

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

2 **2.1 Definition of Check Casher.** Pursuant to RCW 31.45.010(5), a “Check Casher” is defined as
3 an individual, partnership, unincorporated association, or corporation that, for compensation,
4 engages, in whole or in part, in the business of cashing checks, drafts, money orders, or other
5 commercial paper serving the same purpose.

6 **2.2 Definition of Check Seller.** Pursuant to RCW 31.45.010(6), a “Check Seller” is defined as
7 an individual, partnership, unincorporated association, or corporation that, for compensation,
8 engages, in whole or in part, in the business of selling checks, drafts, money orders, or other
9 commercial paper serving the same purpose.

10 **2.3 Definition of Licensee.** Pursuant to RCW 31.45.010(13), a “Licensee” is defined as a check
11 cashier or seller licensed by the director to engage in business in accordance with the Act. “Licensee”
12 also means a check cashier or seller, whether located within or outside of this state, who fails to obtain
13 the license or small loan endorsement required by this chapter.

14 **2.4 Definition of Small Loan.** Pursuant to RCW 31.45.010(21), a “Small Loan” is defined as a
15 loan up to the maximum amount and for a period of time up to the maximum term specified in RCW
16 31.45.073.

17 **2.5 Requirement to Obtain a Check Casher or Seller License.** Based on the Factual
18 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 31.45.030(1) for
19 engaging in the business of a check cashier or seller without first obtaining a license from the
20 Director.

21 **2.6 Requirement to Obtain a Small Loan Endorsement.** Based on the Factual Allegations set
22 forth in Section I above, Respondent is in apparent violation of RCW 31.45.070 and RCW 31.45.073
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1 for engaging in the business of making small loans without first obtaining a small loan endorsement
2 from the Director.

3 **III. AUTHORITY TO IMPOSE SANCTIONS**

4 **3.1 Authority to Issue Cease and Desist Order.** Pursuant to RCW 31.45.110(2)(b), the Director
5 may order a licensee to cease and desist from practices in violation of the Act or practices that
6 constitute unsafe and unsound financial practices.

7 **3.2 Authority to Ban from the Industry.** Pursuant to RCW 31.45.110(2)(e), the Director may
8 remove from office or ban from participation in the conduct of the affairs of any licensee any
9 director, officer, sole proprietor, partner, controlling person, or employee of a licensee that is
10 violating or has violated the Act including rules.

11 **3.3 Authority to Impose Fine.** Pursuant to RCW 31.45.110(2)(c), the Director may impose a
12 fine, not to exceed one hundred dollars per day for each day's violation of the Act, on any licensee or
13 applicant, or any director, officer, sole proprietor, partner, controlling person, or employee of a
14 licensee or applicant, that is violating or has violated the Act including rules.

15 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 31.45.050(1), RCW 31.45.100,
16 WAC 208-630-360, WAC 208-630-370, and WAC 208-630-380, the Director shall collect from the
17 licensee the actual cost of an examination or investigation of the business, books, accounts, records,
18 files, or other information of a licensee or person who the Director has reason to believe is engaging
19 in the business governed by the Act. The investigation charge will be calculated at the rate of \$69 per
20 hour that each staff person devoted to the investigation, plus actual expenses.

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

22 Respondent's violations of the provisions of chapter 31.45 RCW and chapter 208-630 WAC,
23 as set forth in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the

1 entry of an Order under RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director's
2 intention to ORDER that:

- 3 **4.1** Respondent SWBFunding.com cease and desist from offering or making small loans
4 to persons physically located in the state of Washington;
- 5 **4.2** Respondent SWBFunding.com be banned from participation in the conduct of the
6 affairs of any check casher or seller with a small loan endorsement subject to licensure
7 by the Director, in any manner, for a period of 5 years;
- 8 **4.3** Respondent SWBFunding.com pay a fine in the amount of \$3,000; and
- 9 **4.4** Respondent SWBFunding.com pay an investigation fee in the amount of \$890.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Ban
3 from Industry, Impose Fine, and Collect Investigation Fee (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 (the Administrative Procedure Act). Respondent may make a written request for a
6 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR
7 HEARING accompanying this Statement of Charges.

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9 Dated this 12th day of June, 2015.



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12 CHARLES E. CLARK
13 Director
14 Division of Consumer Services
15 Department of Financial Institutions

16 Presented by:



17 KENNETH J. SUGIMOTO
18 Financial Legal Examiner

19 Approved by:



20 STEVEN C. SHERMAN
21 Enforcement Chief