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**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
DIVISION OF FINANCE AND CORPORATE SECURITIES  
BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND  
BUSINESS SERVICES**

<b>In the Matter of:</b>	)	<b>CC-08-0055</b>
	)	
<b>Dennys Electronic-os Inc., and</b>	)	<b>FINAL ORDER TO CEASE AND</b>
	)	<b>DESIST, DENYING LICENSE FOR A</b>
<b>Dennys Guzman;</b>	)	<b>CHECK CASHING BUSINESS,</b>
	)	<b>ASSESSING CIVIL PENALTIES,</b>
	)	
<b>Respondents.</b>	)	<b>ENTERED BY DEFAULT</b>
	)	
	)	
	)	

On May 06, 2011, Director of the Department of Consumer and Business Services for the State of Oregon (hereafter the "Director"), acting by and pursuant to the authority of the Oregon Check Casher's Law, ORS 697.500 *et seq.* issued Administrative Order No. CC-08-0055 to Cease and Desist, Denying License for a Check Cashing Business, Assessing Civil Penalties, and Notice of Right to Hearing (hereinafter "the Order") against Denny's Electronic-os Inc., and Dennys Guzman (hereinafter "Respondents").

On May 12, 2011, Respondents were duly served with true copies of the Order by regular, first-class mail and by certified mail, postage prepaid, and addressed to Respondent at the following address: 703 S 2<sup>nd</sup> Ct., Cornelius, OR 97113. The copy of the order sent via regular U.S. mail has not been returned and is therefore presumed to have been delivered as addressed. Respondents have not made a written request for a contested case hearing in this matter and the time to do so has expired.

Division of Finance and Corporate Securities  
Labor and Industries Building  
350 Winter Street NE, Suite 410  
Salem, OR 97301-5888  
Telephone: (503) 578-4387







1 7. On or about July 7, 2008 Respondents submitted a Check-Cashing Business Initial License  
2 Application (the “First Application”) with the Department’s Division of Finance and Corporate  
3 Securities (the “Division”).

4 8. Guzman marked a box on the First Application indicating that he had not been convicted  
5 of a misdemeanor for fraud, misrepresentation or deceit during the past ten (10) years.

6 9. On or about August 26, 2008 a Division Investigator performed a criminal background  
7 check on Guzman and determined that Guzman had been convicted of Possession of a Forged  
8 Instrument in the 2<sup>nd</sup> Degree on April 5, 2005 in Washington County, Oregon, Case #  
9 D050215M, a Class A Misdemeanor.

10 10. On or about September 5, 2008 Guzman sent an email to a Division employee admitting  
11 the conviction for possession of a forged instrument.

12 11. On October 17, 2008 Guzman stated in a telephone conversation with a Division  
13 Enforcement Officer that Respondents have been operating a business that for a fee provides  
14 money in exchange for payment instruments such as checks, since sometime in 2006.

15 12. On October 20, 2008 Guzman stated in a conversation with two Division Enforcement  
16 Officers conducted at the Division’s office, that Respondents were currently operating a business  
17 that for a fee provides money in exchange for payment instruments such as checks.

18 13. On or about February 13, 2009 Respondents submitted a second Check-Cashing Business  
19 Initial License Application (the “Second Application”) to the Division.

20 14. Guzman again marked a box on the Second Application indicating that he had not been  
21 convicted of a misdemeanor for fraud, misrepresentation or deceit during the past ten (10) years.

22 15. Guzman included with his Second Application two letters. The first was a letter from the  
23 Oregon State Police stating that they found no criminal record for Guzman in Oregon. The  
24 second was a letter from an expungement clerk in Washington County, Oregon stating that the  
25 Washington County court ordered an expungement of all convictions and all records of  
26 Guzman’s arrest, but providing no further details of the nature or circumstances surrounding the

1 expungement.

2 16. On or about March 12, 2009 a Division employee had a conversation with the  
3 expungement clerk in Washington County who stated that the expungement was not the result of  
4 any judicial finding that Guzman had not committed the acts leading to his conviction.

5 **D. Operating a Check Cashing Business Without a License**

6 17. On or about March 30, 2009 Division employees visited Respondent's place of business  
7 and determined that he had continued to operate an unlicensed "check-cashing business" as that  
8 term is defined in ORS 697.500(1) despite being aware of the licensing requirement, and having  
9 been notified of the requirement to obtain a license on several occasions by several Division  
10 employees.

11 18. Respondents are not now and have never been licensed with the Department to conduct a  
12 "check-cashing business" as that term is defined in ORS 697.500(1).

13 **CONCLUSIONS OF LAW**

14 1. By operating a business that for a fee provides money in exchange for payments  
15 instruments such as checks, Respondents are conducting a "check cashing business" as that term  
16 is defined in ORS 697.500(1).

17 2. The Director has jurisdiction over the business activities of Respondents pursuant to ORS  
18 697.500 et seq.

19 3. Guzman's possession of a forged instrument, and Respondents' continued operation of an  
20 unlicensed check-cashing business after being notified of the licensing requirement, show that  
21 Respondents lack the good character, good reputation and fitness required to operate a check  
22 cashing business required by ORS 697.514(2)(a).

23 4. Because Respondents do not meet the requirements of having good character, good  
24 reputation and fitness to conduct a check cashing business in the public interest and in  
25 accordance with the law pursuant to ORS 697.514(2)(a), grounds exist for denial of Applicant's  
26 First and Second Applications, pursuant to ORS 697.514(4).



1 5. Pursuant to ORS 697.555 Respondents have engaged in a continuing violation of ORS  
2 697.504 by conducting, for more than 20 days, a check cashing business without first obtaining a  
3 license under ORS 697.514.

4 **ORDER**

5 The Director, pursuant to ORS 697.514(4), **DENIES** Applicant's First and Second  
6 Applications for a Check-Cashing Business License.

7 The Director, pursuant to ORS 697.542(5), Orders that Respondents shall **CEASE &**  
8 **DESIST** from operating a check-cashing business in Oregon as that term is defined in ORS  
9 697.500(1).

10 The Director, pursuant to ORS 697.555 assesses a **CIVIL PENALTY** of **\$10,000** for the  
11 continuing violation of ORS 697.504. The Director suspends payment of \$10,000 of the  
12 assessed civil penalty for three years from the date this Order is signed by the Director and  
13 waives that amount in its entirety thereafter if no provision of Chapter 697 of the Oregon  
14 Revised Statutes is violated in that time period. If any violation does occur, the full civil penalty  
15 becomes immediately due and payable, through no further action of the Director.

16 The date of the Order is the date the Director signs the Order. The entry of this Order in  
17 no way limits further remedies which may be available to the Director under Oregon law.

18 **IT IS SO ORDERED.**

19 Dated this 8th day of August, 2011, NUNC PRO TUNC May 12, 2011.  
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Division of Finance and Corporate Securities  
Labor and Industries Building  
350 Winter Street NE, Suite 410  
Salem, OR 97301-5881  
Telephone: (503) 578-4387



21  
22 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
SCOTT L. HARRA, Acting Director

23  
24  
25 /s/ David Tatman  
David C. Tatman, Administrator  
26 Division of Finance and Corporate Securities

1           **NOTICE:** You are entitled to judicial review of this Order. Judicial review may be  
2 obtained by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the  
3 service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon  
4 Court of Appeals.

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