

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



DEPARTMENT OF BUSINESS REGULATION
DIVISION OF BANKING
1511 PONTIAC AVENUE, BUILDING 68-2
CRANSTON, RI 02920
Telephone: (401) 462-9503 - Facsimile: (401) 462-9532

IN THE MATTER OF:

JOHANNY URBAEZ D/B/A JOHNNY CASH,

RESPONDENT.

CONSENT AND ENFORCEMENT ORDER
ADMINISTRATIVE SURRENDER OF LICENSE

I. Introduction

1. Johanny Urbaez d/b/a Johnny Cash ("Respondent") holds Rhode Island Loan Check Casher License Number 20001084CC (the "License") issued pursuant to R.I. Gen. Laws Title 19.

2. Johanny Urbaezs is the sole principal officer and owner of Respondent.

3. On May 29, 2009 the Department of Business Regulation ("Department") issued a Emergency Order Suspending License and Opportunity for Hearing Under R. I. Gen. Laws §§ 19-14-13 and 42-35-14(c) dated May 28, 2009 ("Order") to Respondent.

4. The Order alleged that Respondent had engaged in an apparent fraud scheme involving business checking accounts maintained by Respondent in a federally insured banking

institution located in Cranston, RI, and money orders issued by one or more Rhode Island licensed check sellers.

5. The allegations in the Order are fully incorporated herein by reference.

6. On June 5, 2009 the Department received Respondent's timely Request for Hearing in response to the Department's Notice.

7. On July 14, 2009 a meeting took place with Respondent to discuss settlement of the allegations noted in the Order, including the surrender of the License without proceeding with the administrative hearing process.

8. The Department would have sought revocation of the License through the administrative hearing process had this resolution not been achieved.

II. Settlement Agreement

In consideration of the foregoing and the mutual promises set forth herein, and to resolve all known outstanding violations, Respondent voluntarily waives its right to complete the hearing process, admits that the allegations in paragraphs 1 through 7 above are true, and affirms that upon executing this Order, Respondent shall:

1. Pay to the Department by check payable to the "General Treasurer, State of Rhode Island"¹ an administrative assessment of One Thousand Three Hundred Eighty-Eight Dollars (\$1,388) of which Seven Hundred Thirty-eight dollars (\$388) represents an examination fee;
2. Surrender the original License and related branch certificates or file a affidavit that the original License and branch certificates have been lost or misplaced;

¹ Payee must be the "General Treasurer, State of Rhode Island". Checks with incorrect payee will be returned for re-issuance.

3. Cease engaging in any check cashing activity from any location within the State of Rhode Island;
4. Agree that it or Respondent's sole owner and principal officer will not apply for a Rhode Island license under R. I. Gen. Laws § 19-14-1 et seq.;
5. File with the Division of Banking ("Division") of the Department information relating to any of the following in electronic format:
 - a. Copies of any notifications or other filings submitted to the any state or federal government agency regarding Suspicious Activity by Respondent or its principal officer; and
 - b. Information regarding any civil or criminal proceedings instituted against Respondent or its principal officer along with any updates of the status of such civil or criminal proceedings, including any convictions or agreed upon settlements;
1. On or before February 28, 2010 File a Final Annual Report for the License with the applicable filing fee of one hundred sixty-five dollars (\$165); and
2. File with the Division a certified copy of a resolution of the board of directors or substantially equivalent governing body of Respondent that identifies Johnny Urbacz as the authorized person to execute this Consent and Enforcement Order

III. Reservation of Rights

The Department reserves its rights to further adjudicate, through the administrative hearing process, the facts in this matter should it receive information related to the allegations in the Order and/or violation of the terms of this Consent and Enforcement Order and/or any information which may implicate other violations by Respondent herein subject to the Respondent's right to a hearing.

THIS CONSENT AND ENFORCEMENT ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R. I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS CONSENT AND ENFORCEMENT ORDER. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. HOWEVER, RESPONDENT UNDERSTANDS THAT BY WAIVING ITS RIGHT TO A COMPLETE HEARING AND AGREEING TO THIS CONSENT AND ENFORCEMENT ORDER, THE ABOVE RIGHTS ARE WAIVED AND IF ANY TERMS OF THIS CONSENT AND ENFORCEMENT ORDER ARE VIOLATED THE DEPARTMENT SHALL SEEK ADDITIONAL REMEDIES PURSUANT TO R. I. GEN. LAWS §§ 19-14-13, 19-14-15, 19-14-23, and/or 19-14-26.

