

ORDER SUMMARY – Case Number: C-14-1523

Name(s): Cash 4 Checks LLC d/b/a Roman Chavarria
Order Number: C-14-1523-15-FO01
Effective Date: January 27, 2015
License Number: DFI: 530-CC-29394
Or NMLS Identifier
License Effect: Check Casher License Revoked
Not Apply Until: January 27, 2020
Not Eligible Until: January 27, 2020
Prohibition/Ban Until: January 27, 2020

Investigation Fee	\$2,415	Due:	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$7,000	Due:	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Assessment(s)	\$	Due: NA	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due: NA	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due: NZ	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
	No. of Victims:			

Comments: In addition to the license revocation, investigation fee, and fine, Cash 4 Checks LLC d/b/a Roman Chavarria is required to permanently cease and desist from engaging in the business of a check casher and is banned from participation in the conduct of the affairs of any check casher, check casher with a small loan endorsement, or check seller subject to licensure by the Director, in any manner, for a period of five (5) years.

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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:

CASH 4 CHECKS LLC D/B/A ROMAN
CHAVARRIA,
License No. 530-CC-29394

Respondent.

No.: C-14-1523-15-FO01

FINAL ORDER RE:

NO.: C-14-1523-14-TD01 and

NO.: C-14-1523-14-SC01

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 Charles E. Clark ("Director's designee"), pursuant to RCW 34.05.440(1).

On December 1, 2014, the Director, through the Director's designee, entered a Temporary Order to Cease and Desist against Cash 4 Checks LLC d/b/a Roman Chavarria ("Respondent"). A copy of the Temporary Order to Cease and Desist is attached and incorporated into this order by this reference. The Temporary Order to Cease and Desist was accompanied by a cover letter dated December 2, 2014, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, "accompanying documents").

On December 1, 2014, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Ban From Industry, Impose Fine, and Collect Investigation Fee ("Statement of Charges") against 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 December 2, 2014, a Notice of Opportunity to

1 Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for
2 Respondent (collectively, "accompanying documents").

3 On December 2, 2014, the Department served Respondent with the Temporary Order to Cease
4 and Desist, the Statement of Charges, and the accompanying documents by First-Class mail and ABC
5 Legal Services. On December 9, 2014, the documents sent to ABC Legal Services were returned to
6 the Department as undeliverable. The documents sent by First-Class mail were not returned to the
7 Department by the United States Postal Service. On December 9, 2014, Respondent telephoned the
8 Department and stated he had received the documents through the mail.

9 Respondent did not request adjudicative hearings within twenty calendar days after the
10 Department served the Notices of Opportunity to Defend and Opportunity for Hearing, as provided
11 for in WAC 208-08-050(2).

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

- 14 1. The Temporary Order to Cease and Desist, the cover letter dated December 2,
15 2014, the Notice of Opportunity to Defend and Opportunity for Hearing, and the
16 blank Application for Adjudicative Hearing for Respondent, with documentation
17 for service.
- 18 2. The Statement of Charges, the cover letter dated December 2, 2014, the Notice of
19 Opportunity to Defend and Opportunity for Hearing, and the blank Application for
20 Adjudicative Hearing for Respondent, with documentation for service.
- 21 3. The Post Office Address Verification Request forms completed by the Kent
22 Branch Office of the United States Post Office received by the Department on July
23 24, 2014, and on July 25, 2014.

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

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1 II. FINAL ORDER

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

4 A. IT IS HEREBY ORDERED, That:

- 5 1. Respondent Cash 4 Checks LLC d/b/a Roman Chavarria shall permanently cease
6 and desist from engaging in the business of a check casher;
- 7 2. Respondent Cash 4 Checks LLC d/b/a Roman Chavarria's license to conduct the
8 business of a check casher is revoked;
- 9 3. Respondent Cash 4 Checks LLC d/b/a Roman Chavarria is banned from
10 participation in the conduct of the affairs of any check casher, check casher with a
11 small loan endorsement, or check seller subject to licensure by the Director, in any
12 manner, for a period of five (5) years;
- 13 4. Respondent Cash 4 Checks LLC d/b/a Roman Chavarria pay a fine of \$7,000; and
- 14 5. Respondent Cash 4 Checks LLC d/b/a Roman Chavarria pay an investigation fee
15 of \$2,415.

