

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2
3 In the Matter of the Deferred Presentment
4 Company License of:

No. 09F-BD097-SBD

CONSENT ORDER

5 **KASH-N-HAND, LLC, DBA CASH-N-HAND**
6 **and LINTON AVERY MAXWELL,**
7 **MANAGING MEMBER and OWNER,**
8 2948 E. Bell Road, #110,
9 Phoenix, Arizona 85032

Respondents.

10 Wishing to resolve this matter in lieu of an administrative hearing, Respondents admit to
11 the following Findings of Fact and Conclusions of Law, and consent to the entry of the
12 following Order.

13 **FINDINGS OF FACT**

14 1. Respondent Kash-N-Hand LLC DBA Cash-N-Hand (“KNH”), an Arizona limited
15 liability company, is authorized to transact business in Arizona as a deferred presentment
16 company, license # DPC-0908411, within the meaning of A.R.S. §§ 6-1251, *et seq.* The nature
17 of KNH’s business is that of providing deferred presentment services within the meaning of
18 A.R.S. § 6-1251.

19 2. Respondent Linton Avery Maxwell (“Mr. Maxwell”) is the Managing Member and
20 one hundred percent (100%) owner of KNH. Mr. Maxwell is authorized to engage in the
21 business of providing deferred presentment services in Arizona within the meaning of A.R.S.
22 §§ 6-1251 and A.R.S. § 6-1254(B).

23 3. Neither KNH nor Mr. Maxwell is exempt from licensure as a deferred presentment
24 company within the meaning of A.R.S. § 6-1252.

25 4. On September 2, 2008, the Arizona Department of Financial Institutions
26 (“Department”) issued a Notice of Assessment against KNH for failing to timely submit its
renewal application, financial statement and pay the renewal fee required by A.R.S. § 6-1256(A).

1 The Notice of Assessment included a civil money penalty of \$2,000.00.

2 5. KNH failed to request a hearing to appeal the Department's Notice of Assessment
3 within 30 days, as provided by A.R.S. § 41-1092.03(B), failed to consent to the assessment, and
4 failed to pay the civil money penalty of \$2,000, due on or before October 2, 2008.

5 6. On January 15, 2009, the Department sent an email to Mr. Maxwell stating that the
6 Department issued a Notice of Assessment on September 2, 2008 and to date, the civil money
7 penalty had not been paid nor had the Department received the signed Consent to Notice of
8 Assessment. In addition, the email stated that in an October 29, 2008 telephone conversation
9 with Mr. Maxwell, Mr. Maxwell informed Richard Fergus, Licensing Division Manager for the
10 Department, that he would bring in a check for the civil money penalty and the signed Notice of
11 Assessment on October 31, 2008.

12 7. On January 15, 2009, Mr. Maxwell sent an email to the Department apologizing for
13 this ongoing issue. Mr. Maxwell stated that his financial situation has deteriorated and that he
14 had exhausted all of his cash reserves and resources.

15 8. On March 6, 2009 the Department sent an email to Mr. Maxwell asking for an
16 update, in writing, regarding the current situation for KNH.

17 9. On March 6, 2009, Mr. Maxwell responded to the Department's March 6, 2009
18 email stating that he has been financially crippled by the economy which has forced him to close
19 KNH. Mr. Maxwell further states that he intends to pay the Department what is owed, but does
20 not have anything to pay right now.

21 10. On March 26, 2009, the Department sent an email to Mr. Maxwell addressing the
22 concerns the Department has regarding the financial condition of Mr. Maxwell and KNH. The
23 Department requested Mr. Maxwell inform the Department on his intentions regarding KNH and
24 that the Department was willing to discuss with Mr. Maxwell a resolution. The Department also
25 requested that Mr. Maxwell provide financial statements for KNH as of December 31, 2008 on
26 or before April 15, 2009.

11. On April 9, 2009, the Department sent an e-mail to Mr. Maxwell stating that the

1 Department and Mr. Maxwell had been unable to connect by telephone regarding the status of
2 the license. The April 9, 2009 e-mail further stated that the Department required Respondents to
3 provide their financial statements as of December 31, 2008 to the Department on or before April
4 17, 2009.

5 12. On April 11, 2009, Mr. Maxwell sent an email to the Department stating that he did
6 not think it was going to be possible to provide the requested financials by the deadline set in the
7 Department's correspondence.

8 CONCLUSIONS OF LAW

9 A. Pursuant to A.R.S. Title 6, Chapter 12.1 the Superintendent has the authority and
10 duty to regulate all persons engaged in the deferred presentment company business and with the
11 enforcement of statutes, rules, and regulations relating to deferred presentment companies.

12 B. By the conduct set forth above, Respondents have violated A.R.S. § 6-1256(A) by
13 failing to timely submit their renewal application, financial statements and renewal fee.

14 C. By knowingly advising the Department that they would submit the monies owed and
15 the signed Consent to Notice of Assessment, failing to follow through, and continuing to fail to
16 pay those monies owed to the Department, Respondents have shown that Mr. Maxwell is not a
17 person of honesty, truthfulness or good character, which constitutes grounds to suspend or
18 revoke Respondents' deferred presentment company license, number DPC-0908411, pursuant to
19 A.R.S. §§ 6-1258(A)(4) and 6-1258(B).

