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3 **STATE OF WASHINGTON**  
4 **DEPARTMENT OF FINANCIAL INSTITUTIONS**  
5 **CONSUMER SERVICES DIVISION**

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

C-10-182-10-TD01

CASH ADVANCE NOW,

TEMPORARY ORDER TO  
CEASE AND DESIST

Respondent.

9 THE STATE OF WASHINGTON TO: CASH ADVANCE NOW

10 COMES NOW the Director of the Washington State Department of Financial Institutions (Director),  
11 by and through his designee Deborah Bortner, Division Director, Division of Consumer Services, and finding  
12 that the public is likely to be substantially injured by delay in issuing a cease and desist order, the Director,  
13 through his designee, enters this Temporary Cease and Desist Order pursuant to chapter 31.45 RCW, the  
14 Check Cashers and Sellers Act (Act), based on the following findings:

15 **I. FACTUAL FINDINGS**

16 **1.1 Respondent Cash Advance Now** is an online payday lender with a web site address of  
17 [www.cashadvancenow.com](http://www.cashadvancenow.com). Cash Advance Now is believed to be physically located in San Jose, Costa  
18 Rica. Cash Advance Now has never been licensed by the Washington State Department of Financial  
19 Institutions (Department) to conduct business as a check casher and check seller with a small loan  
20 endorsement (payday lender) in Washington.

21 **1.2 Unlicensed Activity.** From at least April 17, 2008, to present, Cash Advance Now has  
22 made payday loans to at least two Washington borrowers.  
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1 31.45.130 pending the completion of the administrative proceedings under the notice and until such time  
2 as the director dismisses the charges specified in the notice or until the effective date of the cease and  
3 desist order issued against the licensee under RCW 31.45.110. Pursuant to RCW 31.45.010(13), for  
4 purposes of the enforcement powers of the Act, including the power to issue cease and desist orders,  
5 “licensee” means a check casher or seller who fails to obtain the license required by this chapter. Pursuant  
6 to RCW 31.45.030 and WAC 208-630-120, only a licensed check casher/seller with a small loan  
7 endorsement may make payday loans to Washington residents. Pursuant to RCW 31.45.010(4), a “check”  
8 includes any electronic form of payment, including internet transfers.

#### 9 10 **IV. ORDER**

11 Based on the above Factual Findings, Grounds for Entry of Order, and Authority to Issue  
12 Temporary Order to Cease and Desist, and pursuant to RCW 31.45.120 and RCW 31.45.110(1)(b), the  
13 Director determines the acts and conduct of Cash Advance Now, and the continuation of such conduct, is  
14 likely to cause substantial injury to the public. Therefore, the Director ORDERS that:

15 **4.1** Respondent Cash Advance Now shall immediately cease and desist from making payday  
16 loans to Washington residents.

17 **4.2** Respondent Cash Advance Now, shall immediately cease and desist from using unlawful  
18 collections practices to collect outstanding payday loans.

19 **4.3** This order shall take effect immediately upon service and shall remain in effect unless set  
20 aside, limited, or suspended by a court under RCW 31.45.130.

#### 21 **NOTICE**

22 YOU ARE ENTITLED TO A HEARING PURSUANT TO CHAPTER 31.45 RCW TO  
23 DETERMINE WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU DESIRE A  
24 HEARING, THEN YOU MUST RETURN THE ATTACHED APPLICATION FOR ADJUDICATIVE  
25 HEARING INCORPORATED HEREIN BY THIS REFERENCE. FAILURE TO COMPLETE AND

1 RETURN THE APPLICATION FOR ADJUDICATIVE HEARING FORM SO THAT IT IS RECEIVED  
2 BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN 20 DAYS OF THE DATE THAT  
3 THIS ORDER WAS SERVED ON YOU WILL CONSTITUTE A DEFAULT AND WILL RESULT IN  
4 THE LOSS OF YOUR RIGHT TO A HEARING. SERVICE ON YOU IS DEFINED AS POSTING IN  
5 THE U.S. MAIL, POSTAGE PREPAID, TO YOUR LAST KNOWN ADDRESS. BE ADVISED THAT  
6 DEFAULT WILL RESULT IN THIS ORDER TO CEASE AND DESIST BECOMING PERMANENT ON  
7 THE 21ST DAY FOLLOWING SERVICE OF THIS ORDER UPON YOU.

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9 WITHIN TEN DAYS AFTER YOU HAVE BEEN SERVED WITH THIS TEMPORARY  
10 CEASE AND DESIST ORDER, YOU MAY APPLY TO THE SUPERIOR COURT IN THE  
11 COUNTY OF YOUR PRINCIPAL PLACE OF BUSINESS FOR AN INJUNCTION SETTING  
12 ASIDE, LIMITING, OR SUSPENDING THIS ORDER PENDING THE COMPLETION OF THE  
13 ADMINISTRATIVE PROCEEDINGS PURSUANT TO THIS NOTICE.

14 DATED this <sup>6<sup>th</sup></sup> day of October, 2010.



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

21 Presented by:

22   
23 STEVEN C. SHERMAN  
24 Financial Legal Examiner

25 Approved by:

  
JAMES R. BRUSSELBACK  
Enforcement Chief