

BEFORE THE DEPARTMENT OF BANKING AND CONSUMER FINANCE

IN THE MATTER OF:

ORDER NO. 2002-04

**E-Z Cash Advance of Mississippi, Inc.
941 Hwy. 80 East, Ste. W-2
Clinton, MS 39056**

RESPONDENT

And

**E-Z Cash Advance of Mississippi, Inc.
1355 Ellis Avenue
Jackson, MS 39204**

ORDER

THIS CAUSE came on for hearing on October 24, 2002, 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, E-Z Cash Advance of Mississippi, Inc., a Mississippi corporation, appeared through its representatives, Mr. Ezzat Slaieh and Ms. Azzah Pennington, stockholders and sole owners of E-Z Cash Advance of Mississippi, Inc. Mr. Slaieh and Ms. Pennington acknowledged they had received written notice of the violations of the Mississippi Check Casher Act, 75-67-501, *et seq.* with which the Respondent, E-Z Cash Advance of Mississippi, Inc., had been charged, said written notice having been provided to them by way of a copy of a Report of Examination dated September 25, 2002, for the Clinton location and September 3, 2002, for the Jackson location prepared by an examiner of the DBCF. Mr. Slaieh and Ms. Pennington 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 notice setting this

matter for hearing on October 24, 2002, which hearing was requested by the Respondent, (2) a copy of the Report of Examination and the exhibits referenced therein, and (3) 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 Ronny Harrison, _ Chief Examiner, and Benjamin Burrell, Examiner and reviewed and considered the exhibits introduced into the record by and through Mr. Harrison and Mr. Burrell 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. Ezzat Slaieh, Ms. Azzah Penington, and Ms. Dianne Workman, Supervisor for E-Z Cash Advance of Mississippi, Inc., 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, E-Z Cash Advance of Mississippi, Inc.

2. That Respondent, at 1355 Ellis Avenue, Jackson, Mississippi, committed eleven (11) violations of Miss. Code Section 75-67-519(5), which states: "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 eleven violations are more specifically identified by name in Exhibit A referenced in the Report of Examination. These eleven violations resulted in overcharges to the affected customers in the total sum of \$439.00.

3. That Respondent, at 941 Highway 80 East, Suite W-2, in Clinton, Mississippi, operated without a license from November 9, 2001, through January 9, 2002, or 61 days constituting a violation of Miss. Code Section 75-67-525(2), which states: “Any person who engages in the business of check cashing without first securing a license prescribed by this article shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars (\$25.00) for each day that the person engaged in the business without a license. All licensing fees and penalties shall be paid into the Consumer Finance Fund of the Department of Banking and Consumer Finance.

IT IS, THEREFORE, ORDERED that the Respondent should be and is hereby assessed a civil monetary penalty of Two Thousand Five Hundred Dollars (\$2,500.00) for the eleven (11) violations of Miss. Code Section 75-67-519(5) noted above in paragraph 2, which shall be paid within ten (10) days of the date of this Order, payable to Department of Banking and Consumer Finance, Consumer Finance Fund. In addition, with regard to each of the eleven customers noted in Exhibit A in the Report of Examination, the Respondent shall refund to them the overcharges as set forth in Exhibit A. 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 with regard to the remaining violation noted in paragraphs 3, above, the Respondent should be and is hereby assessed a civil monetary penalty in the total sum of One Thousand Five Hundred Twenty-five Dollars (\$1,525.00), which shall be paid within ten (10) days of the date of this Order, payable to Department of Banking and Consumer Finance, Consumer Finance Fund.

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 _____, 2002.

JOHN S. ALLISON, COMMISSIONER
Department of Banking and Consumer Finance