

ORDER SUMMARY – Case Number: C-14-1433

Name(s): Marisela Chapman d/b/a Money Express

Order Number: C-14-1433-14-FO01

Effective Date: _____

License Number: 530-CC-53265 & 530-SL-53265 – Revoked

Or NMLS Identifier [U/L] _____

License Effect: Revoked

Not Apply Until: July 31, 2019

Not Eligible Until: July 31, 2019

Prohibition/Ban Until: July 31, 2019

Investigation Costs	\$1,017	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$5,000	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments: _____

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:

No. C-14-1433-14-FO01

MARISELA CHAPMAN,
d/b/a MONEY EXPRESS,

FINAL ORDER

Respondent.

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 (Director's designee), pursuant to RCW 34.05.440(1). On July 2, 2014, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Collect Annual Assessment, Impose Fine, Ban From Industry, and Collect Investigative Fee (Statement of Charges) against Marisela Chapman (Respondent). 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 July 3, 2014, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, accompanying documents).

On July 3, 2014, the Department of Financial Institutions, Division of Consumer Services (Department) served Respondent with the Statement of Charges and accompanying documents by First-Class mail and Federal Express.

On July 3, 2014, the Department served the Statement of Charges and accompanying documents to Respondent's resident address of 9818 Donavan Ct. SE, Yelm, WA 98597 by First

1 Class mail and by Federal Express. The First Class mail service has not been returned to the
2 Department. The Federal Express service of these documents was delivered and signed for by an M.
3 Chapman on July 7, 2014.

4 On July 3, 2014, the Department served the Statement of Charges and accompanying
5 documents on Respondent to her reported new business address of 806 E. Yelm, WA 98597. The
6 First Class mail service of these documents was returned to the Department as undeliverable on July
7 14, 2014. However, the Federal Express service of these documents was delivered and signed for on
8 July 7, 2014, by an individual identified as C. Hapman.

9 On July 3, 2014, the Department also served the Statement of Charges and accompanying
10 documents by First Class mail to the Respondent's mailing address on file with the Department of PO
11 Box 2975, Yelm, WA 98597. These documents have not been returned to the Department.

12 Respondent did not request an adjudicative hearing within twenty calendar days after the
13 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
14 in WAC 208-08-050(2).

15 B. Record Presented. The record presented to the Director's designee for her review and
16 for entry of a final decision included the following:

- 17 1. Statement of Charges,
- 18 2. Cover letter dated July 3, 2014,
- 19 3. Notice of Opportunity to Defend and Opportunity for Hearing,
- 20 4. Blank Application for Adjudicative Hearing for Respondent, with documentation
21 for service,
- 22 5. Declaration of Service from Emma Baldwin, dated July 3, 2014,
- 23 6. Email from Emma Baldwin to Respondent regarding Statement of Charges, dated
24 July 3, 2014,
- 25 7. Email confirmation of the Statement of Charges and accompanying documents
being delivered to Respondent's email, dated July 3, 2014,

8. Federal Express tracking and proof of delivery of Statement of Charges and accompanying documents to Respondent's reported address of 9818 Donavan Ct. SE, Yelm, WA 98597,
9. Federal Express tracking and proof of delivery of Statement of Charges and accompanying documents to Respondent's reported new business address of 806 E. Yelm Ave., Yelm, WA 98597.

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

II. FINAL ORDER

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

A. IT IS HEREBY ORDERED, That:

1. Respondent Marisela Chapman d/b/a Money Express, LLC's license to conduct the business of a check casher with a small loan endorsement is revoked;
2. Respondent Marisela Chapman pay a fine of \$5,000;
3. Respondent Marisela Chapman is banned from participation in the conduct of the affairs of any check casher or check seller with a small loan endorsement or check seller subject to licensure by the Director, in any manner, for a period of five years;
4. Respondent Marisela Chapman pay an investigation fee of \$1,017.

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

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

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

7 D. Judicial Review. Respondent has the right to petition the superior court for judicial
8 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
9 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

10 E. Non-compliance with Order. If you do not comply with the terms of this order, the
11 Department may seek its enforcement by the Office of the Attorney General to include the collection
12 of the fines and fees imposed herein. The Department also may assign the amounts owed to a
13 collection agency for collection.

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

17
18 DATED this 31st day of July, 2014.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

DEBORAH BORTNER
Director
Division of Consumer Services

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:

MARISELA CHAPMAN,
d/b/a MONEY EXPRESS,

Respondent.

No. C-14-1433-14-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO REVOKE LICENSE, COLLECT
ANNUAL ASSESSMENT, IMPOSE FINE,
BAN FROM INDUSTRY, 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 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 Marisela Chapman d/b/a Money Express (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (the Department) to conduct business as a check casher with a small loan endorsement on May 7, 2010, and has continued to be licensed to date. Respondent is licensed to conduct business of a check casher with a small loan endorsement at 305 Yelm Ave. East, Yelm, Washington 98597. Respondent's license number for the check casher license with small loan endorsement is 530-CC/SL-53265.

1.2 Failure to Maintain Bond. On December 17, 2013, the Department received notice from the American Safety Casualty Insurance Company that Respondent's surety bond would be cancelled,

1 effective January 15, 2014. To date, the Respondent has failed to provide the Department the required
2 surety bond or an approved alternative.

3 **1.3 Failure to Comply with Department Directive and Failure to Submit Closure**

4 **Documents.** On May 29, 2013, the Department received an application from Respondent to amend
5 her check casher small loan endorsement license to reflect a new business address to be 806 E. Yelm
6 Ave., Yelm, Washington 98597. Additionally, this application reflected the business had changed
7 from a sole proprietorship to a limited liability company (LLC) and was now doing business as
8 Money Express, LLC.

