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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND  
SECURITIES, BUREAU OF COMPLIANCE  
AND LICENSING

v.

SAN FRANCISCO TACOS & MINI MART

Docket No.: 14 0019 (BNK-CAO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities (the "Department"), Bureau of Compliance and Licensing ("Bureau") has conducted an investigation of San Francisco Tacos & Mini Mart ("San Francisco") and its officers, employees and directors. Based on the results of the investigation, the Bureau believes that San Francisco operated in violation of the Check Cashier 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").

BACKGROUND

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.
3. San Francisco operates at 4848 Kutztown Road, Temple, PA 19560.
4. San Francisco was licensed as a check cashier until the expiration of its license on July 1, 2013.
5. San Francisco did not renew its license by the licensing deadline.

6. As of the date of this Order, San Francisco has not renewed its license.

7. On or around November 26, 2013, the Department initiated an investigation of San Francisco to determine if it was cashing checks without a license.

8. The Investigation revealed that San Francisco continued to cash checks through July of 2013 after its license expired.

#### **UNLICENSED ACTIVITY**

9. 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).

10. San Francisco violated the CCLA when it continued to cash checks after its license expired.

#### **AUTHORITY OF THE DEPARTMENT**

11. The Department is authorized to issue orders that are necessary for the administration and enforcement of the CCLA. *See* 63 P.S. § 2304.

12. The CCLA provides that “[a]ny person who is subject to the provisions of this act who violates any of provision 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.” 63 P.S. § 2327.

#### **RELIEF**

13. Fine. San Francisco shall pay to the Department a fine of \$500 payable in four (4) monthly installments of \$125. The first installment is due within thirty (30) days of the effective date of this Order, as defined in paragraph 20 below, with subsequent payments due every thirty (30) days thereafter until paid in full.

14. Corrective Action. San Francisco shall immediately cease and desist from cashing checks for a fee unless and until such time as San Francisco is licensed under the CCLA.

#### FURTHER PROVISIONS

15. Consent. San Francisco 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 therein. San Francisco, 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.

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

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 San Francisco.

18. Binding Nature. The Department and San Francisco 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. San Francisco 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 San Francisco, in the future regarding all matters not resolved by this Order.

b. San Francisco 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 and by facsimile or electronic mail in portable document format "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 San Francisco Tacos & Mini Mart 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

SAN FRANCISCO TACOS & MINI MART

Redacted

Redacted

Ryan Walsh, Chief  
Bureau of Compliance and Licensing  
Department of Banking and Securities

(Officer Signature)

Date:

5/2/14 May 12, 2014

(Print Officer Name)

Fidel Soberon Estrada

(Title)

OWNER

Date:

5/2/14