

**STATE OF TENNESSEE  
DEPARTMENT OF FINANCIAL INSTITUTIONS**

<b>TENNESSEE DEPARTMENT OF</b>	)	
<b>FINANCIAL INSTITUTIONS,</b>	)	
<b>COMPLIANCE DIVISION,</b>	)	
<b>                                  Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>TDFI No. 17-045</b>
	)	
<b>DEANNA BARR d/b/a</b>	)	
<b>SEYMOUR CASH ADVANCE,</b>	)	
<b>                                  Respondent.</b>	)	

---

**EMERGENCY CEASE AND DESIST ORDER**

---

The Commissioner of the Tennessee Department of Financial Institutions (the "Commissioner"), by and through the Compliance Division of the Tennessee Department of Financial Institutions (the "Division" or the "Petitioner"), having determined that Deanna Barr d/b/a Seymour Cash Advance, (hereinafter "Respondent"), has violated and continues to violate the Tennessee Deferred Presentment Services Act, TENN. CODE ANN. §§ 45-17-101, *et seq.* (the "Act"), and that extraordinary circumstances require immediate action in this matter, hereby issues the following EMERGENCY CEASE AND DESIST ORDER pursuant to TENN. CODE ANN. §§ 45-1-107(a)(4) and (c), and TENN. CODE ANN. § 45-17-116(c).

**JURISDICTIONAL AUTHORITY**

1. Pursuant to TENN. CODE ANN. § 45-1-104, the Tennessee Department of Financial Institutions (hereinafter "Department") is charged with the execution of all laws relative to persons doing or engaged in a banking or other business as provided in Title 45 (Banks and Financial Institutions) of the Tennessee Code.

2. Pursuant to TENN. CODE ANN. § 45-1-105(b), the Commissioner may appoint an assistant commissioner over the Division to assist with the execution of all laws relative to financial institutions under Title 45.

3. TENN. CODE ANN. § 45-1-107(a)(4) provides that, in addition to other powers conferred by Title 45 of the Tennessee Code, the Commissioner has the power to order any person to cease violating a provision of Title 45 of the Tennessee Code or lawful regulation issued thereunder.

4. Pursuant to TENN. CODE ANN. § 45-1-107(c), notice and opportunity for a hearing shall be provided in advance of the Commissioner issuing such an order, except that in cases involving extraordinary circumstances requiring immediate action, the Commissioner may take such action but shall promptly afford a subsequent hearing upon application to rescind the action taken.

5. TENN. CODE ANN. § 45-17-116(c) provides that "In cases involving extraordinary circumstances requiring immediate action, the commissioner may take any enforcement action authorized by this chapter, without providing the opportunity for a prior hearing, but shall promptly afford a subsequent hearing upon an application to rescind the action taken that is filed with the commissioner within twenty (20) days after receipt of the notice of the commissioner's emergency action."

6. The Respondent is an unlicensed individual allegedly doing business as a deferred presentment services provider under the Act in the state of Tennessee at 10721 Chapman Highway, Suite 1, Seymour, Tennessee 37865. Respondent's license number 114123 in the state of Tennessee to do business as a deferred presentment services provider expired on December 31, 2016.

### STATUTORY AUTHORITY

7. TENN. CODE ANN. § 45-17-103(a) requires that “[n]o person shall engage in the business of deferred presentment services in this state through the use of the Internet, facsimile, telephone, or other means without having first obtained a license. A person shall be deemed to be engaged in the business of deferred presentment services in this state, if the person induces a consumer, while located in this state, to enter into a deferred presentment services transaction in this state. A separate license shall be required for each location from which the business of deferred presentment services is conducted.”

8. TENN. CODE ANN. § 45-17-115 specifies that if the Commissioner finds, after notice and an opportunity for a hearing, that a person has violated the Act, or any administrative regulation issued pursuant thereto, the Commissioner may (1) order the person to cease and desist violating the Act or any administrative rules issued pursuant thereto; (2) require the refund of any fees collected by the person in violation of the Act; and/or (3) order the person to pay to the Commissioner a civil monetary penalty of not more than one thousand dollars (\$1,000) for each violation of the Act or each day that a violation has occurred and continues.

9. TENN. CODE ANN. § 45-17-116(c) states that “In cases involving extraordinary circumstances requiring immediate action, the commissioner may take any enforcement action authorized by this chapter, without providing the opportunity for a prior hearing, but shall promptly afford a subsequent hearing upon an application to rescind the action taken that is filed with the commissioner within twenty (20) days after receipt of the notice of the commissioner's emergency action.”

