

# Terms Completed

## ORDER SUMMARY – Case Number: C-09-269

**Name(s):** Access Cash Inc. d/b/a Payday Advance

**Order Number:** C-09-269-10-CO01

**Effective Date:** March 14, 2011

**License Number:** DFI: 29742

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  
If applicable, you must specifically note the ending dates of terms.

**License Effect:** n/a

**Not Apply Until:** \_\_\_\_\_

**Not Eligible Until:** n/a

**Prohibition/Ban Until:** n/a

<b>Investigation Costs</b>	\$966	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:** \_\_\_\_\_

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RECEIVED

MAR 11 2011

STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS ENFORCEMENT UNIT  
DIVISION OF CONSUMER SERVICES DEPT OF FINANCIAL INSTITUTIONS

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

ACCESS CASH INC. d/b/a PAYDAY ADVANCE,  
Licensee, and GARY W. ZACHER, Co-Owner,  
Vice-President, Director and Chief Financial Officer,  
and JILL M. ZACHER, Co-Owner,

Respondents.

NO. C-09-269-10-CO01

CONSENT ORDER AS TO ACCESS CASH  
INC. d/b/a PAYDAY ADVANCE

RECEIVED  
RECEPTION

MAR 10 2011

DEPT. OF FINANCIAL INSTITUTIONS  
OLYMPIA, WASHINGTON

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Access Cash Inc. d/b/a Payday Advance (Respondent), by and through its attorney, Jessica Jensen, and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 31.45 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-09-269-10-CO01 (Statement of Charges), entered April 27, 2010, (copy attached hereto). Pursuant to chapter 31.45 RCW, the Check Cashers and Sellers Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter as it relates to Respondent may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges as it relates to Respondent and a successor entity, Access Cash Services, Inc., and agree that Respondent does not admit any wrongdoing by its entry. Respondent is agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

1 Based upon the foregoing:

2 **A. Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the  
3 activities discussed herein.

4 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing  
5 before an administrative law judge, and hereby waives its right to a hearing and any and all administrative and  
6 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly,  
7 Respondent, by the signatures of its representative below, withdraws its appeal to the Office of Administrative  
8 Hearings.

9 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the Statement of  
10 Charges as it relates to the Respondent and agree that Respondent does not admit to any wrongdoing by its  
11 entry.

12 **D. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee  
13 of \$966, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this  
14 Consent Order.

15 **E. Authority to Execute Order.** It is AGREED that the undersigned have represented and warranted  
16 that they have the full power and right to execute this Consent Order on behalf of the parties represented.

17 **F. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide by  
18 the terms and conditions of this Consent Order may result in further legal action by the Director. In the event  
19 of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in pursuing  
20 such action, including but not limited to, attorney fees.

21 **G. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into  
22 this Consent Order, which is effective when signed by the Director's designee.

23 **H. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent  
24 Order in its entirety and fully understands and agrees to all of the same.

25 //

1 **RESPONDENT:**  
2 **Access Cash Inc. d/b/a Payday Advance**

3 By: *Rocklin Perrott*  
4 Rocklin Perrott  
5 Owner

3/9/11  
Date

6 *Hillary Joseph*  
7 Hillary Joseph  
8 Owner

3/9/11  
Date

9 *Jessica Jensen*  
10 Jessica Jensen, WSBA No. 29969  
11 Jensen Kokis Erwin, PS  
12 Attorneys for Respondent

3/10/11  
Date

13 **DO NOT WRITE BELOW THIS LINE**

14 THIS ORDER ENTERED THIS 17<sup>th</sup> DAY OF March, 2011.

*Deborah Bortner*

15 DEBORAH BORTNER  
16 Director  
17 Division of Consumer Services  
18 Department of Financial Institutions

19 Presented by:

20 *Anthony W. Carter*  
21 ANTHONY W. CARTER  
22 Financial Legal Examiner



23 Approved by:

24 *James R. Brusselback*  
25 JAMES R. BRUSSELBACK  
Enforcement Chief

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

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

ACCESS CASH INC. d/b/a PAYDAY ADVANCE,  
Licensee, and  
GARY W. ZACHER, Co-Owner, Vice-President,  
Director and Chief Financial Officer, and  
JILL M. ZACHER, Co-Owner,

Respondents.

NO. C-09-269-10-SC01

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

**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 this Statement of Charges, the Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

A. **Access Cash Inc. (Respondent Access)** 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 and a check seller on May 17, 2006, and has continued to be licensed to date. Respondent Access, at all times relevant to this Statement of Charges, was licensed to conduct the business of a check casher with a small loan endorsement and a check seller at 8765 Tallon Ln. N.E. Ste. K, Lacey, Washington and 5710 Ruddell Rd. S.E. Ste. 6, Lacey, Washington.



1 conduct acts to his or her injury or damage, for committing an act or engaging in conduct that demonstrates  
2 incompetence or untrustworthiness, or is a source of injury and loss to the public.

