

BEFORE THE DEPARTMENT OF BANKING AND CONSUMER FINANCE

IN THE MATTER OF:  
04

ORDER NO. 2003-

A & B Check Cashers, Inc.  
3419 Elvira Grandison Road  
Moss Point, MS 39563

RESPONDENT

ORDER

**THIS CAUSE** came on for hearing on June 4, 2003, before the Commissioner of the Mississippi Department of Banking and Consumer Finance ("DBCF"), at the Woolfolk Building in Jackson, Mississippi, upon due and proper notice, according to law.

The Respondent, A & B Check Cashers, Inc., a Mississippi corporation, appeared through its representatives, Mr. W.M. Williams, owner and Mr. William D. Bethea, III, Esq., attorney for the Respondent/Licensee. Both Mr. Bethea and Mr. Williams acknowledged they had received written notice of the violations of the Mississippi Check Casher Act, 75-67-501, *et seq.* with which the Respondent, A & B Check Cashers, Inc. had been charged, said written notice having been provided to them by way of a copy of a Report of Examination dated October 9, 10, 2002, prepared by an examiner of the DBCF. Mr. Bethea and Mr. Williams stated on the record that they understood the violations set forth in the Report of Examination and stated that they did not desire that a formal reading of the charges set forth in the Report of Examination be made into the record. Introduced into the record as exhibits to these proceedings were (1) a copy of the Report of Examination and the

exhibits referenced therein, and (2) the underlying documents that were summarized in the exhibits referenced in the Report of Examination.

The Commissioner heard evidence presented by the oral testimony of examiner Katherine Christian and reviewed and considered the exhibits introduced into the record by and through Ms. Christian which formed the underlying basis of the violations of the Mississippi Check Casher Act, as same were noted in the Report of Examination. The Commissioner also heard evidence presented by the oral testimony of Mr. Williams and Mr. Bethea and reviewed and considered the exhibits introduced by them into the record in explanation of their response to the violations of law for which the Respondent had been cited.

The Commissioner having fully considered the matter, and being fully informed and advised in the premises, finds from the evidence presented and introduced into the record as follows:

1. The Commissioner has jurisdiction over the Respondent and Licensee, A & B Check Cashers, Inc..

2. That Respondent committed fifty-four (54) violations of Miss. Code Section 75-67-519(5), which states: A No check cashed under the provisions of this section shall be repaid by the proceeds of another check cashed by the same licensee of any affiliate of the licensee. A licensee shall not renew or otherwise extend any delayed deposit check.≡ The fifty-four (54) violations are more specifically identified by name in Exhibit "D" referenced in the Report of Examination. These fifty-four (54)

violations resulted in overcharges to the affected customers in the total sum of \$2,487.00.

3. That Respondent committed thirty-two (32) violations of Miss. Code Section 75-67-519(7), which states: "A licensee shall not charge a late fee or collection fee on any deferred deposit transaction as a result of a returned check or the default by the customer in timely payment to the licensee. Notwithstanding anything to the contrary contained in this section, a licensee may charge a processing fee, not to exceed an amount authorized by the commissioner, for a check returned for any reason, including, without limitation, insufficient funds, closed account or stopped payment, if such processing fee is authorized in the written agreement signed by the customer and licensee. In addition, if a licensee takes legal action against a customer to collect the amount of a delayed deposit check for which the licensee has not obtained payment and obtains a judgment against the customer for the amount of the check, the licensee shall also be entitled to any court-awarded fees". The thirty-two (32) violations are more specifically identified by name in Exhibit "C" referenced in the Report of Examination. These thirty-two (32) violations resulted in overcharges to the affected customers in the total sum of \$960.00.

4. That Respondent committed one (1) violation of Miss. Code Section 75-67-519(4), which states: "A licensee shall not directly or indirectly charge any fee or other consideration for cashing a delayed deposit check in excess of eighteen percent

(18%) of the face amount of the check.” The one (1) violation is more specifically identified by name in Exhibit “C” referenced in the Report of Examination. The one (1) violation resulted in an overcharge to the affected customer in the total sum of \$54.00.

**IT IS, THEREFORE, ORDERED** that the Respondent should be and is hereby assessed a civil monetary penalty of \$3,700.00 for all violations of the Mississippi Check Cashers Act, 75-67-501, et seq. cited in the Report of Examination, which shall be paid in three equal installments on or before July 1, 2003, August 1, 2003, and September 1, 2003, same being payable to the Mississippi Department of Banking and Consumer Finance. In addition, with regard to each of the eighty-seven (87) customers noted in the Exhibits in the Report of Examination, the Respondent shall refund to the customers the overcharges totaling \$3,501.00 as set forth in the Exhibits. The Respondent will document its refund of the said overcharges and furnish proof thereof to the DBCF within ten (10) days of receipt of a copy of this Order.

**IT IS FURTHER ORDERED** that the Commissioner retains jurisdiction over this Respondent and this matter until such time as compliance with the terms of this Order have been fully satisfied and completed.

**SO ORDERED, this the \_\_\_\_ day of \_\_\_\_\_, 2003.**

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Theresa L. Brady, Deputy Commissioner  
Department of Banking and Consumer  
Finance