

ORDER NO. 2010-052

IN THE MATTER OF:

**DIVERSOS SERVICIOS HEIDI
HEIDI CASA DE CAMBIO
AND
JOSE FLORES PINALES, OWNER**

EL PASO, TEXAS

§
§
§
§
§
§
§
§
§

BEFORE THE BANKING

COMMISSIONER OF TEXAS

AUSTIN, TRAVIS COUNTY, TEXAS

EMERGENCY ORDER TO CEASE AND DESIST ACTIVITY

On this day, the matter of Diversos Servicios Heidi and Heidi Casa de Cambio (“Heidi”) and Jose Flores Pinales, as owner of Heidi located in El Paso, Texas, (“Respondents”) was submitted to me, Charles G. Cooper, Banking Commissioner (“Commissioner”) of the State of Texas, for consideration and action.

I. Finding of Fact

Based upon the records of the Texas Department of Banking (“Department”), the Department’s investigation, and other credible evidence, I find that:

1. Heidi is currently operating a currency exchange business within the meaning of the Texas Finance Code, Chapter 151, in Texas at 3106 Cypress Avenue, El Paso, Texas 79905. Jose Flores Pinales is the owner of Heidi. These parties are hereinafter referred to as Respondents.
2. The Department has not licensed Respondents to operate a currency exchange business in the State of Texas.
3. Heidi is currently handling currency exchange transactions in Texas. Records obtained by the Department reflect that on September 2, 2010, and again on September 13, 2010, employees of Heidi performed currency exchange transactions for customers.

4. The continued operation of Heidi without a license in violation of the provisions of the Texas Finance Code, Chapter 151, threatens immediate and irreparable harm to the public.

II. Conclusions of Law

1. Respondents are engaged in the unauthorized and unlicensed conduct of a currency exchange business in Texas in violation of the provisions of the Texas Finance Code, § 151.502.
2. The Commissioner is authorized by the Texas Finance Code, §§ 151.702 and 151.710, to issue an emergency cease and desist order to a person whom the Commissioner believes is engaging in an activity for which a license is required by Chapter 151 and the person's violation threatens immediate and irreparable harm to the public.
3. Pursuant to the Texas Finance Code, § 151.710, an emergency order takes effect immediately upon receipt by Respondents, if the Commissioner finds that immediate action is necessary to prevent immediate and irreparable harm to the public.
4. Respondents' continued unauthorized activity as an unlicensed currency exchange business and its acceptance of money from the public in Texas, threatens immediate and irreparable harm to the public.
5. The credible evidence of the above-described violations of the Texas Finance Code and the Department rules is sufficient cause for issuance of an emergency cease and desist order to Respondents under the Texas Finance Code, §§ 151.702 and 151.710. Accordingly, I have determined that the conduct of an unlicensed currency exchange business in Texas by Respondents without meeting the qualifications and maintaining the security requirements established by the Texas Finance Code, §§ 151.202, 151.308 (c)-(j), and 151.506, and without compliance with the other statutory requirements, including regular examinations, all of which are designed to protect the public, threatens immediate and irreparable harm to the public.

III. Order

In accordance with the Texas Finance Code, §§ 151.502 and 151.702, Respondents are ORDERED to cease and desist from engaging in the unauthorized business of a currency exchange business in Texas, whether conducted through Respondents' activities or through those of others, including advertising and the solicitation of funds from the public.

IV. Effective Dates

Pursuant to the Texas Finance Code, § 151.710, the Emergency Order to Cease and Desist Activity will take effect immediately upon receipt by Respondents. Respondents have the right to request a hearing in writing before the 15th day after the date this Order is served on Respondents pursuant to the Texas Finance Code, § 151.710.

V. Service

This Order will be served on Diversos Servicios Heidi, Heidi Casa de Cambio and Jose Flores Pinales, as owner, by first-class mail and by certified mail, return receipt requested, sent on September 16, 2010 to:

Jose Flores Pinales
Diversos Servicios Heidi
Heidi Casa de Cambio
3106 Cypress Avenue
El Paso, Texas 79905
CMRRR No. 7192 3020 0010 1000 237

Signed on this 15th day of September, 2010.

/s/ Stephanie Newberg
Stephanie Newberg
Deputy Commissioner