

ORDER NO. 2013-009

IN THE MATTER OF:	§	BEFORE THE BANKING
	§	
	§	
DIVERSOS SERVICIOS HEIDI	§	
HEIDI CASA DE CAMBIO	§	COMMISSIONER OF TEXAS
AND	§	
JOSE FLORES PINALES, OWNER	§	
	§	
EL PASO, TEXAS	§	AUSTIN, TRAVIS COUNTY, TEXAS

EMERGENCY ORDER TO CEASE AND DESIST ACTIVITY

On this day, the matter of Diversos Servicios Heidi, Heidi Casa de Cambio (“Heidi”), and Jose Flores Pinales, owner of Heidi located in El Paso, Texas, (“Respondents”) was submitted to me, Charles G. Cooper, Texas Banking Commissioner (“Commissioner”) 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. Respondents previously operated an unlicensed currency exchange business within the meaning of the Texas Finance Code, Chapter 151, in Texas at 3106 Cypress Avenue, El Paso, Texas 79905. This illegal activity was the subject of Emergency Cease and Desist Order, No. 2010-052, issued by the Commissioner on September 16, 2010, and after an administrative hearing the Commissioner issued a final order on February 28, 2011, assessing an administrative penalty in the amount of \$7,000 and court costs in the amount of \$389.72 for conducting a currency exchange license in Texas without obtaining a license in violation of Chapter 151, Texas Finance Code.
2. The Department has not licensed Respondents to operate a currency exchange business or a money service business in the State of Texas.
3. Heidi is currently advertising bill payment services to consumers in Texas at its webpage <http://diversosssviciosheidi.com/> which contains the following statement:
“Utility payments – gas, water & electrics payments accepted here! Los pagos de las facturas de gas, agua y electricidad pagos aceptados aqui!”

4. By letter dated April 24, 2013, the Department warned Respondents that its activities consisted of engaging in the business of money transmission in the State of Texas without a license. The Department did not receive a reply to this letter.
5. The continued operation of Heidi without a money service business 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. Bill payment services, including utility payment services, constitute money transmission. Texas Finance Code, Chapter 151, § 151.301(b)(4) defines “money transmission” to mean “the receipt of money or monetary value by any means in exchange for the promise to make the monetary value available at a later time or different location.” Chapter 151 requires a person that engages in the business of money transmission to obtain a money service business license unless the person is an authorized delegate of a license holder or is excluded or exempted from licensing.
2. Respondents are engaged in the unauthorized and unlicensed conduct of a money service business in Texas in violation of the provisions of the Texas Finance Code, Chapter 151.
3. 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.
4. 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.
5. Respondents continued unauthorized activity as an unlicensed money service business and its acceptance of money from the public in Texas, threatens immediate and irreparable harm to the public.
6. 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 money service business in Texas by Respondents

without meeting the qualifications and obtaining the license required by the Texas Finance Code, Chapter 151, 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 money service 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 June 7, 2013 to:

Jose Flores Pinales
Diversos Servicios Heidi
Heidi Casa de Cambio
3106 Cypress Avenue
El Paso, Texas 79905
CMRRR No. 7192 3020 0010 2000 1194

Signed on this day 5th of June, 2013.

/s/ Charles G. Cooper
Charles G. Cooper
Deputy Commissioner