

**ORDER NO. 2019-036**

<b>IN THE MATTER OF:</b>	§	<b>BEFORE THE BANKING</b>
	§	
<b>TANGO CARD, INC.</b>	§	<b>COMMISSIONER OF TEXAS</b>
	§	
<b>SEATTLE, WASHINGTON</b>	§	<b>AUSTIN, TRAVIS COUNTY, TEXAS</b>

**CONSENT ORDER**

On this day, the matter of Tango Card, Inc. of Seattle, Washington (Respondent) was submitted to me, Charles G. Cooper, Banking Commissioner of the State of Texas (Commissioner), for consideration and action.

1. Respondent is a corporate reward and incentive fulfillment company incorporated in Washington State in 2009. Respondent has been operating online in Texas since 2014.
2. Pursuant to Texas Finance Code (Finance Code) Chapter 151, the Texas Department of Banking (Department) has jurisdiction over Respondent and the subject matter of this proceeding. The Commissioner has the authority to issue this Consent Order (Order) pursuant to Finance Code §151.706 and assess an administrative penalty pursuant to Finance Code §151.707.
3. Respondent has been properly notified of its right to an administrative hearing under Chapter 151.
4. Respondent and the Commissioner agree to this Order solely for the purpose of this proceeding and without Respondent admitting to or denying any violations of law or regulations. This Order does not constitute an admission by Respondent that Chapter 151 or a rule adopted, or order issued under Chapter 151 has been violated.
5. The undersigned representative of Respondent has full authority to enter into and bind Respondent to the terms and conditions of this Order.

6. For purposes of this proceeding, Respondent knowingly and voluntarily waives:
  - a. service upon Respondent of this Order;
  - b. the right to present defenses to the allegations in this proceeding;
  - c. notice and hearing prior to imposition of this Order;
  - d. the filing of proposed findings of fact and conclusions of law;
  - e. the issuance of a proposal for decision by an administrative law judge;
  - f. the filing of exceptions and briefs with respect to such proposal for decision;
  - g. any review of this Order by the Finance Commission of Texas (Finance Commission); and
  - h. judicial review of this Order as provided by Texas Government Code §2001.171 et seq., and any other challenge to the validity of this Order.
7. Any violation of this Order could subject Respondent to additional regulatory or enforcement actions authorized by Chapter 151 and other provisions of Texas law. Nothing in this Order diminishes the regulatory or enforcement powers of the Department, the Commissioner, or the Finance Commission under Chapter 151 or other applicable law.
8. The Commissioner has considered this matter and finds as follows:
  - a. In July 2019, Respondent applied to the Department for a money transmission license. At that time, Respondent disclosed that it had engaged in online sales activity that may be considered money transmission in Texas since January 2014 and provided its Texas sales volume from January 2014 through December 2018.
  - b. Under Finance Code §151.301(b)(4), money transmission means “the receipt of money or monetary value by any means in exchange for a promise to make the money or monetary value available at a later time or different location.” In any given transaction, Respondent receives money from business customers in exchange for a promise to make an equivalent

amount of money in the form of rewards or charitable donations available at a later time or different location. Therefore, Respondent is engaging in money transmission.

c. Under Finance Code §151.302(b), a person engages in the business of money transmission if the person receives compensation or expects to receive compensation, directly or indirectly, for conducting money transmission. Respondent is indirectly compensated for its money transmission activity. Therefore, Respondent is engaging in the business of money transmission.

d. As required by Finance Code §151.707(d), the Commissioner has considered the seriousness of the violation, Respondent's compliance history and Respondent's good faith in attempting to comply with Chapter 151. Respondent engaged in the business of money transmission in Texas without a license from 2014 through 2018. Therefore, it did not fulfill all required licensee obligations. Respondent has no other history of violations. Upon becoming aware that it needed a money transmission license, Respondent approached the Department for a license and disclosed its Texas volume. Based on these findings and the representations made by Respondent as to its transaction volume, the Commissioner finds that a penalty of \$34,776 is appropriate.

9. Respondent agrees to comply with the terms that are set out in the Order below.

10. Nothing in this Order shall prohibit Respondent from obtaining a money transmission license from the Department in the future.

11. This Order does not restrict the Department with respect to any enforcement action or other recourse regarding any past, current, or future violations by Respondent that come to the attention of the Department. In addition, nothing herein will be construed to limit Respondent's right to contest any future finding or determination of non-compliance.

**ORDER**

It is hereby ORDERED, ADJUDGED and DECREED that within 30 days of the effective date of this Order, Respondent will cause to be delivered to the Department \$34,776 as payment for the administrative penalty assessed.

**EFFECTIVE DATE**

This Order against Respondent is effective on the date signed by the Commissioner and is final and non-appealable as of that date.

It is so ORDERED.

Signed on this 9<sup>th</sup> day of December 2019.

/s/ Charles G. Cooper  
Charles G. Cooper

**AGREED AND APPROVED AS TO FORM AND SUBSTANCE:**

/s/ Carrie Casanas  
Carrie Casanas  
Chief Financial Officer and Treasurer  
Tango Card, Inc.

12/2/2019  
Date

**APPROVED AS TO FORM:**

/s/ Benjamin Saul  
Ben Saul  
Partner  
Bryan Cave Leighton Paisner LLP  
Attorney for Respondent

12/3/2019  
Date

/s/ Alice E. Geyer  
Alice E. Geyer  
Assistant General Counsel  
Texas Department of Banking

12/4/2019  
Date