

**STATE OF NEBRASKA**  
**Department of Banking & Finance**

IN THE MATTER OF: )  
)  
Great Plains Specialty Finance, Inc., )  
d/b/a Check 'n Go, )  
for licensed locations at: )  
)  
1602 Galvin Road South, )  
Bellevue, Sarpy County, Nebraska; )  
)  
1023 East 23<sup>rd</sup> Street, )  
Fremont, Dodge County, Nebraska; )  
)  
206 Wilmar Avenue, Unit 4, )  
Grand Island, Hall County, Nebraska; )  
)  
3817 2<sup>nd</sup> Avenue, )  
Kearney, Buffalo County, Nebraska; )  
)  
4640 Champlain Drive, Suite 117, )  
Lincoln, Lancaster County, Nebraska; )  
)  
700 West Omaha, Suite C, )  
Norfolk, Madison County, Nebraska; )  
)  
120 North Jeffers Street, )  
North Platte, Lincoln County, Nebraska; )  
)  
9517 Q Street, )  
Omaha, Douglas County, Nebraska; )  
)  
202 West 27<sup>th</sup> Street, )  
Scottsbluff, Scotts Bluff County, Nebraska; and )  
)  
200 East 13<sup>th</sup> Street, )  
South Sioux City, Dakota County, Nebraska )

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND

CONSENT AGREEMENT

THIS MATTER comes before the Nebraska Department of Banking and Finance (“DEPARTMENT”), by and through its Director, pursuant to its authority under the

Delayed Deposit Services Licensing Act, Neb. Rev. Stat. §§ 45-901 to 45-929 (Reissue 2004; Cum. Supp. 2008) (“the Act”). Pursuant to Neb. Rev. Stat. § 45-916 (Cum. Supp. 2008), the DEPARTMENT and Great Plains Specialty Finance, Inc., d/b/a Check ‘n Go, for licensed locations at: 1602 Galvin Road South, Bellevue, Sarpy County, Nebraska; 1023 East 23<sup>rd</sup> Street, Fremont, Dodge County, Nebraska; 206 Wilmar Avenue, Unit 4, Grand Island, Hall County, Nebraska; 3817 2<sup>nd</sup> Avenue, Kearney, Buffalo County, Nebraska; 4640 Champlain Drive, Suite 117, Lincoln, Lancaster County, Nebraska; 700 West Omaha, Suite C, Norfolk, Madison County, Nebraska; 120 North Jeffers Street, North Platte, Lincoln County, Nebraska; 9517 Q Street, Omaha, Douglas County, Nebraska; 202 West 27<sup>th</sup> Street, Scottsbluff, Scotts Bluff County, Nebraska; and 200 East 13<sup>th</sup> Street, South Sioux City, Dakota County, Nebraska (“CHECK ‘N GO”), enter into the following Findings of Fact, Conclusions of Law, and Consent Agreement.

### **FINDINGS OF FACT**

1. CHECK ‘N GO holds multiple delayed deposit services business licenses under the Act. License #1840 was originally granted December 3, 1997, for the Douglas County locations. License #1841 was originally granted March 10, 1998, for the Lancaster County locations. License #1842 was originally issued on March 10, 1998, to Ameri-Cash Advance Centers, Inc. and was acquired by a change of control on October 31, 2005, for the Sarpy County Location. License #1876 was acquired through a change of control on October 31, 2005, for the Lincoln County location. License #1877 was acquired through a change of control on October 31, 2005, for the Buffalo County location. License #1886 was originally issued on December 7, 1999, to Ameri-Cash Advance Centers, Inc. and was acquired through a change of control on October 31, 2005, for the Dakota County location. License #1931

was originally granted on May 6, 2003, to Ameri-Cash Advance Centers, Inc. and was acquired through a change of control on October 31, 2005, for the Dodge County location. License #1932 was originally granted on May 6, 2003, to Ameri-Cash Advance Centers, Inc. and was acquired through a change of control on October 31, 2005, for the Scotts Bluff County location. License #1951 was originally granted on August 24, 2004, to Ameri-Cash Advance Centers, Inc. and was acquired through a change of control on October 31, 2005, for the Madison County location. License #2008 was originally granted on March 16, 2007, for the Hall County location. All CHECK 'N GO licenses have been renewed annually on May 1<sup>st</sup> since the date that they were originally granted pursuant to Neb. Rev. Stat. § 45-910 (Cum. Supp. 2008).