### **FACTUAL ALLEGATIONS**

10. The factual allegations contained herein are based upon information that the Department has learned from two examinations of the Respondent, from records of the Department, from the Respondent, gathered from websites, and from other sources.

11. Respondent was licensed by the Department to operate under the Act until her license expired on December 31, 2016.

12. Respondent did not file a renewal license application for 2017.

13. Pursuant to TENN. CODE ANN. § 45-17-110(a), Respondent's license number 114123 under the Act expired on December 31, 2016.

14. As a result of Respondent's failure to renew her license for 2017, the Department conducted examinations at Respondent's location on January 31, 2017 and again on February 24, 2017.

15. During the examination on January 31, 2017, the Department found that the Respondent had entered into ninety-two (92) agreements since January 1, 2017, without having a license to make deferred presentment agreements. Attached hereto as Exhibit A is a spreadsheet of the ninety-two (92) deferred presentment agreements found during the examination on January 31, 2017.

16. The Respondent did not respond to the Department's examination of January 31, 2017. Consequently, the Department sent its examiner back to Respondent's location on February 24, 2017, to see if Respondent was still operating. The examiner found that the Respondent was open for business and had continued to conduct business without a license.

17. During the examination on February 24, 2017, the examiner found seventy-seven (77) additional agreements which had been entered into since the previous

examination on January 31, 2017. Attached hereto as Exhibit B is a spreadsheet of the seventy-seven (77) additional deferred presentment agreements found during the follow-up examination conducted on February 24, 2017.

18. The Respondent has not, to date, filed an application for licensure pursuant to the Act, and the Respondent has not been issued a license by the Commissioner to operate under the Act as required by TENN. CODE ANN. § 45-17-103(a).

19. Upon information and belief, Respondent has operated as an unlicensed deferred presentment services provider since January 1, 2017.

20. Upon information and belief, Respondent entered into at least one hundred sixty-nine (169) deferred presentment services transactions while unlicensed (see **Exhibit A and Exhibit B**, attached).

21. The Respondent continues to illegally conduct business as a deferred presentment services provider.

#### **CAUSE OF ACTION**

22. TENN. CODE ANN. § 45-17-103(a) provides that it is a violation of this chapter to conduct any business as a deferred presentment services provider without a valid license as required under the Act.

23. As TENN. CODE ANN. § 45-17-103(a) requires licensure as a deferred presentment services provider in order to conduct business as a deferred presentment services provider in the state of Tennessee, the factual allegations set forth in paragraphs ten (10) through twenty-one (21) of this ORDER, incorporated by reference as though specifically set forth herein, are sufficient to establish by a preponderance of the evidence that the Respondent violated and continues to violate TENN. CODE ANN. § 45-17-103(a) by providing and continuing to provide deferred presentment services in this state without

having first obtained a deferred presentment services provider license from the Department.

**EMERGENCY ORDER**

Having considered the statutory authority, the factual allegations and the cause of action, the Commissioner has determined that Respondent has violated and continues to violate the Act, and that these extraordinary circumstances warrant immediate action.

24. **IT IS THEREFORE ORDERED** that Respondent, and any and all of its officers, directors, managers, employees, independent contractors, agents, successors and/or assigns, shall immediately cease and desist from offering or providing, either directly or indirectly, any deferred presentment services with respect to any Tennessee consumer(s) and/or in the state of Tennessee.

25. **IT IS FURTHER ORDERED** that Respondent, and any and all of its officers, directors, managers, employees, independent contractors, agents, successors and/or assigns, shall immediately cease and desist from collecting fees, penalties, or other monies in payment of any new or existing deferred presentment services transaction, with respect to any Tennessee consumer(s) and/or in the state of Tennessee, until such time as Respondent is able to satisfactorily demonstrate to the Commissioner that she is able to engage in business lawfully and within the purposes of the Act.

26. **IT IS FURTHER ORDERED** that Respondent, and any and all of its officers, directors, managers, employees, independent contractors, agents, successors and/or assigns, shall immediately refund all amounts collected in violation of the Deferred Presentment Services Act.

27. **IT IS FURTHER ORDERED** that Respondent, and any and all of its officers, directors, managers, employees, independent contractors, agents, successors and/or

assigns, shall immediately pay a civil penalty of two hundred fifty dollars (\$250) for each violation of the Deferred Presentment Services Act that has occurred.

