



State of Washington  
**DEPARTMENT OF FINANCIAL INSTITUTIONS**

IN THE MATTER OF:

ZIPPY CASH, LLC, d/b/a/ ZIPPY CASH  
and d/b/a ADVANCE TIL PAYDAY, and  
DANIEL M. VAN GASKEN, Managing  
Member and Executive Trustee,

Respondents.

DOCKET NO. 2007-DEPARTMENT-0001  
DEPARTMENT NO. C-06-186-07

ORDERING GRANTING PETITION FOR  
RECONSIDERATION & AMENDING  
DEPARTMENT'S FINAL DECISION AND  
ORDER MODIFYING INITIAL FINDINGS  
OF FACT, INITIAL CONCLUSIONS OF  
LAW, AND INITIAL DECISION OF  
ADMINISTRATIVE LAW JUDGE

THIS MATTER has come again before the Director (hereinafter, "Director") of the Washington State Department of Financial Institutions (hereinafter, "Department") on a Petition for Reconsideration, dated July 9, 2008, by the Division of Consumer Services (hereinafter, the "Division"), requesting that the \$13,800 awarded against Zippy Cash, LLC (hereinafter, "Zippy Cash") and Daniel M. Van Gasken (hereinafter, "Van Gasken"), jointly and severally, by Administrative Law Judge Brian O. Watkins (hereinafter, "Administrative Law Judge") in his Findings of Fact (hereinafter, "FOF"), Conclusions of Law (hereinafter, "COL") and Initial Order dated April 4, 2008 (hereinafter, "Initial Order) be confirmed by way of amending the Department's Final Decision and Order dated July 1, 2008.

1.0 Division's Petition for Reconsideration

The Director notes preliminarily that, notwithstanding a Summons and Petition for Judicial Review in Pierce County Superior Court by Zippy Cash and Van Gasken, dated July 10,

2008, the Director still retains jurisdiction for purposes of deciding this pending Petition for Reconsideration. Moreover, this Petition for Reconsideration has been timely filed. *See* RCW 34.05.470. Therefore, the Director is privileged to consider the Division's Petition for Reconsideration.

In considering the Division's Petition for Reconsideration, the Director notes, first of all, that the failure to confirm in the Final Decision and Order the Administrative Law Judge's award of investigative fees, as set forth in Paragraph 4 of the Initial Order (*see* Initial Order, p. 28) was an oversight by the Director and does not reflect a reticence to grant reasonable investigative fees.

The Director also notes that Zippy Cash and Van Gasken did not file an objection to the Petition for Reconsideration.

The Administrative Law Judge found that the Department's staff had spent 200 staff hours on its investigation of Zippy Cash. *See* FOF 94. This was supported by substantial evidence at the hearing. The Administrative Law Judge concluded that the Department may charge an "investigative fee" at the hourly rate of \$69.00 per person per hour expended, plus actual expenses, relying upon RCW 31.45.050(1), RCW 31.45.100, and WAC 208-630-380. *See* COL 29. Based upon this application of the law to FOF 94, the Administrative Law Judge further concluded that (1) the Division's staff spent 200 hours on its investigation of Zippy Cash and (2) Zippy Cash and Van Gasken are liable, jointly and severally to pay the Department \$13,800 (\$69 x 200 hours). COL 94 was supported by the law and substantial evidence.

There being no opposition from Zippy Cash or Van Gasken to the Petition for Reconsideration, the Director can only consider the Petition for Reconsideration as filed by the Division on July 9, 2008. The Division's request is supported by substantial law and evidence.

The Director therefore agrees with the Division that the Department is entitled to investigative fees from Zippy Cash and Van Gasken, jointly and severally, in the amount of \$13,800.

2.0 Amendment to Final Decision and Order

For all of the reasons set forth above, IT IS HEREBY ORDERED:

2.1 Petition for Reconsideration Granted. The Division's Petition for Reconsideration dated July 9, 2008, is hereby granted.

2.2 Amendment. The Department's Final Decision and Order, dated July 1, 2008, is hereby amended to provide that Zippy Cash, LLC, and Daniel M. Van Gasken are liable to the Department, jointly and severally, for investigative fees in connection with this matter in the sum of Thirteen Thousand Eight Hundred Dollars (\$13,800.00).

2.3 All Other Provisions of Final Decision and Order in Effect. Except as set forth in Sub-Paragraph 2.2 above, all other provisions of the Department's Final Decision and Order shall remain in effect and un-altered.

2.4 Effectiveness and Enforcement of Amendment to Final Decision and Order. Pursuant to the Administrative Procedures Act, at RCW 34.05.473, this Amendment to the Final Decision and Order shall be effective immediately upon deposit in the United States Mail; *provided, however,* that all fines and restitution imposed herein shall be fully paid not more than thirty days from the date of this Final Decision and Order, and, to the extent left unpaid, shall be thereafter subject to immediate execution as provided in Subsection 2.11 below.

2.5 Stay of Order. The Director has determined not to consider a petition to stay the effectiveness of this Amendment to the Final Decision and Order. Any such requests should be made in connection with a petition for judicial review made under the Administrative Procedures Act, Chapter 34.05 RCW, including RCW 34.05.550.

4.10 Judicial Review. Zippy Cash and Van Gasken each have the right to petition the superior court for judicial review of the Department's action under the provisions of the Administrative Procedures Act, Chapter 34.05 RCW.

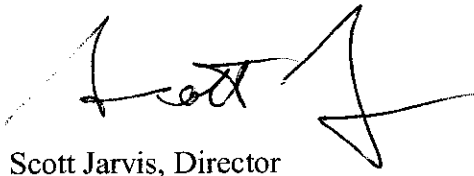
4.11 Non-Compliance with Final Decision and Order. If Zippy Cash and/or Van Gasken do not comply with the terms of this order, the Department may seek enforcement by the Office of Attorney General to include the collection of the fines, fees and restitution imposed herein. Failure to comply with this Amendment to the Final Decision and Order may also prompt action against Zippy Cash by the Department, as permitted by the Check Cashers and Check Seller's Act, Chapter 31.45 RCW, for failure to comply with a lawful order of the Department.

4.12 Service. For purposes of filing a petition for judicial review, service of this Final Decision and Order is effective upon its having been deposited in the United States Mail with a declaration of service attached hereto.

Dated at Tumwater, Washington, on this 18<sup>th</sup> day of July, 2008.

WASHINGTON STATE DEPARTMENT  
OF FINANCIAL INSTITUTIONS


By:

  
Scott Jarvis, Director

**NOTICE TO THE PARTIES AND DECLARATION OF SERVICE**

This is to certify that the above ORDER has been served upon the following parties on July 18, 2008, by depositing a copy of same in the United States mail, postage prepaid.

WASHINGTON STATE DEPARTMENT  
OF FINANCIAL INSTITUTIONS

By:   
Susan Putzier  
Executive Assistant

**Mailed to the following:**

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