2. On March 13, 2007, a DEPARTMENT examiner was contacted by a CHECK 'N GO representative regarding an Installment Loan Poster that it planned to post in its Nebraska stores. Information regarding the Installment Loan product advertised on the poster was already available to Nebraska customers on CHECK 'N GO's website.

3. On March 13, 2007, the DEPARTMENT informed CHECK 'N GO that pursuant to Neb. Rev. Stat. § 45-916 (Cum. Supp. 2008), prior approval of the DEPARTMENT was required for other business activity such as offering installment loan products. The DEPARTMENT requested that CHECK 'N GO deactivate the website application to make it unavailable to Nebraska residents and to provide a listing of all Nebraska residents who had already filled out the on-line application.

4. On March 13, 2007, CHECK 'N GO eliminated access to the installment loan application for Nebraska residents on its website. On March 23, 2007, CHECK 'N GO provided a listing of five (5) customers, AS, LS, TS, NG, and IG, who had received

installment loans through the CHECK 'N GO website in amounts of either \$750.00 or \$1,500.00.

5. CHECK 'N GO's offering another business activity in conjunction with its Nebraska Delayed Deposit Services business activities without first seeking prior approval of the Director and funding such transactions for five (5) Nebraska customers represents five separate violations of Neb. Rev. Stat. § 45-916 (Cum. Supp. 2008).

6. On March 27, 2007, CHECK 'N GO submitted a Notice of Intent to Conduct Other Business pursuant to Neb. Rev. Stat. § 45-916 (Cum. Supp. 2008) at all ten (10) Nebraska locations and their respective branches. After review of the notice, the DEPARTMENT disapproved the other business on April 24, 2007, finding that:

Due to similarities between this installment loan product and a Delayed Deposit Services transaction, the Department has determined that offering this product in association with or in conjunction with Delayed Deposit Services business in Nebraska will tend to conceal evasion of the Act. As such, your other business is disapproved and you should not advertise or offer this product in your Nebraska locations.

7. The DEPARTMENT could conclude that the actions of CHECK 'N GO warrant the commencement of administrative proceedings to determine whether it should impose an administrative fine in an amount up to five thousand dollars for each violation, plus investigation costs, pursuant to Neb. Rev. Stat. § 45-925 (Cum. Supp. 2008).

8. The DEPARTMENT incurred a minimum of five hundred dollars in investigation costs in this matter.

### **CONCLUSIONS OF LAW**

1. Neb. Rev. Stat. § 45-908 (Reissue 2004) provides that in order to issue a delayed deposit services business license, the Director must determine that the character

and general fitness of the applicant and its officers, directors, and shareholders are such as to warrant a belief that the business will be operated honestly, fairly, efficiently, and in accordance with the Act. To operate efficiently, a licensee must ensure that transactions with customers are conducted accurately and that the records concerning those transactions are accurately kept. The licensee must also ensure that signage and any advertising referencing a delayed deposit services transaction is accurate and not misleading.

2. Neb. Rev. Stat. § 45-916 (Cum. Supp. 2008) provides that a licensee may operate a delayed deposit services business at a location where any other business is operated or in association or conjunction with any other business if the other business is not of a type which would tend to conceal evasion of the Delayed Deposit Services Licensing Act and at least thirty days prior to conducting such other business, the licensee provides written notice to the Director of its intent to conduct such other business at its location or locations and the nature of such other business and the Director does not disapprove of such other business within thirty days after receiving the written notice.

