## TERMS COMPLETED

## **ORDER SUMMARY – Case Number: C-16-1924**

Name: Nguyen, Truye		en Minh d/b/a Jolinas Boutique		
Order Number:	C-16-1924-17	-CO01		
<b>Effective Date</b> :	August 8, 2017			
License Number: Or NMLS Identifier	NMLS # 1277897			
License Effect:	Surrendered			
Not Apply Until:	N/A			
Not Eligible Until:	N/A			
Prohibition/Ban Until:	N/A			
<b>Investigation Costs</b>	\$1,190.25	Due	Paid ⊠ Y □ N	Date 6/30/2017
Fine	\$	Due	Paid N	Date
Assessment(s)	\$	Due	Paid N	Date
Restitution	\$	Due	Paid N	Date
Judgment	\$	Due	Paid N	Date
Satisfaction of Judgment 1	Filed?	☐ Y ⋈ N	, <del></del>	
Comments: Engaging in activity a updating address as required, or no				
updating address as required, or no	t retaining records	as required may result in	Turmer legal action	JII.

## 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-16-1924-17-CO01

TRUYEN MINH NGUYEN d/b/a JOLINAS

**CONSENT ORDER** 

BOUTIQUE, Sole Proprietor,

Respondent.

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COMES NOW the Director of the Department of Financial Institutions (Director), through her designee Charles E. Clark, Division Director, Division of Consumer Services, and Truyen Minh Nguyen, 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 the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

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### 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-16-1924-17-SC01 (Statement of Charges), entered March 1, 2017 (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 agree that the issues raised in the above-captioned matter 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.

Based upon the foregoing:

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

- **B.** Waiver of Hearing. It is AGREED that Respondent has been informed of the right to a hearing before an administrative law judge, and hereby waives his right to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent, by his signature below, withdraws his appeal to the Office of Administrative Hearings.
- C. Check Casher License Surrender. It is AGREED that Respondent's check casher license is surrendered. It is further AGREED that, upon entry of this Consent Order, Respondent shall no longer engage in business of a check casher unless Respondent qualifies for an exemption to the license requirement.
- **D.** Investigation Fee. It is AGREED that Respondent shall pay to the Department an investigation fee of \$1,190.25, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.
- **E.** Change of Address. It is AGREED that for the duration of two years following entry of this Consent Order, unless otherwise agreed to in writing by the Department, Respondent shall provide the Department with a mailing address and telephone number at which Respondent can be contacted and Respondent shall notify the Department in writing of any changes to his mailing address or telephone number within fifteen days of any such change.
- **F. Records Retention.** It is AGREED that Respondent, his employees, and agents shall maintain records in compliance with the Act and provide the Director with the location of the books, records and other information relating to Respondent's check casher business, and the name, address

1	and telephone number of the individual responsible for maintenance of such records in compliance
2	with the Act.
3	G. Non-Compliance with Order. It is AGREED that Respondent understands that failure to
4	abide by the terms and conditions of this Consent Order may result in further legal action by the
5	Director. In the event of such legal action, Respondent may be responsible to reimburse the Director
6	for the cost incurred in pursuing such action, including but not limited to, attorney fees.
7	H. Voluntarily Entered. It is AGREED that Respondent has voluntarily entered into this
8	Consent Order, which is effective when signed by the Director's designee.
9	I. Completely Read, Understood, and Agreed. It is AGREED that Respondent have read
10	this Consent Order in its entirety and fully understand and agree to all of the same.
11	DECRONDENT.
12	RESPONDENT:
13	/s/ 6/26/2017 Details Name of the Name of
14	Truyen Minh Nguyen Date
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24	CONSENT ORDER 3 DEPARTMENT OF FINANCIAL INSTITUTIONS C-16-1924-17-C001 Division of Consumer Services 150 Israel Rd SW

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2	DO NOT WRITE BELOW THIS LINE
3	THE ODDED ENTEDED THE 9th DAY OF Approx 2017
4	THIS ORDER ENTERED THIS 8 <sup>th</sup> DAY OF August, 2017.
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6	CHARLES E. CLARK
7	Director Division of Consumer Services Department of Financial Institutions
8	
9	Presented by:
10	/s/
11	AMANDA J. HERNDON Financial Legal Examiner
12	Approved by:
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14	STEVEN C. SHERMAN
15	Enforcement Chief
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24	CONSENT ORDER C-16-1924-17-C001 Truyen Minh Nguyen  4 DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 150 Israel Rd SW

PO Box 41200 Olympia, WA 98504-1200 (360) 902-8703

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

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Whether there has been a violation of the Check Cashers and Sellers Act of Washington by:

TRUYEN MINH NGUYEN d/b/a JOLINAS BOUTIQUE, Sole Proprietor,

IN THE MATTER OF DETERMINING

Respondent.

