.75 staff hours  
9            devoted to the examination (\$1,017.75 examination fee plus \$290.75 in accrued interest);  
10           and

11           **4.6**    Respondents Mertrose Inc. d/b/a Cash Plus and Merton Harvey jointly and severally pay  
12            an investigation fee of \$1,035.15, calculated at \$69.01 per hour for the 15 staff hours  
13            devoted to the investigation.

14           **B.    Reconsideration.**       Pursuant to RCW 34.05.470, Respondents have the right to file a  
15            Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
16            must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
17            Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
18            Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The  
19            Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
20            Reconsideration a prerequisite for seeking judicial review in this matter.

21            A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date  
22            the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written  
23            notice specifying the date by which it will act on a petition.

24           **C.    Stay of Order.**       The Director's designee has determined not to consider a Petition  
25            to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition  
             for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

1 D. Judicial Review. Respondents have the right to petition the superior court for  
2 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements  
3 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

4 E. Non-compliance with Order. If you do not comply with the terms of this order, the  
5 Department may seek its enforcement by the Office of Attorney General to include the collection of the  
6 fines, fees and restitution imposed herein.

7 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
8 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
9 attached hereto.

10  
11 DATED this 1<sup>st</sup> day of September, 2009.

12 STATE OF WASHINGTON  
13 DEPARTMENT OF FINANCIAL INSTITUTIONS

14 

15 DEBORAH BORTNER  
16 DIRECTOR  
17 DIVISION OF CONSUMER SERVICES