Respondent:

By: [Signature]
Johanny Urbaez
d/b/a Johnny Cash.
913 Eddy Street
Providence, RI 02905

Date: 9/14/2009

STATE OF RI
COUNTY OF [PROV]

In PROVIDENCE, in said County, on the 14 day of SEPT., 2009, before me personally appeared the above-named Johanny Urbaez, to me known and known by me to be the President of Johanny Urbaez d/b/a Johnny Cash, and the person executing these presents in behalf of Johanny Urbaez d/b/a Johnny Cash, the party executing the foregoing instrument, and he acknowledged said instrument by him so executed to be a free act and deed as such person and the free act and deed of said Johanny Urbaez d/b/a Johnny Cash.

[Signature]
Thomas A. Harcey, Notary
(Print or type name of Notary)
7/31/2013

Department:

Neena Sinha Savage
By: Neena Sinha Savage, Esq.
Chief of Legal Services
Department of Business Regulation

Steven L. Cayouette
By: Steven L. Cayouette, CFE
State Chief Bank Examiner
Department of Business Regulation

Date: 3/4/10

Date: 3/4/10

[AT THE REQUEST OF THE RESPONDENT, THIS MATTER WAS RESOLVED AFTER THE ISSUANCE OF THE EMERGENCY ORDER BUT PRIOR TO THE APPOINTMENT OF A HEARING OFFICER.]

ORDER

I hereby approve _____ reject the Consent and Enforcement Order as agreed to by and between the parties in the above entitled matter.

ORDER NUMBER: 10-038

Entered: March ~~11~~ ¹², 2010

A. Michael Marques
A. Michael Marques, Director
Department of Business Regulation

CERTIFICATION

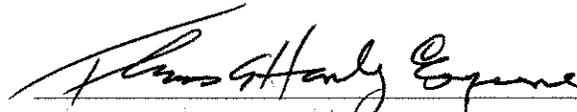
I hereby certify that on 12th day of March 2010 a copy of the within Consent and Enforcement Order was mailed via certified, postage prepaid, to:

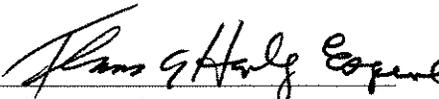
Thomas A. Hanley, Esq.
The Westin Providence Dome Building
One West Exchange Street, 3rd Floor
Providence, RI 02903-1058

Jana Paterson (alred)

CORPORATE RESOLUTION

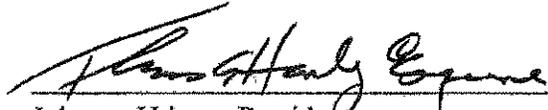
A meeting of the board of directors of Johnny Cash Check Cashing, Inc. was held September 10th, 2009 at the company's headquarters located at 913 Eddy Street, Providence, RI, 02905. With all members of the board of directors present and voting, it was unanimously resolved that Johanny Urbaez, its sole officer, be authorized to execute a Consent and Enforcement Order issued by the Rhode Island Department of Business Regulation, Division of Banking, on August 31, 2009. This Consent and Enforcement Order refers to the company's Rhode Island Check Cashier License Number 20001084 CC.


Johanny Urbaez, President
on behalf of Johnny Urbaez

Attest: 
Johanny Urbaez, President
on behalf of Johnny Urbaez

CORPORATE RESOLUTION

A meeting of the board of directors of Johnny Cash Check Cashing, Inc. was held September 10th, 2009 at the company's headquarters located at 913 Eddy Street, Providence, RI, 02905. With all members of the board of directors present and voting, it was unanimously resolved that Johnny Urbacz, its sole officer, be authorized to execute a Consent and Enforcement Order issued by the Rhode Island Department of Business Regulation, Division of Banking, on August 31, 2009. This Consent and Enforcement Order refers to the company's Rhode Island Check Casher License Number 20001084 CC.


Johnny Urbacz, President
on behalf of Johnny Urbacz

Attest: 
Johnny Urbacz, President
on behalf of Johnny Urbacz