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

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

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

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

7 E. Non-compliance with Order. If you do not comply with the terms of this order, the
8 Department may seek its enforcement by the Office of the Attorney General to include the collection
9 of the fine and the investigation fee imposed herein. The Department also may assign the amounts
10 owed to a collection agency for collection.

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

14 DATED this 27th day of January, 2015.



16 STATE OF WASHINGTON
17 DEPARTMENT OF FINANCIAL INSTITUTIONS

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19 CHARLES E. CLARK
20 Director
21 Division of Consumer Services

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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:

CASH 4 CHECKS LLC D/B/A ROMAN
CHAVARRIA,
License No. 530-CC-29394

Respondent.

No.: C-14-1523-14-SC01

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

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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:

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I. FACTUAL ALLEGATIONS

1.1 Respondent Cash 4 Checks LLC d/b/a Roman Chavarria (“Respondent”) was licensed
by the Department of Financial Institutions of the State of Washington (“Department”) to conduct
business as a check casher on February 3, 2006, and has continued to be licensed to date. Respondent
is licensed to conduct the business of a check casher at 11226 SE 264th Street, Kent, Washington
98030.

1.2 Failure to Comply with the Department’s Investigative Authority – Complaint

Investigation. On or about May 16, 2014, the Department issued a Directive to Respondent to
provide records related to the allegations contained in at least one consumer complaint regarding

1 possible abnormalities in his check cashing business. Respondent was required to provide a response
2 to the Department on or before June 2, 2014. After receiving no response, the Department issued a
3 second copy of the Directive on June 13, 2014, to Respondent's email address at rcntc01@msn.com.
4 The Department requested that Respondent provide a response by June 13, 2014. To date,
5 Respondent has not provided a response to the Department's Directive.

6 **1.3 Failure to Comply with the Department's Investigative Authority – Business**

7 **Examination.** On July 21, 2014, the Department sent Respondent an entry letter regarding a
8 business examination, along with a compliance examination management questionnaire that was to
9 be completed by September 15, 2014. On August 5, 2014, Respondent provided an incomplete
10 management questionnaire.

11 The Department's Examiner in Charge ("EIC") attempted to schedule the examination of
12 Respondent's business that had been initially set for October 14, 2014, and October 15, 2014, by
13 calling Respondent's number on August 14, 2014, September 23, 2014, and October 13, 2014. The
14 EIC also sent a notification on October 13, 2014, of the scheduled examination to Respondent's email
15 address at rcntc01@msn.com. To date, Respondent has not complied with the Department's requests
16 for a business examination.

17 **1.4 On-going Investigation.** The Department's investigation into the alleged violations of the
18 Act by Respondent continues to date.

19 **II. GROUNDS FOR ENTRY OF ORDER**

20 **2.1 Definition of Check Casher.** Pursuant to RCW 31.45.010(5), a "Check Casher" is defined as
21 an individual, partnership, unincorporated association, or corporation that, for compensation,
22 engages, in whole or in part, in the business of cashing checks, drafts, money orders, or other
23 commercial paper serving the same purpose.

1 **2.2 Definition of Licensee.** Pursuant to RCW 31.45.010(13), a “Licensee” is defined as a check
2 cashier or seller licensed by the director to engage in business in accordance with the Act. For the
3 purpose of the enforcement powers of the Act, including the power to issue cease and desist orders
4 under RCW 31.45.110, “licensee” also means a check cashier or seller who fails to obtain the license
5 required by the Act.

6 **2.3 Requirement to Comply with the Department’s Investigative Authority.** Based on the
7 Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW
8 31.45.100 and RCW 31.45.110(k) for failing to comply with the Director’s investigative authority,
9 for failing, upon demand by the Director or the Director’s designee, to disclose any information
10 within his or her knowledge to, or to produce any document, book, or record in his or her possession
11 for inspection of, the Director or Director’s designee, and for failing to comply with the Director’s
12 requests for an examination.

13 **III. AUTHORITY TO IMPOSE SANCTIONS**

14 **3.1 Authority to Revoke License.** Pursuant to RCW 31.45.110(2)(a), the Director may revoke a
15 license if a licensee is violating or has violated the Act including rules and orders, or commits any act
16 or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of injury
17 or loss to the public.

18 **3.2 Authority to Remove and Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the
19 Director may remove from office or ban from participation in the conduct of the affairs of any
20 licensee any director, officer, sole proprietor, partner, controlling person, or employee of a licensee
21 that is violating or has violated the Act including rules and orders, or commits any act or engages in
22 conduct that demonstrates incompetence or untrustworthiness, or is a source of injury or loss to the
23 public.