9 On June 4, 2013, the Department contacted Respondent and provided notice she was required
10 to submit a new application for a license through the Nationwide Mortgage Licensing System
11 (NMLS) based on her business structure changing from a sole proprietorship to an LLC.

12 On September 10, 2013, the Department sent a second notice to Respondent to submit a new
13 application through NMLS and to contact the Department by September 13, 2013.

14 On January 9, 2014, the Department sent a Directive to Respondent directing her to reapply
15 for a new license through NMLS by January 23, 2014.

16 On January 31, 2014, the Department sent Respondent a Directive directing her to take the
17 following actions by 5:00 PM, Friday, February 14, 2014:

- 18 • Contact the Department Licensing Unit to notify the Department of her intentions
19 regarding her license;
- 20 • Submit a new application for a license through NMLS based on the change of business
21 structure to a limited liability corporation;
- 22 • Submit an original signed and sealed replacement bond or an original signed and
23 sealed reinstatement with no lapse in coverage.
- 24 • If no longer intending to continue in business, to notify of this fact and submit
necessary closure paperwork.

1 This Directive was sent via First-class mail and Federal Express. The documents sent via
2 Federal Express were delivered on February 5, 2014 and signed for by M. Chapman. To date the
3 Department has not been contacted by Respondent, and she has not submitted an application for a
4 new license based on the change in her business structure or submitted required closure paperwork.

5 **1.4 Failure to File Annual Reports and Assessments.** Respondent was required to submit an
6 annual report and pay any assessment due for the calendar year 2013. Respondent was required to
7 submit the report and assessment by April 15, 2014, but has failed to do so.

8 **1.5 On-going Investigation.** The Department's investigation into the alleged violations of the
9 Act by Respondent continues to date.

10 II. GROUNDS FOR ENTRY OF ORDER

11 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in
12 Section I above, Respondent is in apparent violation of RCW 31.45.030(5) and WAC 208-630-030
13 for failing to file and maintain a surety bond or approved alternative with the Department.

14 **2.2 Requirement to File Financial Statements.** Based on the Factual Allegations set forth in
15 Section I above, Respondent is in apparent violation of RCW 31.45.090 and WAC 208-630-830 for
16 failing to provide annual financial statements to the Director by April 15, 2014 or within one hundred
17 five days after the close of each calendar fiscal year.

18 **2.3 Requirement to Pay Annual Assessments.** Based on the Factual Allegations set forth in
19 Section I above, Respondent is in apparent violation of RCW 31.45.050(1), WAC 208-630-400,
20 WAC 208-630-830 and WAC 208-630-8301 for failing to pay to the Director an annual assessment
21 fee by April 15, 2014.

1 **2.4 Requirement to Comply with Department's Authority.** Based on the Factual Allegations
2 set forth in Section I above, Respondent is in apparent violation of RCW 31.45.100 and WAC 208-
3 630-320 for failing to comply with the Department's authority.

4 **III. AUTHORITY TO IMPOSE SANCTIONS**

5 **3.1 Authority to Revoke License.** Pursuant to RCW 31.45.110(2)(a), the Director may revoke
6 a license if a licensee is violating or has violated the Act including rules and orders, or commits any
7 act or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of
8 injury or loss to the public.

9 **3.2 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a
10 fine, not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or
11 applicant, or any director, officer, sole proprietor, partner, controlling person, or employee of a
12 licensee or applicant, that is violating or has violated the Act including rules and orders, or commits
13 any act or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of
14 injury or loss to the public.

15 **3.3 Authority to Remove and Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the
16 Director may remove from office or ban from participation in the conduct of the affairs of any
17 licensee any director, officer, sole proprietor, partner, controlling person, or employee of a licensee
18 that is violating or has violated the Act including rules and orders, or commits any act or engages in
19 conduct that demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the
20 public.

21 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,
22 WAC 208-630-360, WAC 208-630-370, and WAC 208-630-380, the Director shall collect from the
23 licensee the actual cost of an examination or investigation of the business, books, accounts, records,

1 files, or other information of a licensee or person who the Director has reason to believe is engaging
2 in the business governed by the Act. The investigation charge will be calculated at the rate of sixty-
3 nine dollars (\$69) per hour that each staff person devoted to the investigation, plus actual expenses.

4 IV. NOTICE OF INTENTION TO ENTER ORDER

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

- 9 4.1 Respondent Marisela Chapman d/b/a Money Express, LLC's license to conduct the
10 business of a check casher with a small loan endorsement be revoked;
- 11 4.2 Respondent Marisela Chapman pay a fine of \$5,000;
- 12 4.3 Respondent Marisela Chapman be banned from participation in the conduct of the
13 affairs of any check casher or check casher with a small loan endorsement or check
14 seller subject to licensure by the Director, in any manner, for a period of five years;
- 15 4.4 Respondent Marisela Chapman pay investigation fee in the amount of \$1,017
16 calculated at \$69 per hour for the 14.75 staff hours devoted to the investigation.

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1 **V. AUTHORITY AND PROCEDURE**

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

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9 Dated this 2nd day of July, 2014.



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[Redacted Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

15 Presented by:

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[Redacted Signature]

GREGORY H. SANDOZ
Financial Legal Examiner

19 Approved by:

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[Redacted Signature]

CHARLES CLARK
Enforcement Chief