28. **IT IS FURTHER ORDERED** that Respondent shall, not later than the close of business on **Friday, March 24, 2017** (03/24/2017) provide a full accounting of each and every deferred presentment services transaction entered into by the Respondent at any time since January 1, 2017, including, but not limited to each and every individual account, including those accounts attached in Exhibits A and B, identified by the date and original amount of the loan plus the fee(s) charged on each loan.

29. **NOTHING** in this ORDER shall prevent the Department from taking any administrative action, including further administrative action, under the authority of the Act.

30. The provisions of this ORDER shall remain in full force and effect unless and until such time as any provision shall have been modified, terminated, suspended or set aside by the Commissioner, an administrative judge or any court having jurisdiction over the matters addressed herein as applicable to Respondent.

#### **RIGHTS OF RESPONDENT**

31. Respondent has the right to a hearing for the purpose of contesting and obtaining rescission of this ORDER. If a hearing is timely requested by a Respondent, any such hearing shall be pursuant to the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101, *et seq.*, and TENN. COMP. R. & REGS. 0180-6.

32. In order to request a hearing, the Respondent must file a written request within twenty (20) days from receipt of this ORDER. If no such written request is timely filed, then this EMERGENCY CEASE AND DESIST ORDER will be deemed final for all purposes. Any written request for a hearing must be filed with the Commissioner, Tennessee Department

of Financial Institutions, Tennessee Tower, 26<sup>th</sup> Floor, 312 Rosa L. Parks Avenue, Nashville,  
Tennessee 37243.

ISSUED this 1<sup>st</sup> day of March, 2017.

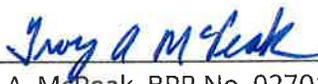
  
\_\_\_\_\_  
Greg Gonzales, Commissioner  
Tennessee Department of Financial Institutions

Approved for Entry:

  
\_\_\_\_\_  
Troy A. McPeak, BPR No. 027015  
Assistant General Counsel-Compliance Division  
Tennessee Department of Financial Institutions  
Tennessee Tower, 26<sup>th</sup> Floor  
312 Rosa L. Parks Avenue  
Nashville, Tennessee 37243  
Phone: (615) 854-0318  
Email: [Troy.McPeak@tn.gov](mailto:Troy.McPeak@tn.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 1<sup>st</sup> day of March, 2017, a true and correct copy of the foregoing "Emergency Cease and Desist Order" has been deposited with the United States Postal Service ("USPS") to be sent *via* USPS certified mail, return receipt requested, to Respondent Deanna Barr d/b/a Seymour Cash Advance, 10721 Chapman Highway, Suite 1, Seymour, Tennessee 37865. In addition, a copy of this document will be hand delivered to the Respondent at Deanna Barr d/b/a Seymour Cash Advance, 10721 Chapman Highway, Suite 1, Seymour, Tennessee 37865 on the 1<sup>st</sup> day of March, 2017.



Troy A. McPeak, BPR No. 027015

Assistant General Counsel-Compliance Division, TDFI

	A	B	C	D	E
1	Seymour Cash Advance	2016 License No. 114123	FTR Exam Date 1/31/17		
2					
3	NAME	DATE OF AGREEMENT	CHECK AMOUT	FEE	
4		1/25/2017	\$352.94	\$52.94	
5		1/3/2017	\$235.29	\$35.29	
6		1/5/2017	\$470.58	\$70.58	
7		1/14/2017	\$500.00	\$75.00	
8		1/23/2017	\$500.00	\$75.00	
9		1/27/2017	\$352.94	\$52.94	
10		1/14/2017	\$117.65	\$17.65	
11		1/24/2017	\$500.00	\$75.00	
12		1/4/2017	\$500.00	\$75.00	
13		1/11/2017	\$470.58	\$70.58	
14		1/12/2017	\$500.00	\$75.00	
15		1/18/2017	\$500.00	\$75.00	
16		1/25/2017	\$235.29	\$35.29	
17		1/4/2017	\$352.94	\$52.94	
18		1/9/2017	\$470.58	\$70.58	
19		1/13/2017	\$352.94	\$52.94	
20		1/12/2017	\$235.29	\$35.29	
21		1/23/2017	\$352.94	\$52.94	
22		1/6/2017	\$352.94	\$52.94	
23		1/19/2017	\$235.29	\$35.29	
24		1/4/2017	\$235.29	\$35.29	
25		1/3/2017	\$235.29	\$35.29	
26		1/21/2017	\$500.00	\$75.00	
27		1/17/2017	\$352.94	\$52.94	
28		1/4/2017	\$235.29	\$35.29	
29		1/23/2017	\$352.94	\$52.94	
30		1/19/2017	\$235.29	\$35.29	
31		1/18/2017	\$352.94	\$52.94	
32		1/6/2017	\$352.94	\$52.94	
33		1/4/2017	\$470.58	\$70.58	
34		1/17/2017	\$500.00	\$75.00	
35		1/11/2017	\$500.00	\$75.00	
36		1/25/2017	\$470.58	\$70.58	
37		1/11/2017	\$500.00	\$75.00	
38		1/4/2017	\$470.58	\$70.58	
39		1/26/2017	\$117.65	\$17.65	
40		1/17/2017	\$117.65	\$17.65	
41		1/4/2017	\$117.65	\$17.65	
42	1/9/2017	\$470.58	\$70.58		