20 D. By failing to timely file their renewal application, financial statements and renewal
21 fee, Respondents have known that they have violated A.R.S. Chapter 12.1, or any other
22 applicable law, rule or order, which constitutes grounds to suspend or revoke Respondents'
23 deferred presentment company license pursuant to A.R.S. § 6-1258(A)(5).

24 E. By failing to pay a debt that is owed, Respondents have shown that they are
25 insolvent as defined in A.R.S. § 47-1201, which constitutes grounds to suspend or revoke
26 Respondents' deferred presentment company license, pursuant to A.R.S. § 6-1258(3).

F. The violations, set forth above, constitute grounds for the pursuit of any other

1 remedy necessary or proper for the enforcement of statutes and rules regulating collection
2 agencies in Arizona pursuant to A.R.S. §§ 6-123 and 6-131.

3 G. Pursuant to A.R.S. § 6-132, Respondent's violations of the aforementioned statutes
4 are grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for each
5 violation.

6 **ORDER**

7 1. Deferred Presentment Company License, No. DPC-0908411, issued in the name
8 of Kash-N-Hand, LLC, DBA Cash-N-Hand, is hereby immediately revoked and shall
9 immediately be surrendered to the Department upon execution of this Consent Order.

10 2. Respondents shall pay the Department the civil money penalty of two thousand
11 dollars (\$2,000.00) pursuant to the Notice of Assessment issued on September 2, 2008.
12 Payment of the civil money penalty shall be as follows: Respondents shall submit payments of
13 three hundred dollars (\$300.00) to the Department by the fifteenth (15th) of each month,
14 commencing on August 15, 2009, until December 15, 2009, with a final payment of five
15 hundred dollars (\$500.00) due on January 15, 2010. Payments shall be in the form of a cashier's
16 check or money order payable to the Arizona Department of Financial Institutions.

17 3. The provisions of this Order shall be binding upon Kash-N-Hand, LLC, DBA
18 Cash-N-Hand, and Linton Avery Maxwell, and their employees, agents, and other persons
19 participating in the conduct of the affairs of Kash-N-Hand, LLC, DBA Cash-N-Hand.

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1 SO ORDERED this 25 day of August, 2009.

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4 By: 

5 Robert D. Charlton
Assistant Superintendent of Financial Institutions

6 **CONSENT TO ENTRY OF ORDER**

7 1. Respondents acknowledges that they have been served with a copy of the
8 foregoing Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, have
9 read the same, are aware of their right to an administrative hearing in this matter, and have
10 waived the same.

11 2. Respondents admit the jurisdiction of the Superintendent and consent to the entry
12 of the foregoing Findings of Fact, Conclusions of Law, and Order.

13 3. Respondents state that no promise of any kind or nature has been made to induce
14 them to consent to the entry of this Order, and that they have done so voluntarily.

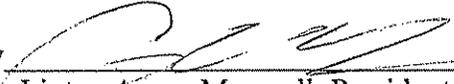
15 4. Respondents consent to the revocation of their deferred presentment company
16 license, No. DPC-0908411.

17 5. Respondents acknowledge that the acceptance of this Agreement by the
18 Superintendent is solely to settle this matter and does not preclude this Department, any other
19 agency or officer of this state or subdivision thereof from instituting other proceedings as may be
20 appropriate now or in the future.

21 6. Linton Avery Maxwell, on behalf of Kash-N-Hand, LLC, DBA Cash-N-Hand,
22 and himself represents that he is the Managing Member and Owner, and that, as such, has been
23 authorized by Kash-N-Hand, LLC, DBA Cash-N-Hand to consent to the entry of this Order on
24 its behalf.

25 7. Respondents waive all rights to seek judicial review or otherwise to challenge or
26 contest the validity of this Order.

1 DATED this 15 day of August, 2009.

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3 By 

Linton Avery Maxwell, President
Kash-N-Hand, LLC, DBA Cash-N-Hand, and
Individually

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5 ORIGINAL of the foregoing filed this 26th
6 day of August, 2009, in the office of:

7 Felecia Rotellini
8 Superintendent of Financial Institutions
9 Arizona Department of Financial Institutions
10 ATTN: Susan Longo
2310 N. 44th Street, Suite 310
Phoenix, Arizona 85018

11 COPY mailed/delivered same date to:

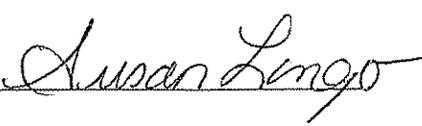
12 Robert D. Charlton, Assistant Superintendent
13 Richard Fergus, Division Manager Licensing
14 Arizona Department of Financial Institutions
2910 N. 44th Street, Suite 310
Phoenix, Arizona 85018

15 Liane C. Kido
16 Consumer Protection and Advocacy Division
17 1275 W. Washington Street
Phoenix, Arizona 85007

18 Linton Avery Maxwell, Managing Member and Owner
19 Kash-N-Hand LLC DBA Cash-N-Hand
2948 E. Bell Road, #110
20 Phoenix, AZ 85032

21 Linton Avery Maxwell
22 Kash-N-Hand, LLC DBA Cash-N-Hand
4333 W. Range Mule Drive
23 Phoenix, Arizona 85083

24 Ron Knott, Statutory Agent For:
Kash-N-Hand LLC DBA Cash-N-Hand
10830 N. 71st Place, #1056
25 Scottsdale, AZ 85254

26 By: 
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