ORDER

BEFORE THE ADMINISTRATOR
STATE OF WISCONSIN
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF BANKING

TO: Best Advance Inc.
449 State Street, Unit C
Madison, WI 53703
Respondent

PURPOSE

This is an order issued by the Administrator, State of Wisconsin, Department of Financial Institutions, Division of Banking and directed to respondent.

JURISDICTION and AUTHORITY

The State of Wisconsin, Department of Financial Institutions, Division of Banking ("division") shall enforce all laws relating to sellers of checks and shall enforce and cause to be enforced every law relating to the supervision and control thereof. Sec. 220.02(2)(b), Stats.

The intent of s. 220.02(2)(c), Stats., is to give the division jurisdiction to enforce and carry out all laws relating to sellers of checks in the State of Wisconsin. Sec. 220.02(3), Stats.

Respondent is licensed under ch. 217, Stats., with the division, license #100. Respondent is located at the address indicated above.

Respondent is a regulated entity under the supervision and control of the division. Sec. 220.04(9)(a)2., Stats.

The division may issue and serve on the official or regulated entity an order to cease and desist from the violation or practice. The order may require the official or regulated entity to correct the conditions resulting from the violation or practice. Sec. 220.04(9)(d), Stats.

As part of any such order, the division may impose a forfeiture of up to $10,000 for each violation or practice. Sec. 220.04(9)(f), Stats.

A regulated entity who violates an order issued under s. 220.04(9)(d), Stats., shall, for each violation, forfeit not more than $1,000 per day for each day the violation continues. Sec. 220.04(9)(f)2., Stats.

The division may issue special orders to prevent deceptive practices of licensees. Sec. 217.10(1), Stats.

The division may revoke or suspend a license and shall issue a special order to do so. Secs. 217.09(2), (3) and (4), Stats.

The division may issue special orders in execution of ch. 217, Stats. Secs. 217.10(1), 217.18(1), and 217.19, Stats.

FINDINGS

The division finds as follows:

1. Respondent was properly served with a Complaint and Notice of Hearing and Notice of Prehearing Conference ("Notice") issued by the division. **Ex. I.** Pursuant to this Notice, respondent was directed to provide an answer, and appear at a prehearing conference and hearing.

2. Respondent failed to provide an answer to the Notice.

3. By its failure to answer the Notice, respondent is in default. As a result of the default, respondent has admitted to the matters asserted and the violations set forth in the Notice, pursuant to s. 220.04(9)(d), Stats., and ss. DFI—Bkg 11.11 and 11.12, Admin. Code.

ORDER

Based on the foregoing, IT IS HEREBY ORDERED AS FOLLOWS:

4. Respondent's license as a seller of checks is revoked.

5. Respondent shall not engage, or attempt to engage, in business for which a Wisconsin seller of checks license is required.

6. Respondent shall comply with s. 217.11(5), Stats., which indicates:

> If a licensee ceases to do business in this state, the licensee shall deposit the licensee's records and proceeds of checks and remittances relating to checks sold in this state with the state treasurer. On claim and submission of proof of ownership satisfactory to the treasurer, the treasurer shall pay such amount of the funds deposited as are owing to a person. Such funds as are not paid out within 20 years from date of deposit shall escheat to and become the property of the state, and shall be paid by the treasurer and be dealt with in the same manner as other escheated property.

7. The provisions of this order shall be binding upon respondent and respondent's directors, officers, employees, agents, successors, assigns, and other persons participating in the conduct of its affairs. The provisions of the order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this order shall have been modified, terminated, suspended, or set aside by the division.

8. The effective date of this order shall be the date it is served, and service is complete upon mailing. Secs. 227.48(1), Stats., and DFI—Bkg 11.09, Admin. Code.

9. Any person who directly or through another violates or attempts to violate ch. 217, Stats., may be fined not more than $500 or imprisoned not more than 6 months or both. Each transaction in violation of ch. 217, Stats., and each day that a violation continues is a separate offense. Sec. 217.16, Stats.

Dated and mailed at Madison, Wisconsin this 4th day of February, 2013.

By:_ _____
Michael J. Mach, Administrator
Wisconsin Department of Financial Institutions
Division of Banking
P.O. Box 7876
201 W. Washington Avenue, Suite 500
Madison, WI 53707-7876
tel. (608) 266-0451
fax (608) 267-6889

APPEAL

Pursuant to ss. 227.48 and 227.49, Stats., respondent may file a petition for rehearing which shall be **received by the division within 20 days** after the effective date of this order. Rehearing will be granted only on the basis of some material error of law or fact, or the discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

The request shall be sent to:

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Pursuant to ss. 227.48(2) and 227.52, Stats., respondent may file a petition for judicial review within 30 days after the effective date of this order. The identification of the party to be named as respondent therein is the Wisconsin Department of Financial Institutions.