**EXHIBIT**

A

tabbles

	A	B	C	D	E
43		1/3/2017	\$235.29	\$35.29	
44		1/28/2017	\$500.00	\$75.00	
45		1/2/2017	\$117.65	\$17.65	
46		1/23/2017	\$235.29	\$35.29	
47		1/10/2017	\$352.94	\$52.94	
48		1/10/2017	\$470.58	\$70.58	
49		1/2/2017	\$500.00	\$75.00	
50		1/3/2017	\$470.58	\$70.58	
51		1/5/2017	\$470.58	\$70.58	
52		1/3/2017	\$500.00	\$75.00	
53		1/13/2017	\$500.00	\$75.00	
54		1/19/2017	\$470.58	\$70.58	
55		1/11/2017	\$470.58	\$70.58	
56		1/11/2017	\$470.58	\$70.58	
57		1/20/2017	\$470.58	\$70.58	
58		1/20/2017	\$352.94	\$52.94	
59		1/20/2017	\$352.94	\$52.94	
60		1/19/2017	\$500.00	\$75.00	
61		1/14/2017	\$500.00	\$75.00	
62		1/13/2017	\$352.94	\$52.94	
63		1/11/2017	\$352.94	\$52.94	
64		1/4/2017	\$352.94	\$52.94	
65		1/4/2017	\$500.00	\$75.00	
66		1/14/2017	\$352.94	\$52.94	
67		1/25/2017	\$352.94	\$52.94	
68		1/13/2017	\$235.29	\$35.29	
69		1/18/2017	\$352.94	\$52.94	
70		1/25/2017	\$470.58	\$70.58	
71		1/25/2017	\$500.00	\$75.00	
72		1/27/2017	\$235.29	\$35.29	
73		1/13/2017	\$235.29	\$35.29	
74		1/28/2017	\$352.94	\$52.94	
75		1/14/2017	\$235.29	\$35.29	
76		1/27/2017	\$470.58	\$70.58	
77		1/23/2017	\$352.94	\$52.94	
78		1/13/2017	\$470.58	\$70.58	
79		1/17/2017	\$235.29	\$35.29	
80		1/3/2017	\$235.29	\$35.29	
81		1/3/2017	\$470.58	\$70.58	
82		1/9/2017	\$352.94	\$52.94	
83		1/18/2017	\$500.00	\$75.00	
84		1/13/2017	\$235.29	\$35.29	
85		1/27/2017	\$235.29	\$35.29	

	A	B	C	D	E
86		1/13/2017	\$235.29	\$35.29	
87		1/19/2017	\$500.00	\$75.00	
88		1/4/2017	\$470.58	\$70.58	
89		1/4/2017	\$352.94	\$52.94	
90		1/3/2017	\$470.58	\$70.58	
91		1/26/2017	\$352.94	\$52.94	
92		1/23/2017	\$470.58	\$70.58	
93		1/18/2017	\$352.94	\$52.94	
94		1/10/2017	\$352.94	\$52.94	
95		1/11/2017	\$470.58	\$70.58	
96	<b>TOTALS</b>		<b>\$34,587.96</b>	<b>\$5,187.96</b>	
97					
98					
99				Received	
100					
101					
102					
103					
104					
105					
106					

