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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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PA. DEPT. OF BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF BANKING AND	:	
SECURITIES, BUREAU OF	:	
COMPLIANCE AND LICENSING	:	
	:	
	:	
v.	:	
	:	Docket No. 13 <u>0056</u> (BNK-CAO)
DURANGO FOOD MARKET	:	
	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"), Bureau of Compliance and Licensing ("Bureau"), has reviewed the business practices of Durango Food Market ("Durango"), and its officers, employees and directors. Based on the results of its review, the Bureau concludes that Durango operated in violation of the Check Casher Licensing Act, 63 P.S. § 2301 *et seq.* ("CCLA"). The parties to the above-captioned matter, in lieu of litigation, hereby stipulate that the following statements are true and correct in the settlement of the above-captioned matter and, intending to be legally bound, hereby agree to the terms of this Consent Agreement and Order ("Order").

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the CCLA.
2. The Bureau is primarily responsible for administering and enforcing the CCLA for the Department.
3. Durango is licensed by the Department as a check casher, license number 19872.

4. 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 ... for each fixed location....” 63 P.S. § 2311.

5. In addition, the CCLA requires that “[a] licensee shall send written notice to the department on any change in status including address change....” 63 P.S. § 2322(a).

6. On November 28, 2011 Durango closed its licensed business location at 1248 N 9th Street, Reading, PA and moved to a new location at 1200 North 9th Street, Reading, PA 19604.

7. Durango did not send written notice to the Department of its change of address.

8. The Department was unaware of Durango’s change of address until Durango filed its license renewal application on May 1, 2012.

9. Any person who violates the CCLA “shall be subject to a civil penalty levied by the department of up to \$2,000 for each violation.” 63 P.S. § 2327.

10. By failing to notify the Department of its change of address, Durango violated the CCLA.

11. Section 104 of the CCLA provides that the Department is authorized to issue orders that may be necessary for the administration and enforcement the act. *See* 63 P.S. § 2304(1).

RELIEF

12. Fine. Durango agrees to pay a fine of five hundred dollars (\$500) which shall be payable to the Department within thirty (30) days of the Effective Date of this Order, as defined in paragraph 20 below. The fine payment shall be remitted by certified check or money order

made payable to the "Department of Banking and Securities" and sent to the attention of: Bureau of Compliance and Licensing, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101.

13. Corrective Action. Durango shall not engage in the business of cashing checks for a fee unless Durango is properly licensed under the CCLA and it will notify the Department in writing of any future change in status.

FURTHER PROVISIONS

14. Consent. Durango 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. Durango, 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.

15. Publication. The Department will publish this Order pursuant to its authority in Section 302.A. (5) of the Department of Banking and Securities Code. *See* 71 P.S. § 733-302.A. (5).

16. Consumer Rights. This Order shall not limit or impair a consumer's rights under the CCLA. *See* 63 P.S. § 2329.

17. 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 Durango.

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

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

20. Effectiveness. Durango hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order.

21. 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 Durango in the future regarding all matters not resolved by this Order.

b. Durango 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.

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

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

24. 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 of Banking and Securities and Durango Food Market intending to be legally bound do hereby execute this Consent Agreement and Order.

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

FOR DURANGO FOOD MARKET

Lucy Cortez, Enforcement Administrator
Bureau of Compliance and Licensing
Department of Banking and Securities

Mario Vazquez
(Print Officer Name)

Date: 9/12/13

OWNER
(Title)

Date: 9-12-13