

BEFORE THE DEPARTMENT OF BANKING AND CONSUMER FINANCE

IN THE MATTER OF:

ORDER NO. 2003-05

R&R Enterprises of Mississippi,  
LLC, d/b/a Ace #5234  
2430 Pass Road  
Biloxi, MS 39531

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, R&R Enterprises of Mississippi, LLC, d/b/a Ace #5234, a Mississippi limited liability company, appeared through its representative, Mr. Brandon Colom. Mr. Colom acknowledged they had received written notice of the violations of the Mississippi Check Casher Act, 75-67-501, *et seq.* with which the Respondent, R&R Enterprises of Mississippi, LLC, d/b/a Ace #5234 had been charged, said written notice having been provided to them by way of a copy of a Report of Examination dated December 5, 2002, prepared by an examiner of the DBCF. Mr. Colom stated on the record that he understood the violations set forth in the Report of Examination and stated that he 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 June 4, 2003, 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 examiner Mike Garrard and reviewed and considered the exhibits introduced into the record by and through Mr. Garrard 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. Colom and reviewed and considered the exhibits introduced by him into the record in explanation of his 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, R&R Enterprises of Mississippi, LLC, d/b/a Ace #5234.

2. That Respondent committed one hundred and ninety-three (193) violations of Miss. Code Section 75-67-519(2), which states: AThe face amount of any delayed deposit check cashed under the provisions of this section shall not exceed Four

Hundred Dollars (\$400.00). Each customer is limited to a maximum amount of Four Hundred Dollars (\$400.00) at any time. The one hundred and ninety-three (193) violations are more specifically identified by name in Exhibit AA referenced in the Report of Examination. These one hundred and ninety-three (193) violations resulted in overcharges to the affected customers in the total sum of \$11,627.00.

**IT IS, THEREFORE, ORDERED** that the Respondent should be and is hereby assessed a civil monetary penalty of \$30.00 each for the one hundred and ninety-three (193) violations of Miss. Code Section 75-67-519(2) noted above in paragraph 2, which shall be paid within thirty (30) days of the date of this Order, said sum of \$5,790.00 being payable to the Mississippi Department of Banking and Consumer Finance. In addition, with regard to the each of the one hundred and ninety-three (193) customers referenced in Exhibit AA in the Report of Examination, the Respondent shall refund to said customers the overcharges of \$11,627.00, and 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 17th day of July, 2003.**

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

