

STATE OF NORTH CAROLINA
WAKE COUNTY

IN A MATTER
BEFORE THE COMMISSIONER OF BANKS
DOCKET NO: 05:008:CF

IN RE:)	
)	
ADVANCE AMERICA, CASH)	DISMISSAL OF APPEAL BY AANC
ADVANCE CENTERS OF NORTH)	FROM ORDER ALLOWING
CAROLINA, INC. (“AANC” OR)	INTERVENTION BY THE ATTORNEY
“RESPONDENT”))	GENERAL
_____)	

THIS MATTER came before the Commissioner on April 13, 2005, pursuant to:

1. Motion to Intervene filed by the Attorney General on February 15, 2005;
2. Opposition to Motion to Intervene filed by Respondent on March 13, 2005;
3. Response to AANC Opposition filed by the Attorney General on March 18, 2005;
4. Commissioner’s Order Allowing Intervention dated March 21, 2005;
5. AANC’s appeal from the Order Allowing Intervention filed March 29, 2005;
6. Attorney General’s Response to AANC’s Appeal and Motion to Dismiss Appeal, filed on April 4, 2005; and

IT APPEARING TO THE COMMISSIONER that the Order Allowing Intervention of the Attorney General:

1. is within the discretion of the Commissioner as hearing officer in this proceeding;
2. makes no findings of fact or conclusions of law because none are required in such an intermediate ruling;
3. is interlocutory in nature and not immediately appealable inasmuch as the ruling goes to the conduct of the contested case and not to a substantial right of AANC;
4. does not prejudice AANC in this proceeding or in any other litigation in any other forum in which it may be a party;

5. allows intervention of the Attorney General as a party based upon a statutory right of the Attorney General to do so.

NOW, THEREFORE, the undersigned, having received and considered the written filings and arguments contained therein, hereby orders that:

The Appeal by Respondent of Order Allowing Intervention by the Attorney General is DISMISSED.

This the 13th day of April, 2005.



Joseph A. Smith, Jr.
Commissioner of Banks

CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that he has this day served a copy of the foregoing Order by personal delivery or placing a copy of the same in the mail, at Raleigh, first class mail, postage prepaid and addressed to the persons listed below:

This the 13th day of April, 2005.



Daniel E. Garner, Executive Legal Specialist
Office of the Commissioner of Banks
4309 Mail Service Center
Raleigh, North Carolina 27699-4309
Phone: (919) 733-3016
Fax: (919) 733-6918

Saul M. Pilchen
Benjamin B. Klubes
Lesley B. Whitcomb
Valerie L. Hletko
Skadden, Arps, Slate, Meagher & Flom, LLP
1440 New York Avenue, NW
Washington, District of Columbia 20005

Donald C. Lampe
Christopher W. Jones
Johnny M. Loper
Womble Carlyle Sandridge & Rice, PLLC
One Wachovia Center
301 South College Street, Suite 3500
Charlotte, North Carolina 28202

Joshua N. Stein
Senior Deputy Attorney General
N.C. Department of Justice
9001 Mail Service Center
Raleigh, North Carolina 27699-9001

Philip A. Lehman
Assistant Attorney General
N.C. Department of Justice
9001 Mail Service Center
Raleigh, North Carolina 27699-9001

L. McNeil Chestnut
Special Deputy Attorney General
N.C. Department of Justice
9001 Mail Service Center
Raleigh, North Carolina 27699-9001

J. Jerome Hartzell
Hartzell & Whiteman, LLP
2626 Glenwood Avenue, Suite 500
Raleigh, North Carolina 27608