3. Neb. Rev. Stat. § 45-925 (Cum. Supp. 2008) provides that if the Director finds, after notice and opportunity for hearing, that any person has violated the Act, the Director may order such person to pay an administrative fine of not more than five thousand dollars for each separate violation and the costs of an investigation.

4. The facts listed in the above Findings of Fact constitute a sufficient basis for the Director to have determined that CHECK 'N GO has violated the Act, and that an administrative fine in an amount of not more than five thousand dollars for each violation

plus costs of investigation should be imposed in accordance with Neb. Rev. Stat.  
§ 45-925 (Cum. Supp. 2008).

5. Under the Act's statutory framework, the Director has the legal and equitable authority to fashion significant remedies.

6. It is in the best interest of CHECK 'N GO, and it is in the best interest of the public, for CHECK 'N GO and the DEPARTMENT to resolve the issues included herein.

### **CONSENT AGREEMENT**

The DEPARTMENT and CHECK 'N GO agree as follows:

Stipulations: In connection with this Consent Agreement, CHECK 'N GO and the Director stipulate to the following:

1. The DEPARTMENT has jurisdiction as to all matters herein.
2. This Consent Agreement shall resolve all matters raised by CHECK 'N GO's March 13, 2007 request for installment loan products. Should future circumstances warrant, the fact from this matter may be considered in a future administrative action by the DEPARTMENT.
3. This Consent Agreement shall be in lieu of all other proceedings available to the DEPARTMENT, except as specifically referenced in this Consent Agreement.

CHECK 'N GO further represents as follows:

1. CHECK 'N GO is aware of its right to a hearing on these matters at which it may be represented by counsel, present evidence, and cross examine witnesses. The right to such a hearing, and any related appeal, is irrevocably waived.
2. CHECK 'N GO is acting free from any duress or coercion of any kind or nature.

3. This Consent Agreement is executed to avoid further proceedings and constitutes an admission of violations of the Act solely for the purpose of this Consent Agreement and for no other purpose.

IT IS, THEREFORE AGREED as follows:

1. Within ten (10) days after the effective date of this Consent Agreement, CHECK 'N GO shall pay a fine of five thousand dollars (\$5,000.00) for offering another business activity in conjunction with its Nebraska Delayed Deposit Services business activities without first obtaining prior approval from the Director in violation of Neb. Rev. Stat. § 45-916 (Cum. Supp. 2008).

2. Within ten (10) days after the effective date of this Consent Agreement, CHECK 'N GO shall pay the DEPARTMENT's investigation costs in the amount of five hundred dollars (\$500.00).

3. The total amount of the fine, five thousand dollars (\$5,000.00), plus the total amount of investigation costs, five hundred dollars (\$500.00), shall be payable in one check or money order in the amount of five thousand five hundred dollars (\$5,500.00) to the DEPARTMENT.


4. In the event that CHECK 'N GO fails to comply with any of the provisions of this Consent Agreement, the DEPARTMENT may commence such actions regarding CHECK 'N GO as it deems necessary and appropriate in the public interest.

5. If, at any time, the DEPARTMENT determines CHECK 'N GO has committed any other violation of the Act, the DEPARTMENT may take any action available to it under the Act.

6. The effective date of this Consent Agreement will be the date of the Director's signature.

DATED this 10<sup>th</sup> day of February, 2009.

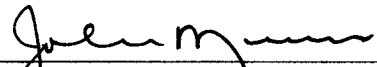
**Great Plains Specialty Finance, Inc.  
d/b/a Check 'n Go**

By:   
\_\_\_\_\_  
Stephen J. Schaller, General Counsel

5155 Financial Way  
Mason, OH 45040  
(513) 336-7735

DATED this 10<sup>th</sup> day of February, 2009.

**STATE OF NEBRASKA  
DEPARTMENT OF BANKING AND FINANCE**

By:   
\_\_\_\_\_  
John Munn, Director

Commerce Court, Suite 400  
1230 "O" Street  
Lincoln, Nebraska 68508  
(402) 471-2171