

**STATE OF NEW HAMPSHIRE  
BANKING DEPARTMENT**

In The Matter of: Comdata TN, Inc.

Case No. 17-211

**CONSENT ORDER**

The State of New Hampshire Banking Department (“Department”), acting in agreement with the respondent, Comdata TN, Inc. (“Comdata”), finds and orders as follows:

**Jurisdiction**

Pursuant to RSA 399-G:2, I, the New Hampshire Banking Department (“Department”) is charged with regulating persons that “act as a money transmitter while physically located in New Hampshire, or with, to, or from persons located in New Hampshire.” Pursuant to RSA 399-G:13, I, the Department is authorized to examine the business affairs of any licensee or non-licensee money transmitter to determine compliance with RSA 399-G.

**Background**

Comdata is a Tennessee corporation with a principal office location in Brentwood, Tennessee and an active New Hampshire money transmitter licensee. Pursuant to its authority under 399-G:13, the Department, through the Consumer Credit Division, conducted a regular examination of Comdata.

Through its examination, the Department determined that Comdata conducted unlicensed money transmitter activity from January 1, 2016 through March 20, 2016 because it failed to comply with all requirements to timely renew its New Hampshire money transmitter license by December 31, 2015. Comdata issued 153 payment instruments (“Comcheks”) during the period it was unlicensed, in violation of RSA 399-G:2, I. Comdata fully cooperated with the

Department regarding its unlicensed activity.

### **Acknowledgments**

**WHEREAS**, Comdata makes the following acknowledgements:

1. Comdata voluntarily enters into and signs this Consent Order without reliance upon any discussions between the Department and Comdata, without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and without threats, force, intimidation or coercion of any kind.
2. Comdata understands the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.
3. Comdata acknowledges, understands, and agrees that it has the right to notice and an adjudicatory hearing to contest the matters set forth herein, including any appeal, and hereby waives those rights. Comdata further acknowledges it waives the filing of any civil actions related to this matter.
4. Comdata understands that its action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
5. Comdata represents and warrants that it has all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
6. Comdata acknowledges that the Department is relying upon Comdata's representations and warranties stated herein in making its determinations in this matter.
7. Comdata acknowledges that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against Comdata if the Department later learns that Comdata knowingly or willfully withheld information

from the Department.

8. This Consent Order is binding on all heirs, assigns and successors in interest.

### **Order**

Pursuant to RSA 399-G:24, VI, the Bank Commissioner (“Commissioner”) finds this action necessary or appropriate to the public interest or the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of RSA Chapter 399-G. Accordingly, the Commissioner orders as follows:

1. Comdata shall remit an administrative fine in the amount of \$4,030. The payment shall be made contemporaneously with Comdata’s execution of this Consent Order, by bank check made payable to the “State of New Hampshire.”
2. Failure by Comdata to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action, up to and including license revocation and monetary penalties.
3. This Order fully resolves this matter and the Commissioner will not take further action against Comdata for the allegations presented herein. However, the Department may take enforcement action against Comdata for any violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms of this Order are not being observed or if any representation made by Comdata and reflected herein is subsequently discovered to be untrue.
4. This Consent Order shall become final when issued.

Recommended by:

\_\_\_\_\_/s/\_\_\_\_\_  
Maryam Torben Desfosses  
Hearings Examiner  
New Hampshire Banking Department

\_\_\_\_\_  
Nov 30, 2017  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Gregory Leslie Secord  
President & Director  
Comdata TN, Inc.

\_\_\_\_\_  
Dec 7, 2017  
Date

**SO ORDERED.**

\_\_\_\_\_/s/\_\_\_\_\_  
Gerald H. Little  
Bank Commissioner  
New Hampshire Banking Department

\_\_\_\_\_  
12/18/17  
Date