

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER
BEFORE THE COMMISSIONER OF BANKS
DOCKET NO. 14:044:CC

IN RE:)
)
BOBBY SHERRILL HOBBS d/b/a)
COMMERCIAL CHECK CASHING)
)
OCOB License No. 123359)
_____)

CONSENT ORDER

NOW COME the Non-Depository Entities Division of the North Carolina Office of the Commissioner of Banks (“OCOB”) and Bobby Sherrill Hobbs d/b/a Commercial Check Cashing (“Respondent”), collectively referred to as “the Parties,” and agree to the entry of the following Consent Order.

FINDINGS OF FACT

1. On 31 October 1997, a check casher license was issued to Respondent pursuant to Article 22 of Chapter 53 of the North Carolina General Statutes, and Respondent has been so licensed since that date.

2. On or about 22 November 2013, the OCOB commenced an examination of Respondent and as a result, alleges that he was operating an illegal payday lending business in conjunction with his check cashing business.

3. Respondent neither admits nor denies the foregoing allegations; nonetheless, Respondent desires to resolve this matter without further cost or expense through this Consent Order.

4. The Parties have voluntarily, willingly and of their own accord agreed to the terms of this Consent Order:

- a. Respondent shall surrender his check casher license and shall not hereafter apply for such licensure under Article 22 of Chapter 53 of the North Carolina General Statutes;
- b. Respondent shall immediately cease and desist from collecting all outstanding payday loans, which are hereby declared null and void;

- c. Respondent shall make restitution as follows:
 - i. \$2,100.00 to the consumers identified on the attached Exhibit A;
 - ii. \$3,720.00 to the consumer identified on the attached Exhibit B; and
 - iii. \$2,680.00 to the consumers identified on the attached Exhibit C.

Respondent shall provide the NCCOB with documentation certifying that the foregoing refunds were made within 60 days of the date of this Consent Order.

- d. Respondent agrees to pay a civil money penalty of \$95,000.00.
- e. Respondent shall cooperate fully and to the best of his ability with any OCOB complaints, investigations and examinations. Such cooperation shall include, but not be limited to, providing affidavits and/or sworn testimony.

3. The Parties further agree and acknowledge that this Consent Order sets forth all of the terms and conditions between them concerning the above-entitled matter and supersedes all prior oral and written statements and representations, and that there are no terms or conditions between the parties except as specifically herein set forth.

4. Respondent waives his right to a contested hearing before the North Carolina Commissioner of Banks (“Commissioner”) or to appeal this Consent Order to the North Carolina State Banking Commission or any court and agrees to entry of this Consent Order.

5. Upon entry of this Consent Order, the OCOB will consider this matter fully resolved as to Respondent and agrees to take no further enforcement action regarding the matters alleged in this proceeding as against Respondent.

6. The Parties represent and warrant that they have sought and received advice of an attorney in this matter.

7. The undersigned represent and warrant that they are authorized to enter into this Consent Order.

CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over Respondent and the subject matter of this proceeding.

2. Molly B. Sheehan, Deputy Commissioner of Banks, has the authority to enter into this Consent Order for and on behalf of the OCOB.

3. The entry of this Consent Order is in the public interest.

4. This Consent Order is a matter of public record and may be disseminated as such.

5. Nothing in this Consent Order shall be construed to prohibit the OCOB from investigating compliance herewith.

6. This Consent Order shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors and assigns.

Based upon the foregoing findings of fact and conclusions of law, the Commissioner enters the following:

ORDER

1. Upon execution of this Consent Order, Respondent shall surrender his check casher license and shall not hereafter apply for such licensure under Article 22 of Chapter 53 of the North Carolina General Statutes.

2. Respondent shall immediately cease and desist from collecting all outstanding payday loans, which are hereby declared null and void.

3. Respondent shall make restitution as follows:

- i. \$2,100.00 to the consumers identified on the attached Exhibit A;
- ii. \$3,720.00 to the consumer identified on the attached Exhibit B; and
- iii. \$2,680.00 to the consumers identified on the attached Exhibit C.

Respondent shall provide the NCCOB with documentation certifying that the foregoing refunds were made within 60 days of the date of this Consent Order. Such documentation shall be sent to the attention of Mr. Christopher as set forth in Paragraph 4 below.

4. On or before 28 February 2014, Respondent shall pay a civil money penalty to the "NC Department of Commerce - Banking Commission" in the sum of \$95,000.00. Payment shall be mailed marked "Personal and Confidential" to the attention of:

Lonnie Christopher, NCCP
Office of the Commissioner of Banks
4309 Mail Service Center
Raleigh, NC 27699-4309

In the alternative, same may be sent to Mr. Christopher via overnight courier, i.e., Federal Express, UPS or a similar service, to 316 West Edenton Street, Raleigh, NC 27603.

5. Respondent shall cooperate fully and to the best of his ability with any OCOB complaints, investigations and examinations. Such cooperation shall include, but not be limited to, providing affidavits and/or sworn testimony.

IT IS SO ORDERED on this the 28th day of February, 2014.



Ray Grace
Commissioner of Banks

WE CONSENT:

For the Office of the Commissioner of Banks


Molly B. Sheehan
Deputy Commissioner of Banks
316 W. Edenton Street
Raleigh, NC 27603

Date: 2/28/2014


L. McNeil Chestnut
Special Deputy Attorney General
North Carolina Department of Justice
114 W. Edenton Street
Raleigh, NC 27603

Date: 02/28/2014

Consented to:

BY: Bobby Sherrill Hobbs

[Redacted signature area]

Bobby Sherrill Hobbs

STATE OF NORTH CAROLINA

COUNTY OF Harnett

I certify that on February 21, 2014, Bobby Sherrill Hobbs personally appeared before me this day and acknowledged under oath, to my satisfaction, that he is named in and personally signed, sealed and delivered this document as his act and deed.

Sworn to and subscribed before me this 21st day of February, 2014.

Cheril West

Notary Public

My Commission Expires: 5-6-2016

(SEAL)