3 **2.2 Rollover Loans.** Based on the Factual Allegations set forth in Section I above, Respondents are in  
4 apparent violation of WAC 208-630-770 for allowing borrowers to use a new loan to pay off an existing loan  
5 by the same lender.

6 **2.3 Excessive Fees.** Based on the Factual Allegations set forth in Section I above, Respondents are in  
7 apparent violation of RCW 31.45.073 for charging interest or fees in excess of the amount allowed by the  
8 Act.

9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the Director may remove  
11 from office or ban from participation in the conduct of the affairs of any licensee any director, officer, sole  
12 proprietor, partner, controlling person, or employee of a licensee that is violating or has violated the Act  
13 including rules and orders, or commits any act or engages in conduct that demonstrates incompetence or  
14 untrustworthiness, or is a source of injury or loss to the public.

15 **3.2 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a fine, not to  
16 exceed one hundred dollars per day for each day's violation of the Act, on any licensee or applicant, or any  
17 director, officer, sole proprietor, partner, controlling person, or employee of a licensee or applicant, that is  
18 violating or has violated the Act including rules and orders, or commits any act or engages in conduct that  
19 demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the public.

20 **3.3 Authority to Order Restitution.** Pursuant to RCW31.45.110(2)(d) the Director may order restitution  
21 to borrowers or other parties damaged by the licensee's violation of the Act.

22 **3.4 Authority to Collect Investigation Fee(s).** Pursuant to RCW 31.45.050(1), RCW 31.45.100, and  
23 WAC 208-630-350 and WAC 208-630-380, the Director shall collect from the licensee the actual cost of an  
24 examination or investigation of the business, books, accounts, records, files, or other information of a licensee or  
25 person who the Director has reason to believe is engaging in the business governed by the Act. The charge will

1 be calculated at the rate of sixty-nine dollars (\$69) per hour that each staff person devoted to the examination or  
2 investigation, plus actual expenses.

3 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

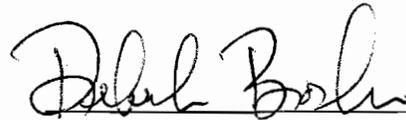
- 7 **4.1** Respondents Gary Zacher and Jill Zacher be banned from participation in the conduct of the affairs of  
8 any check casher or check seller subject to licensure by the Director, in any manner, for a period of 5  
9 years;
- 10 **4.2** Respondent Access Cash Inc. d/b/a Payday Advance pay a fine which, as of the date of these charges,  
11 totals \$1,000.
- 12 **4.3** Respondents Gary Zacher and Jill Zacher, jointly and severally pay a fine which, as of the date of these  
13 charges, totals \$36,500;
- 14 **4.4** Respondents Access Cash Inc. d/b/a Payday Advance, Gary Zacher and Jill Zacher, jointly and severally  
15 pay restitution to borrowers in an amount which, as of the date of these charges, totals \$4,700;
- 16 **4.5** Respondent Access Cash Inc. d/b/a Advance Payday, pay an investigation fee which, as of the date of  
17 these charges, totals \$966, plus accrued interest; calculated at \$69 per hour for the 14 staff hours devoted  
18 to the investigation.
- 19 **4.6** Respondents Gary Zacher and Jill Zacher, jointly and severally, pay an investigation fee which, as of the  
20 date of these charges, totals \$3,657, plus accrued interest, calculated at \$69 per hour for the 53 staff  
21 hours devoted to the investigation.
- 22 **4.7** Respondent Access Cash Inc. d/b/a Payday Advance maintain records in compliance with the Act and  
23 provide the Department with the location of the books, records and other information relating to Respondent  
24 Access Cash d/b/a Payday Advance's check casher and seller business, and the name, address and telephone  
25 number of the individual responsible for maintenance of such records in compliance with the Act.

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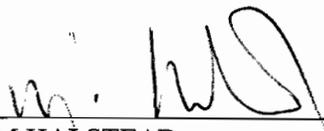
1 **V. AUTHORITY AND PROCEDURE**

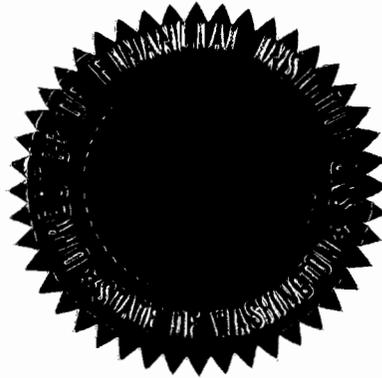
2 This Statement of Charges and Notice of Intention to Enter an Order to Ban from Industry, Impose  
3 Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the  
4 provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of chapter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

8  
9 Dated this 27<sup>th</sup> day of April, 2010.

10  
11   
12 DEBORAH BORTNER  
13 Director  
14 Division of Consumer Services  
15 Department of Financial Institutions

16 Presented by:

17   
18 WILLIAM HALSTEAD  
19 Financial Legal Examiner



20 Approved by:

21   
22 JAMES R. BRUSSELBACK  
23 Enforcement Chief