

FILED

2016 AUG 19 PM 2:25

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES PA DEPARTMENT OF  
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF BANKING AND :  
SECURITIES, COMPLIANCE OFFICE :

v. :

DOCKET NO. 16 0046 <sup>BNK</sup> (ENR-CAO)

METAVANTE PAYMENT SERVICES, :  
LLC :

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities ("Department"), Compliance Office, evaluated certain business practices of Metavante Payment Services, LLC ("Metavante"), and its officers and employees and directors. Based on the results of its evaluation, it is the Compliance Office's position that Metavante has operated in violation of the act of September 2, 1965 (P.L. 490, No. 249), known as the Money Transmitter Act, 7 P.S. §§ 6101-6018 ("MTA"). Metavante agrees to enter into this Consent Agreement and Order ("Order") without admitting to any wrongdoing. The parties seek to resolve this matter amicably to save the time and resources that ongoing litigation would require, and to this end, 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 Order.

**BACKGROUND**

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the MTA.
2. The Compliance Office is primarily responsible for administering and enforcing the MTA for the Department.
3. Metavante is a corporation that engages in the business of money transmission by, *inter*

*alia*, facilitating the transfer of money from consumers to their creditor(s) according to a payment schedule determined solely by the consumer.

4. Metavante charges its customer a fee for this service.
5. Metavante is incorporated in Wisconsin with its principal place of business located at 4900 W Brown Deer Road, Milwaukee, WI 53223.
6. Metavante is not, and has never been, licensed as a money transmitter by the Department.

#### VIOLATION

7. Section 2 of the MTA provides that:

No person shall engage in the business of transmitting money by means of a transmittal instrument for a fee or other consideration without first having obtained a license from the Department of Banking nor shall any person engage in such business as an agent except as an agent of a person licensed or exempted under this act.

*See* 7 P.S. § 6102.

8. A person includes an "individual or organization..." 7 P.S. § 6101.
9. A transmittal instrument is "any check, draft, money order, personal money order or *method for the payment of money or transmittal of credit...*" 7 P.S. § 6101 (emphasis added).
10. Metavante does not meet any of the exemptions to licensure contained in the MTA. *See* 7 P.S. §§ 6103, 6104.
11. It is the Compliance Office's position that Metavante engaged in the business of transmitting money by means of a transmittal instrument for a fee when it, *inter alia*, facilitated the transfer of money from consumers to their respective creditors beginning June 5, 2009 to the present in violation of the MTA.

#### AUTHORITY

12. Because Metavante has engaged in unlicensed activity in violation of the MTA, the

Department has the authority to impose an order against the company and issue a fine of "up to two thousand dollars (\$2,000) for each offense." See 7 P.S. § 6116.

#### **RELIEF**

13. Fine. Within 30 days of the Effective Date of this Order, as defined in Paragraph 20, Metavante shall pay the Department a fine in the amount of \$72,000.00. Payment shall be made by certified check or money order made payable to the "Department of Banking and Securities" and shall be mailed or delivered, in person, to the Compliance Office located at 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

14. License. Upon the Effective Date of this Order, as defined in Paragraph 20, Metavante's money transmitter application will be approved by the Department. Should Metavante fail to comply with any of the terms set forth in this Order, the Department reserves the right to take enforcement action against Metavante or its license including suspension, revocation or refusal to renew.

#### **FURTHER PROVISIONS**

15. Consent. Metavante hereby knowingly, willingly, voluntarily and irrevocable consents to the entry of this Order pursuant to the Department's order authority under the MFA and agrees that it understands all of the terms and conditions contained herein. Metavante, by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions and penalties set forth in this Order.

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

17. Entire Agreement. This Order contains the entire agreement between the Department and

Metavante. 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 Department and Metavante.

18. Binding Nature. The Department, Metavante, and all officers, owners, directors, employees, heirs and assigns of Metavante 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. Metavante hereby stipulates and agrees that the Order shall become effective on the date that the Compliance Office executes the Order ("Effective Date").

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 Metavante in the future regarding all matters not resolved by this Order.
- b. Metavante 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 Commonwealth of Pennsylvania, Department of Banking and Securities, Bureau of Compliance and Licensing and Metavante, 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



Redacted  
Ryan M. Walsh  
Chief of Compliance

Date: August 19, 2016

FOR METAVANTE PAYMENT SERVICES, LLC

Redacted  
(Officer Signature)

Arun Ahuja  
(Print Officer Name)

President, Secretary and Manager  
(Title)

Date: 8/19/2016