1 **3.3 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a
2 fine, not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or
3 applicant, or any director, officer, sole proprietor, partner, controlling person, or employee of a
4 licensee or applicant, that is violating or has violated the Act including rules and orders, or commits
5 any act or engages in conduct that demonstrates incompetence or untrustworthiness, or is a source of
6 injury or loss to the public.

7 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,
8 WAC 208-630-360, WAC 208-630-370, and WAC 208-630-380, the Director shall collect from the
9 licensee the actual cost of an investigation of the business, books, accounts, records, files, or other
10 information of a licensee. The investigation charge will be calculated at the rate of sixty-nine dollars
11 (\$69) per hour that each staff person devoted to the investigation, plus actual expenses.

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

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

- 17 **4.1** Respondent Cash 4 Checks LLC d/b/a Roman Chavarria's license to conduct the
18 business of a check casher be revoked;
- 19 **4.2** Respondent Cash 4 Checks LLC d/b/a Roman Chavarria be banned from participation
20 in the conduct of the affairs of any check casher, check casher with a small loan
endorsement, or check seller subject to licensure by the Director, in any manner, for a
21 period of five (5) years;
- 22 **4.3** Respondent Cash 4 Checks LLC d/b/a Roman Chavarria pay a fine of \$7,000; and
- 23 **4.4** Respondent Cash 4 Checks LLC d/b/a Roman Chavarria pay investigation fee in the
amount of \$2,415.

24 //

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 Fee ("Statement of Charges") is entered
4 pursuant to the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of
5 chapter 34.05 RCW, the Administrative Procedure Act. Respondent may make a written request for
6 a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY
7 FOR HEARING accompanying this Statement of Charges.

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9 Dated this 1st day of December, 2014. *DB*



10 [Redacted signature]

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

14 Presented by:
15 [Redacted signature]

16 BARBARA PENTTILA
17 Financial Legal Examiner

18 Approved by:
19 [Redacted signature]

20 CHARLES CLARK
21 Enforcement Chief

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

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

C-14-1523-14-TD01

**TEMPORARY ORDER TO
CEASE AND DESIST**

10 **CASH 4 CHECKS LLC D/B/A ROMAN
CHAVARRIA,**
11 License No. 530-CC-29394

Respondent.

12 **THE STATE OF WASHINGTON TO: CASH 4 CHECKS LLC D/B/A ROMAN CHAVARRIA**

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

18 **I. FACTUAL FINDINGS**

19 **1.1 Respondent Cash 4 Checks LLC d/b/a Roman Chavarria (“Respondent”)** was licensed by
20 the Department of Financial Institutions of the State of Washington (“Department”) to conduct
21 business as a check casher on February 3, 2006, and has continued to be licensed to date. Respondent
22 is licensed to conduct the business of a check casher at 11226 SE 264th Street, Kent, Washington
23 98030.

1 **1.2 Failure to Comply with Director's Investigative Authority – Complaint Investigation.** On
2 or about May 16, 2014, the Department issued a Directive to Respondent to provide records related to
3 the allegations contained in at least one consumer complaint regarding possible abnormalities in his
4 check cashing business. Respondent was required to provide a response to the Department on or
5 before June 2, 2014. After receiving no response, the Department issued a second copy of the
6 Directive on June 11, 2014, to Respondent's email address at rcntc01@msn.com. The Department
7 requested that Respondent provide a response by June 13, 2014. To date, Respondent has not
8 provided a response to the Department's Directive.

9 **1.3 Failure to Comply with Director's Investigative Authority – Business Examination.**

10 On July 21, 2014, the Department sent Respondent an entry letter regarding a business
11 examination, along with a compliance examination management questionnaire that was to be
12 completed by September 15, 2014. On August 5, 2014, Respondent submitted an incomplete
13 management questionnaire.

14 The Department's Examiner in Charge ("EIC") attempted to schedule the examination of
15 Respondent's business that had been initially set for October 14, 2014, and October 15, 2014, by
16 calling Respondent on August 14, 2014, September 23, 2014, and October 13, 2014. The EIC also
17 sent a notification on October 13, 2014, of the scheduled examination to Respondent's email address at
18 rcntc01@msn.com. To date, Respondent has not complied with the Department's requests for a
19 business examination.