	A	B	C	D
1	<u>Seymour Cash Advance</u>	<u>2016 License No.</u> <u>114123</u>	<u>FTR Exam 2/24/17 - Follow up to</u> <u>previous FTR Exam of 1/31/17</u>	
2				
3	<b>NAME</b>	<b>DATE OF AGREEMENT</b>	<b>CHECK AMOUNT</b>	<b>FEE</b>
4		2/2/2017	\$235.29	\$35.29
5		2/10/2017	\$470.58	\$70.58
6		2/15/2017	\$352.94	\$52.94
7		2/17/2017	\$500.00	\$75.00
8		2/13/2017	\$500.00	\$75.00
9		2/14/2017	\$500.00	\$75.00
10		2/10/2017	\$470.58	\$70.58
11		2/2/2017	\$500.00	\$75.00
12		2/16/2017	\$235.29	\$35.29
13		2/1/2017	\$117.65	\$17.65
14		2/13/2017	\$352.94	\$52.94
15		2/2/2017	\$470.58	\$70.58
16		2/21/2017	\$235.29	\$35.29
17		2/6/2017	\$235.29	\$35.29
18		2/8/2017	\$352.94	\$52.94
19		2/6/2017	\$352.94	\$52.94
20		2/21/2017	\$235.29	\$35.29
21		2/2/2017	\$352.94	\$52.94
22		2/7/2017	\$470.58	\$70.58
23		2/16/2017	\$500.00	\$75.00
24		2/3/2017	\$470.58	\$70.58
25		2/8/2017	\$500.00	\$75.00
26		2/8/2017	\$500.00	\$75.00
27		2/3/2017	\$470.58	\$70.58
28		1/31/2017	\$470.58	\$70.58
29		2/4/2017	\$500.00	\$75.00
30		2/9/2017	\$117.65	\$17.65
31		2/1/2017	\$235.29	\$35.29
32		2/3/2017	\$235.29	\$35.29
33		2/1/2017	\$352.94	\$52.94
34		2/4/2017	\$235.29	\$35.29
35		2/4/2017	\$500.00	\$75.00
36		2/10/2017	\$500.00	\$75.00
37		2/10/2017	\$470.58	\$70.58
38		2/10/2017	\$470.58	\$70.58
39		2/18/2017	\$235.29	\$35.29
40		2/10/2017	\$352.94	\$52.94
41		2/6/2017	\$470.58	\$70.58
42		2/15/2017	\$235.29	\$35.29
43		2/17/2017	\$470.58	\$70.58
44		2/16/2017	\$470.58	\$70.58
45		2/17/2017	\$352.94	\$52.94

**EXHIBIT**

tabbles

B

	A	B	C	D
46		2/14/2017	\$500.00	\$75.00
47		2/3/2017	\$500.00	\$75.00
48		2/21/2017	\$352.94	\$52.94
49		2/18/2017	\$500.00	\$75.00
50		2/11/2017	\$352.94	\$52.94
51		2/1/2017	\$352.94	\$52.94
52		2/3/2017	\$352.94	\$52.94
53		2/8/2017	\$352.94	\$52.94
54		2/3/2017	\$500.00	\$75.00
55		2/7/2017	\$470.58	\$70.58
56		2/11/2017	\$235.29	\$35.29
57		2/18/2017	\$352.94	\$52.94
58		2/10/2017	\$470.58	\$70.58
59		2/10/2017	\$235.29	\$35.29
60		2/7/2017	\$352.94	\$52.94
61		2/11/2017	\$352.94	\$52.94
62		2/6/2017	\$470.58	\$70.58
63		2/11/2017	\$235.29	\$35.29
64		2/10/2017	\$235.29	\$35.29
65		2/13/2017	\$235.29	\$35.29
66		2/16/2017	\$500.00	\$75.00
67		2/15/2017	\$235.29	\$35.29
68		2/13/2017	\$352.94	\$52.94
69		2/3/2017	\$352.94	\$52.94
70		2/3/2017	\$352.94	\$52.94
71		2/7/2017	\$352.94	\$52.94
72		2/13/2017	\$500.00	\$75.00
73		2/18/2017	\$352.94	\$52.94
74		2/3/2017	\$470.58	\$70.58
75		2/1/2017	\$352.94	\$52.94
76		2/11/2017	\$352.94	\$52.94
77		2/8/2017	\$470.58	\$70.58
78		2/15/2017	\$352.94	\$52.94
79		2/1/2017	\$352.94	\$52.94
80		2/13/2017	\$470.58	\$70.58
81	77		\$29,293.88	\$4,393.88
82				
83				
84	<i>Emily Hardwick</i>	2/24/2017	<i>Jim Simmons</i>	2/24/2017
85	Emily Hardwick		Jim Simmons	
86				
87				
88				
89				
90				
91				