

In re: TouchPay Direct, LP (d/b/a Touchpay Child Support),
Correctional Payment Services, LP,
and TouchPay Holdings, LP (n/k/a TouchPay Holdings, LLC)

Case No.: 12-498

CONSENT ORDER

The State of New Hampshire Banking Department (the "Department") finds and Orders as follows:

Respondents

1. TouchPay Direct, LP (d/b/a Touchpay Child Support) ("TPD") is a limited partnership duly formed in the state of Texas on October 21, 2005 with a principal office location in Coppell, Texas.
2. Correctional Payment Services, LP ("CPS") is a limited partnership duly formed in the state of Texas on October 18, 2004 with a principal office location in Irving, Texas.
3. TouchPay Holdings, LP (n/k/a TouchPay Holdings, LLC) ("TPH") was a limited partnership duly formed in the state of Texas on October 19, 2004 with a principal office location in Irving, Texas and converted to TouchPay Holdings, LLC with an effective date of December 31, 2012. TPH registered with the New Hampshire Secretary of State on March 8, 2013.

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4. In New Hampshire, none of the above named entities have been previously licensed as a Money Transmitter by the Department. TPH's Money Transmitter license with the Department is pending execution of this Consent Order regarding unlicensed money transmitter activity. TPD and CPS merchant bank accounts are being rolled into TPH and TPD and CPS will cease operations in New Hampshire.
5. TPD, CPS and TPH shall be hereby collectively known as "Respondents."

Jurisdiction

6. The Department is authorized to regulate money transmitters pursuant to RSA Chapter 399-G. *RSA 399-G:2 and RSA 399-G:5.*
7. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter 399-G and to assess penalties pursuant to RSA Chapter 399-G. *RSA 399-G:18, RSA 399-G:19 and RSA 399-G:21.*
8. A Person may be assessed an administrative fine not to exceed \$2,500.00 for each violation of RSA Chapter 399-G. *RSA 399-G:21, IV and V.*

Facts

9. From 2012, Respondents conducted money transmissions

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without proper licensure and collected a total of \$1,479.00 in fees.

10. During the request for information, Respondents fully cooperated with the Department.

Violation(s) of Law and Penalties

11. Respondents have conducted unlicensed money transmitter activity for New Hampshire consumers without a Money Transmitter license, in violation of RSA 399-G:2,I.

Respondents' Consent

12. Respondents hereby acknowledge that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that Respondents violated RSA Chapter 399-G.
13. Respondents have voluntarily entered into this Consent Order without reliance upon any discussions between the Department and Respondents, without promise of a benefit of any kind (other than concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind. Respondents further acknowledge their understanding of the nature of the allegations set forth in this action, including the potential penalties provided by law.

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14. Respondents hereby acknowledge, understand, and agree that they have the right to notice, hearing, and/or a civil action and to full and finally resolve this matter and hereby waive said rights to resolve such matter. Neither the terms nor the execution of this Consent Order, nor its performance hereunder, shall be construed in any way in this or in any other matter, action or proceeding, as an admission of wrongdoing or of liability by Respondents.

Order

15. **Whereas pursuant to 399-G:20,VI,** this Consent Order is necessary, appropriate and in the public interest and consistent with the intent and purposes of New Hampshire banking laws, the Department Orders as follows:

- a. Respondents shall pay to the Department \$2,979.00 in administrative penalties for unlicensed activity in 2012, payable contemporaneously with Respondents' signing of this Consent Order. The check shall be bank check or guaranteed funds and made payable to "State of New Hampshire;" and
- b. TPD and CPS will cease and desist from any further unlicensed money transmitter activity

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with New Hampshire consumers.

16. The Consent Order finally and completely concludes this matter against Respondents. This Consent Order may still be revoked and the Department may pursue any and all remedies available under law, if the Department later finds that Respondents knowingly or willfully withheld information used and relied upon in this Consent Order.
17. This Consent Order is binding on all heirs, assigns, and/or successors in interest.
18. This Consent Order shall become effective upon the date the Commissioner signs this Consent Order, providing the Department has confirmed the payment referenced in Paragraph 15.a. herein.
19. Once this Consent Order is effective, the Department agrees not to seek further reimbursement, refunds, penalties, fines, costs, or fees regarding the facts, allegations, or findings of violations contained herein.

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