

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

2016 SEP 20 PM 12:54

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

PA DEPARTMENT OF
BANKING AND SECURITIES

v. :

DOCKET NO. 16 0053 (BNK-C&D)

TIENDA MEXICANA, LLC :

NOTICE TO ANSWER AND REQUEST A HEARING

You, Tienda Mexicana LLC, have the right to challenge the attached Order to Cease and Desist ("Order") by filing an Answer, in writing, with the Docket Clerk within 30 days of the date of this Order as required by 1 Pa. Code § 35.37. If you do not file an Answer within 30 days, then you will waive your right to a hearing and the Banking and Securities Commission ("Commission") may enter a final order against you.

Your Answer must be in writing. Your Answer must specifically admit or deny the allegations in the Order, set forth the facts you rely upon and state concisely the law you rely upon. General denials of the allegations set forth in the Order are not sufficient; you must support your denials with specific facts. Failure to support your denials with specific facts may cause the Commission to deem the facts in the Order as admitted and to enter a final order against you, without a hearing.

The Answer and any other documents must be filed with the Docket Clerk:

Linnea Freeberg
Docket Clerk
Department of Banking and Securities
17 N. Second Street, Suite 1300
Harrisburg, PA 17101

Further, you must serve a copy of the Answer and any other documents on the person who signed the Order by providing a copy to his or her counsel indicated below:

John Chiappetta
Assistant Counsel
Department of Banking and Securities
17 N. Second Street, Suite 1300
Harrisburg, PA 17101

Once you file your Answer, you will be notified of pertinent information such as the name of the presiding officer designated by the Commission to hear this matter and, if a hearing is scheduled, the date, time and location of the hearing. You have the right to be represented by an attorney.

All procedural matters will be governed by the Pennsylvania Administrative Agency Law, 2 Pa. C.S. §§ 501-508, 701-704, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1.-35.251.

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 0053 (BNK-C&D)

TIENDA MEXICANA, LLC :

CEASE AND DESIST ORDER

The Commonwealth of Pennsylvania, Department of Banking and Securities (“Department”), Compliance Office, hereby orders Tienda Mexicana, LLC (“Tienda”) to immediately cease and desist from engaging in the check casher business in violation of the Check Casher Licensing Act (“CCLA”), 63 P.S. § 2301 et seq. In support of its Order, the Compliance Office states the following:

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania’s administrative agency authorized and empowered to administer and enforce the CCLA.
2. The Compliance Office is primarily responsible for administering and enforcing the CCLA for the Department.
3. Tienda’s principal place of business is located at 1636 Baltimore Pike, Avondale, PA 19311-9791.
4. Tienda was licensed as a retail check casher from March 29, 2007 until April 30, 2009.

5. Tienda's retail check casher license expired May 1, 2009 ("Tienda License Expiration Date").

VIOLATIONS

Unlicensed Check Cashing

6. On March 25, 2016, the Compliance Office opened an investigation of Tienda (the "Investigation") when it received information from the Chester County Detectives Office that Tienda has been cashing checks for a fee at its principal place of business.

7. On or about April 4, 2016, Tienda submitted a check cashing application with the Department which was incomplete.

8. On or about May 31, 2016, after notice by first class mail, the Department withdrew Tienda's application due to Tienda's failure to complete the application process.

9. In or about July 2016, the Compliance office contacted Tienda via e-mail and certified mail return receipt requested to attempt to resolve the matter but no response has been received by the Compliance Office from Tienda.

10. Section 301(a) of the CCLA provides, in relevant part, 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).

11. The Department has authority to issue orders as may be necessary for the administration and enforcement of the CCLA pursuant to Section 104(1) of the CCLA, 63 P.S. § 2104(1), and to levy civil penalties of up to \$2,000 for each violation of the CCLA and may also recover the cost of investigating alleged violations pursuant to Section 507, 63 P.S. § 2327.

12. By engaging in the business of cashing checks without being licensed under the CCLA, Tienda is in violation of Section of 301(a) of the CCLA, 63 P.S. § 2311(a).

RELIEF

13. Corrective Action. Immediately upon the effective date of this Order, Tienda shall cease and desist from cashing checks for a fee until such time that it may become properly licensed.

14. Civil Penalties. Within 30 days of the effective date of this Order Tienda shall pay the Department a fine in the amount of \$41,000. 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.

15. Within thirty (30) days of the effective date of this Order, Tienda shall furnish to the Department an accurate day-to-day count of all checks that Tienda cashed for a fee since the expiration of its retail check casher license. All documentation should be provided to Theresa Jones via email at thejones@pa.gov, facsimile at (717) 787-8773 or the Department's address at 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

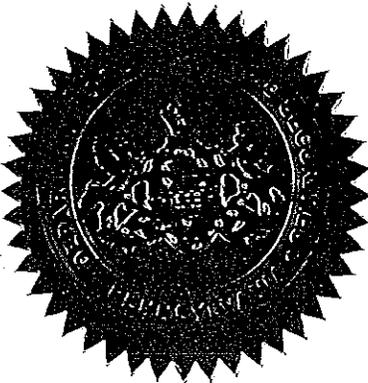
16. Nothing in this Order shall prevent the Department from taking any further administrative action as deemed necessary.

WHEREFORE, because Tienda engaged in the business of cashing checks for a fee when it was not licensed to do so, the Compliance Office, under the authority cited above, hereby imposes this cease and desist order.

IT IS SO ORDERED.

Redacted

Ryan Walsh, Director
Department of Banking and Securities
Compliance Office



Date: September 20, 2016

FILED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

2016 SEP 20 PM 12:54

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

PA DEPARTMENT OF
BANKING AND SECURITIES

v. :

DOCKET NO. 16 0053 (BNK-C&D)

TIENDA MEXICANA, LLC :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **Cease and Desist Order** upon the parties below, who constitute the only parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code §§ 33.35 and 33.36:

BY CERTIFIED AND FIRST CLASS MAIL

Tienda Mexicana LLC
c/o Anibal Calle
1636 Baltimore Pike
Avondale, PA 19311-9791

Dated this 20th day of September, 2016

Redacted

John Chiappetta
Assistant Counsel
Attorney I.D. # 62902
FOR: Commonwealth of Pennsylvania
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101
(717) 787-1471