

3. Rickmart is a retail food store licensed or registered as a food establishment as defined in Section 2 of the Food Act (P.L. 421, No. 70) that receives less than 1% of its annual gross revenue from cashing checks.

4. Rickmart, Inc. d/b/a Schwartz Market maintains its principal place of business at 1317 East Carson Street, Pittsburgh, Pennsylvania 15203.

5. The Department issued registration no. 13826 to Rickmart, as a retail food store Check Casher, under the CCLA on February 25, 2005.

6. The CCLA defines a Check Casher as "a business entity, whether operating as a proprietorship, partnership, association, limited liability company or corporation that engages in the cashing of checks for a fee." 63 P.S. § 2303.

7. A retail food store Check Casher is required to submit an Application for Check Casher Registration ("Application") and a \$100 registration fee ("Fee") annually by May 1. 63 P.S. § 1101, 10 Pa. Code § 81.31.

8. In 2009, Rickmart failed to submit the Application and Fee to renew registration no. 13826 by the required May 1 deadline.

9. Because Rickmart failed to timely submit the Application and Fee, the Department cancelled Rickmart's Check Casher registration effective on May 1, 2009.

10. Rickmart submitted a new Application and Fee on April 12, 2010.

11. Effective May 3, 2010, Rickmart is again registered as a retail food store Check Casher with a new registration no. of 31213.

UNLICENSED ACTIVITY

12. On its new Application, Rickmart disclosed that it engaged in the business of cashing checks for a fee subsequent to the Department's cancellation of registration no. 13826.

13. Section 301(a) of the CCLA provides that “[n]o person or business entity shall engage in the business of cashing checks for a fee without first obtaining a license under this act for each fixed location or mobile unit.” 63 P.S. § 2311(a).

14. Rickmart told the Department that its failure to submit the Application and Fee in the year 2009 was unintentional and due to management turnover.

15. Because Rickmart engaged in the business of cashing checks for a fee while unregistered, it was in violation of section 301(a) of the CCLA.

Authority of the Department

16. Section 104(1) of the CCLA states, “The Department shall have the authority to issue rules, regulations and orders as may be necessary for the administration and enforcement of this act.” 63 P.S. § 2304(1).

17. Section 1101 of the CCLA states that the Department has the authority to regulate retail food store Check Cashers within the language of sections 301(b)(4), 304(c)(3), 503, 507 and 509 of the CCLA. 63 P.S. § 1101.

18. Section 507 of the CCLA provides that “[a]ny person who is subject to the provisions of this act who violates any provisions of this act shall be subject to a civil penalty levied by the department of up to \$2,000 for each violation. The civil penalty shall specifically apply to licensed and unlicensed activity under this act. The department may also recover the cost of investigating alleged violations.” 63 P.S. § 2327.

VIOLATION

19. Rickmart is in violation of Section 301(a) of the CCLA because it cashed checks for a fee without being registered with the Department.

RELIEF

20. Fine. Within thirty (30) days of the Effective Date of this Order, Rickmart shall pay to the Department a fine of \$500. Rickmart shall pay the fine by a certified check or money order made payable to the Pennsylvania Department of Banking and sent to the attention of Compliance Division, Bureau of Compliance, Investigation and Licensing, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

21. Corrective Measures. Within thirty (30) days of the Effective Date of this Order, Rickmart shall be compliant with all applicable Bank Secrecy Act/Anti-Money Laundering (“BSA/AML”) law and regulations, including but not limited to:

- i. Establishing in writing and maintaining company policies and procedures on BSA/AML internal controls;
- ii. Establishing a knowledgeable compliance officer to administer an effective BSA/AML program; and
- iii. Implementing a written program to train appropriate personnel in BSA/AML compliance.

FURTHER PROVISIONS

22. Consent. Rickmart hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau’s order authority under the CCLA and agrees that it understands all of the terms and conditions contained herein. Rickmart, by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Order.

23. Publication and Release. Rickmart consents to the publication and release of this Order.

24. Entire Agreement. This Order contains the whole agreement between the parties. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kind whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Bureau and Rickmart.

25. Binding Nature. The Department, Rickmart, and all officers, owners, directors, employees, heirs and assigns of Rickmart intend to be and are legally bound by the terms of this Order.

26. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

27. Effectiveness. Rickmart hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

28. Other Enforcement Action.

a. The Department reserves all of its rights, duties, and authority to enforce all statutes, rules and regulations under its jurisdiction against Rickmart in the future regarding all matters not resolved by this Order.

b. Rickmart acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department or office regarding matters within this Order.

29. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

30. Counterparts. This Order may be executed in separate counterparts, by facsimile, and by PDF.

31. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Department and Rickmart, Inc. d/b/a Schwartz Market intending to be legally bound do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING
BUREAU OF COMPLIANCE, INVESTIGATION
AND LICENSING**

Ryan M. Walsh, Administrator
Bureau of Compliance,
Investigation and Licensing
Department of Banking

Date: September 7, 2010

FOR RICKMART, INC. d/b/a SCHWARTZ MARKET

(Officer Signature)

(Print Officer Name)

PRESIDENT
(Title)

Date: 9-1-10