

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER
BEFORE THE COMMISSIONER OF BANKS
DOCKET NO. 08:161:CC

IN RE:)
)
BADRAN & MUHYEDDIN INC.)
d/b/a LA PERLITA 1)
)
License No. 139321)
)
)

**NOTICE OF HEARING
AND MANDATORY PRE-HEARING
CONFERENCE**

**TO: Numan S. Badran
Badran & Muhyeddin Inc. d/b/a La Perlita 1
815 Waughtown St.
Winston-Salem, NC 27107**

I. NOTICE OF THE HEARING

You are hereby notified that the Commissioner of Banks ("Commissioner") or his designated hearing officer will hold a hearing on Thursday, 25 September 2008, at 9:00 AM, or as soon after that hour as the same may be heard, to determine whether or not the check casher license of Badran & Muhyeddin Inc. d/b/a La Perlita 1 ("Respondent"), should be suspended or revoked and whether civil money penalties should be imposed for violations of the Check Casher Act, Article 22 of Chapter 53 of the North Carolina General Statutes.

II. LOCATION OF THE HEARING

The hearing will take place in the Office of the Commissioner of Banks ("OCOB"), 2nd Floor Hearing Room, 316 West Edenton Street, Raleigh, North Carolina. If Respondent is not present, a decision will be reached in Respondent's absence and Respondent will be deemed to have waived its right to a hearing.

III. THE HEARING PROCESS

1. The Hearing Procedure.

This is a contested case hearing before the Commissioner. Respondent is entitled to be represented by counsel and to present evidence. Respondent is referred to Article 3A of Chapter 150B, Article 22 of Chapter 53 of the North Carolina General Statutes, and Title 4, Subchapters 3B and 3L, of the North Carolina Administrative Code for a more complete statement of rights.

2. Mandatory Pre-Hearing Conference.

Pursuant to 4 NCAC 3B .0226, the Commissioner of Banks hereby orders that a Pre-Hearing Conference take place in this matter on 17 September 2008, or such other time as may be agreed upon by the parties. Respondent and Counsel to the OCOB are required to participate in this conference to explore a stipulation of facts, resolve issues of evidence, and any other matters which will reduce costs or save time or otherwise expedite the disposition of this action. The

Pre-Hearing Conference may be conducted by telephone; contact Angela B. Maynard in the Office of the Attorney General at 919.716.6800 to make the necessary arrangements.

IV. NOTICE OF INTENT TO REQUEST OFFICIAL NOTICE OF DOCUMENTARY EVIDENCE

Pursuant to G.S. § 150B-41(d), please take notice that the undersigned intends to request that the Commissioner of Banks take official notice of the OCOB's licensing file for Respondent, No. 139321, including the correspondence referenced in Section V below.

V. FACTUAL ALLEGATIONS

It is alleged that:

1. On or about 14 March 2007, Respondent was licensed as a check casher pursuant to Article 22 of Chapter 53 of the North Carolina General Statutes and has been so licensed since that date. [Ex. 1]

2. On or about 1 February 2008, the OCOB mailed the form entitled "2007 Annual Report of Check Cashing Businesses Licensed Under Article 22 of Chapter 53 of the North General Statutes" (hereinafter "annual report") to all check casher licensees. This report is required to be filed with the OCOB on or before 31 March 2008. See, G.S. § 53-288 and 04 NCAC 03L .0502(b).

3. On 12 March 2008, the OCOB's Director of Consumer Industries, W. Reitzel Deaton, notified Respondent that his

annual report had not been received and reminded Respondent that the annual report was due on 31 March 2008. [Ex. 2]

4. Respondent did not file the annual report by 31 March 2008.

5. On 11 April 2008, Respondent was once again notified by the OCOB that it had not filed its annual report and requested that same be provided by 21 April 2008. Respondent did not provide the annual report by this date. [Ex. 3]

6. On 27 June 2008, the OCOB's attorney notified Respondent that the annual report had not been filed. [Ex. 4]

7. Respondent has not responded to any of the OCOB's correspondence since 1 February 2008.

8. Respondent has never provided the annual report to the OCOB.

VI. REQUESTED RELIEF

Based upon the foregoing, Respondent's check casher license, heretofore issued, should be suspended or revoked pursuant to G.S. § 53-284(a) and (b) and civil money penalties not to exceed \$1,000 per violation imposed pursuant to G.S. § 53-286.

This the 18th day of August, 2008.

Office of the Commissioner of Banks



W. Reitzel Deaton, Director
Consumer Industries

Of Counsel:

L. McNeil Chestnut
Special Deputy Attorney General

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Assistant Attorney General
North Carolina Department of Justice
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CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that he has this day served a copy of the foregoing Notice of Hearing and Mandatory Pre-Hearing Conference by placing a copy of the same in the United States Post Office at Raleigh, North Carolina, certified mail, return receipt requested, postage prepaid and addressed to:

Numan S. Badran
Badran & Muhyeddin Inc. d/b/a La Perlita 1
815 Waughtown St.
Winston-Salem, NC 27107

This the 19th day of August, 2008.



L. McNeil Chestnut
Special Deputy Attorney General