

**ALABAMA STATE  
BANKING DEPARTMENT  
MONTGOMERY, ALABAMA**

IN THE MATTER OF	)	
	)	
	)	
	)	
CHASON ENTERPRISES LLC	)	CONSENT AGREEMENT
D/B/A TOTAL VISION PAYDAY ADVANCE	)	Case No. 2021-01
	)	
	)	
	)	

The Alabama State Banking Department (hereafter “the Department”), having the authority to administer and provide for the enforcement of all provisions of Title 5, Chapter 18A, of the Code of Alabama, the Alabama Deferred Presentment Services Act (“Act”), upon due consideration of the subject matter hereof, having information of certain activities, has determined as follows:

RESPONDENT

1. CHASON ENTERPRISES LLC D/B/A TOTAL VISION PAYDAY ADVANCE is an Alabama company located at 1402 North Memorial Parkway in Huntsville, Alabama and is licensed under the Act. It has one location in Alabama and is owned by Catherine Farless.

STATEMENT OF FACTS

1. RESPONDENT has been licensed with the Department since January 2019 and has been regularly examined by the Department since licensure.
2. On September 16, 2021, the Department conducted a regular examination of the RESPONDENT. During this examination, the Department found various violations of the Act.
3. RESPONDENT was served with a Notice of Intent to Revoke its license by certified mail, return receipt requested, in December 2021.
4. RESPONDENT requested a hearing in writing. In lieu of such hearing, RESPONDENT agreed to settle the matter by Consent Order.

CONCLUSIONS OF LAW

1. Section 5-18A-17 of the Act provides that “the supervisor may enter into consent orders at any time with any person to resolve any matter arising under this chapter.”

WHEREAS, RESPONDENT has decided that it does not desire to contest the violations of the Act and waives its right to a public hearing and instead desires to fully and finally settle this matter with the Department with the terms and conditions as follows; and

WHEREAS the Department having determined that this Order is necessary and appropriate, the Supervisor hereby agrees to the following:

1. RESPONDENT shall refund \$1,207.50 in finance charges to Donna Brooks. RESPONDENT knowingly entered into a loan with Donna Brooks in amount exceeding \$500 in violation of Section 5-18A-12 of the Act.
2. RESPONDENT shall waive all past due balances on borrowers' accounts on which the RESPONDENT maintained a balance of waived fees that could not be paid and refund all fees collected that were waived and collected after the loan was marked paid/closed in the statewide database. Proof of these waivers and refunds shall be provided to the Department no later than May 1, 2022. Furthermore, any small claims against borrowers in which fees were waived shall be dismissed. Proof of such dismissals shall be provided to the Department upon dismissal.
3. RESPONDENT shall no longer charge against or let borrowers pay on previously waived balances.
4. RESPONDENT shall update the statewide database to reflect a transaction as an extended repayment, as provided for in Section 5-18A-12 of the Act, if a borrower cannot pay the full amount due at maturity and chooses to make payments on the amount borrowed.
5. RESPONDENT shall only allow one renewal of a deferred presentment transaction as provided in Section 5-18A-12 of the Act. RESPONDENT shall update the statewide database with the payment method as "rollover" if the borrower can only pay the deferred presentment transaction fee at the time of maturity. RESPONDENT shall enter into an extended payment agreement if the borrower cannot pay the full amount due at the end of the rollover period. RESPONDENT shall not assess any additional finance charges.
6. RESPONDENT shall adhere to Section 5-18A-12 of the Act providing that RESPONDENT "shall not enter into a new deferred presentment transaction with that same customer until the next business day after the transaction amount is repaid in full."
7. RESPONDENT shall not deposit a borrower's check prior to the maturity date of the deferred presentment transaction.
8. RESPONDENT shall properly close all loans in the statewide database when a payment is made by check or ACH authorization. RESPONDENT shall close all loans in the statewide database with the correct payment method.
9. RESPONDENT shall properly reopen a deferred presentment transaction in the statewide database when a borrower's check returns and is not able to be processed.
10. RESPONDENT shall maintain accurate payment records for all borrowers reflecting the amounts RESPONDENT collects from borrowers.
11. RESPONDENT shall maintain accurate bank account information for all borrowers and verify bank account information prior to printing any checks.

12. RESPONDENT shall require all employees to complete training for the Veritec statewide database and provide proof of such as soon as the training is complete. RESPONDENT shall also verify that its software's interface is working properly.
13. RESPONDENT shall pay a Civil Money Penalty in the amount of five thousand dollars (\$5,000) payable to the Alabama State Banking Department.

The provisions of this Order shall be binding upon RESPONDENT, any affiliated parties, and any successors and assigns thereof.

The provisions of this Order shall not bar, estop, or otherwise prevent the Department, or any other State or Federal agency or department from taking any other action against the Respondents, or any successors and assigns thereof.

This Order shall be effective upon signature by the Supervisor.

AGREED AND CONSENTED to on the dates indicated:

RESPONDENT:



4-7-2022  
DATE

Entered at Montgomery, this the 12<sup>th</sup> day of April, 2022.

Alabama State Banking Department  
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(334) 242-3452



BY:   
Scott Corscadden, Supervisor, Bureau of Loans