20 **1.4 Substantial Injury to Public.** Respondent's failure to comply with the Director's authority
21 prevents the Department from providing regulatory oversight into Respondent's transactions with
22 Washington consumers and creates a significant risk of substantial injury to the public.

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1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Requirement to Comply with the Department’s Investigative Authority.** Based on the
3 Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW
4 31.45.100 and RCW 31.45.110(k) for failing to comply with the Director’s investigation authority, for
5 failing, upon demand by the Director or the Director’s designee, to disclose any information within his
6 or her knowledge to, or to produce any document, book, or record in his or her possession for
7 inspection of, the Director or Director’s designee, and for failing to comply with the Director’s
8 requests for a business examination.

9 **III. AUTHORITY TO ISSUE TEMPORARY ORDER TO CEASE AND DESIST**

10 **3.1 Authority to Issue Temporary Order to Cease and Desist.** Pursuant to RCW 31.45.120,
11 whenever the Director determines that a violation of the Act or Rules, or their continuation, is likely to
12 cause substantial injury to the public, the Director may issue a temporary cease and desist order
13 requiring the licensee to cease and desist from the violation or practice. The order becomes effective
14 upon service upon the licensee and remains effective unless set aside, limited, or suspended by a court
15 under RCW 31.45.130 pending the completion of the administrative proceedings under the notice and
16 until such time as the director dismisses the charges specified in the notice or until the effective date of
17 the cease and desist order issued against the licensee under RCW 31.45.110.

18 **IV. ORDER**

19 Based on the above Factual Findings, Grounds for Entry of Order, and Authority to Issue
20 Temporary Order to Cease and Desist, and pursuant to RCW 31.45.120 and RCW 31.45.110(1)(b), the
21 Director determines the acts and conduct of Respondent, and the continuation of such conduct, is
22 likely to cause substantial injury to the public. Therefore, the Director **ORDERS** that:

1 4.1 Respondent shall immediately cease and desist from engaging in the business of a check
2 cashier; and

3 4.2 This order shall take effect immediately upon service and shall remain in effect unless set
4 aside, limited, or suspended by a court under RCW 31.45.130.

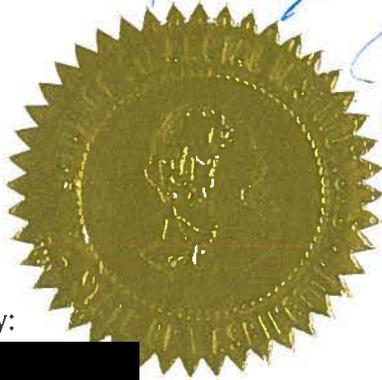
5 **NOTICE**

6 YOU ARE ENTITLED TO A HEARING PURSUANT TO CHAPTER 31.45 RCW TO
7 DETERMINE WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU DESIRE A
8 HEARING, THEN YOU MUST RETURN THE ATTACHED APPLICATION FOR ADJUDICATIVE
9 HEARING INCORPORATED HEREIN BY THIS REFERENCE. FAILURE TO COMPLETE AND
10 RETURN THE APPLICATION FOR ADJUDICATIVE HEARING FORM SO THAT IT IS
11 RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN 20 DAYS OF THE
12 DATE THAT THIS ORDER WAS SERVED ON YOU WILL CONSTITUTE A DEFAULT AND
13 WILL RESULT IN THE LOSS OF YOUR RIGHT TO A HEARING. SERVICE ON YOU IS
14 DEFINED AS POSTING IN THE U.S. MAIL, POSTAGE PREPAID, TO YOUR LAST KNOWN
15 ADDRESS. BE ADVISED THAT DEFAULT WILL RESULT IN THIS ORDER TO CEASE AND
16 DESIST BECOMING PERMANENT ON THE 21ST DAY FOLLOWING SERVICE OF THIS
17 ORDER UPON YOU.

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

23 //

1 DATED this 1st day of December, 2014. *DB*



2 [Redacted Signature]

3 DEBORAH BORTNER
4 Director
5 Division of Consumer Services
6 Department of Financial Institutions

7 Presented by:

8 [Redacted Signature]

9 BARBARA PENTTILA
10 Financial Legal Examiner

11 Approved by:

12 [Redacted Signature]

13 CHARLES E. CLARK
14 Enforcement Chief