No.: C-16-1924-17-SC01

STATEMENT OF CHARGES and NOTICE OF INTENT TO ENTER AN ORDER TO IMPOSE FINE AND COLLECT INVESTIGATION FEE

#### INTRODUCTION

Pursuant to RCW 31.45.110 and RCW 31.45.200, the Acting 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 and Notice of Intent to Enter an Order to Impose Fine and Collect Investigation Fee (Statement of Charges), the Director, through her designee, Division of Consumer Services Director Charles E. Clark, institutes this proceeding and finds as follows:

#### I. FACTUAL ALLEGATIONS

- **1.1 Respondent. Truyen Minh Nguyen d/b/a Jolinas Boutique (Nguyen)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a check casher on or about October 29, 2012, and has continued to be licensed to date.
- 1.2 Compliance Examination. The Department conducted a compliance examination of Nguyen on or about March 25, 2015, and issued a Report of Examination (ROE) on or about April 24, 2015. In the ROE, the Department identified violations of the Act and recommended that Nguyen take certain actions to resolve the violations or prevent future violations. The Department instructed Nguyen to respond to the ROE by May 24, 2015.

1	1.3 Failure to Respond to Report of Examination. Nguyen did not respond to the ROE by
2	May 24, 2015. Between approximately May 27, 2015, and January 17, 2017, the Department
3	contacted Nguyen numerous times about his response to the ROE. Nguyen did not submit a
4	sufficient response to the ROE until on or about January 30, 2017.
5	1.4 Requirement to Transition onto Nationwide Multistate Licensing System and Registry
6	(NMLS). NMLS is a database used by the Department to receive and maintain information and
7	documents from or about licensees. Before December 31, 2014, licensed check cashers were not
8	required to use NMLS. The Department required licensed check cashers to transition onto NMLS by
9	December 31, 2014. To complete the transition onto NMLS, each licensed check casher was
10	required to upload an accurate management chart onto NMLS.
11	1.5 Failure to Complete Transition onto NMLS. Nguyen did not transition onto NMLS by the
12	December 31, 2014, deadline. Between approximately August 8, 2014, and February 1, 2017, the
13	Department contacted Nguyen about the transition onto NMLS numerous times. In several of those
14	contacts, the Department instructed Nguyen to upload an accurate management chart onto NMLS.
15	Nguyen did not upload an accurate management chart and complete the transition onto NMLS until
16	on or about February 22, 2017.
17	<b>1.6</b> 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	<b>2.1 Failure to Produce Information.</b> Based on the Factual Allegations set forth in Section I
21	above, Respondent is in apparent violation of RCW 31.45.110(1)(k), for failing to disclose any
22	information within his knowledge or produce any document, book, or record in his possession for
23	inspection by the Director upon demand.

1	2.2	Failuı	re to Transition onto a Multistate Licensing System. Based on the Factual			
2	Allegations set forth in Section I above, Respondent is in apparent violation of RCW 31.45.043 for					
3	failin	g to tran	sition onto a multistate licensing system as prescribed by the Director.			
4	2.3	Failur	re to Comply with the Director's Authority. Based on the Factual Allegations set			
5	forth	the in Se	ection I above, Respondent is in apparent violation of RCW 31.45.100 for failing to			
6	timel	y respon	d to the ROE and transition onto NMLS as prescribed by the Director.			
7			III. AUTHORITY TO IMPOSE SANCTIONS			
8	3.1	Autho	<b>ority to Impose Fine.</b> Pursuant to RCW 31.45.110(2)(c), the Director may impose a			
9	fine,	not to ex	ceed one hundred dollars per day for each day's violation of the Act, on any licensee			
10	that h	as violat	red the Act.			
11	3.2	Autho	ority to Collect Investigation Fee. Pursuant to RCW 31.45.050(1), RCW 31.45.100,			
12	WAC	208-63	0-360, and WAC 208-630-380, the Director shall collect from the licensee the actual			
13	cost	of an inv	estigation of the business, books, accounts, records, files, or other information of a			
14	licens	see. The	investigation charge will be calculated at the rate of \$69 per person per hour expended			
15	to the	investig	gation, plus actual expenses.			
16			IV. NOTICE OF INTENT TO ENTER ORDER			
17		Respo	ndent's violations of the provisions of chapter 31.45 RCW and chapter 208-630 WAC,			
18	as set	forth in	the above Factual Allegations and Grounds for Entry of Order, constitute a basis for th			
19	entry	of an Oı	der under RCW 31.45.110 and RCW 31.45.200. Therefore, it is the Director's intent to			
20	ORD	ER that:				
21		4.1	Respondent Truyen Minh Nguyen pay a fine of \$6,000.00 for failing to timely submit			
22			a complete response to the ROE and transition onto NMLS.			
23		4.2	Respondent Truyen Minh Nguyen pay investigation fee in the amount of \$1,190.25, calculated at \$69 per hour for the 17.25 staff hours devoted to the investigation.			
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### 1 V. AUTHORITY AND PROCEDURE 2 This Statement of Charges is entered pursuant to the provisions of RCW 31.45.110 and RCW 31.45.200, and is subject to the provisions of chapter 34.05 RCW (the Administrative Procedure Act). 3 4 Respondent may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND accompanying this 5 Statement of Charges. 6 7 Dated this 1<sup>st</sup> day of March, 2017. 8 9 10 CHARLES E. CLARK Director 11 **Division of Consumer Services** Department of Financial Institutions 12 13 Presented by: 14 AMANDA J. HERNDON 15 Financial Legal Examiner 16 Approved by: 17 18 STEVEN C. SHERMAN **Enforcement Chief** 19 20 21 22 23

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