

# STATE OF NEW JERSEY



## DEPARTMENT OF BANKING AND INSURANCE DIVISION OF BANKING

CONSENT ORDER NO. E19-019739

### IN THE MATTER OF:

MCCALL'S LIQUOR CORP.  
REFERENCE NO. 8600190-C08

)  
)

CONSENT ORDER TO:  
IMPOSE A PENALTY

TEOFILO LOPEZ  
MCCALL'S LIQUOR CORP.  
513 HAWTHORNE AVENUE  
NEWARK, NJ 07112

)  
)  
)  
)

This matter having been opened by the Office of Consumer Finance within the Division of Banking of the New Jersey Department of Banking and Insurance ("Department") upon information obtained from the Department's Examinations Bureau that McCall's Liquor Corp. ("the Licensee"), at all times relative to this Consent Order, a licensed cashier of checks pursuant to The Check Cashers Regulatory Act of 1993, N.J.S.A. 17:15A-1 et. seq. (the "Act"), may have violated certain provisions of the Act; and

WHEREAS IT APPEARS that Licensee may have violated the following:

1. N.J.S.A. 17:15A-36 Fingerprints and background checks required...

The recent examination of the Licensee found that two of the employees, Emmanuel Lopez, and Yubberky Irizarry, of the Licensee were not fingerprinted as required. This was noted as a repeat violation from a previous examination.

**2. N.J.S.A. 17:15A-44 g. Duties of check cashing licensee**

The Licensee failed to notify the Department with regard to the change in its bank accounts as required. This was noted as a repeat violation from a previous examination.

**3. N.J.S.A. 17:15A-44 j. Duties of check cashing licensee**

The Licensee failed to suspend the check cashing privileges of customers who provided more than three checks that were returned for insufficient as required. This was noted as a repeat violation from a previous examination.

**4. N.J.A.C. 3:24-2.1 (d) Proof of net worth; records**

The Licensee improperly carried over returned items over ninety (90) days from presentment as an asset on its Annual Report. This was noted as a repeat violation from a previous examination.

**5. N.J.A.C. 3:24-5.2 (c) Recordkeeping**

There is no evidence that the Licensee performed monthly bank reconciliation as required. This was noted as a repeat violation from a previous examination.

**6. N.J.A.C. 3:24-5.3 (a) Return items record**

The Licensee's return item records failed to identify all the information as required. This was noted as a repeat violation from a previous examination.

**7. N.J.A.C. 3:24-5.6 (a) Dual business and deposit record requirements**

The Licensee improperly comingled funds from its other businesses with its check cashing business. This was noted as a repeat violation from a previous examination.

AND WHEREAS, in the event that the Commissioner issued an administrative Order to Show Cause to the Licensee addressing the above-referenced apparent violations, the Licensee would be entitled to request a hearing of the matter as a contested case in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.; and

WHEREAS the Licensee understands these rights and has voluntarily waived the right to a hearing on the matters addressed in this Consent Order; and

WHEREAS, without making any admission of liability with respect to any of the apparent violations cited in this Consent Order, **the Licensee has agreed for purposes of settlement to take the necessary compliance measures to promptly correct all the cited violations;** and

WHEREAS, without making any admission of liability with respect to any of the apparent violations cited in this Consent Order, the Licensee has agreed for purposes of settlement to pay civil administrative penalties in the amount of \$19,000; and

WHEREAS the provisions of this Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and regulations and the protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in bankruptcy proceedings; and

WHEREAS the parties to this Consent Order have determined that this matter is suitable for resolution upon the consent of the parties and that the Licensee and the Department desire to resolve this matter without a hearing or litigation, and for further good cause appearing;

NOW, THEREFORE, IT IS on this 22<sup>nd</sup> day of May 2019,

ORDERED AND AGREED as follows:

1. **The Licensee will take the necessary compliance measures to promptly correct all the cited violations.**
2. **The Licensee shall pay civil administrative penalties in the amount of \$19,000.**

Payment shall be made as follows. The first payment of \$3,000 is due upon entry into this Consent Order by means of a certified check, bank check or money order made payable to the "Treasurer, State of New Jersey". The next five payments of \$3,000 to be paid by the 25<sup>th</sup> of each subsequent month with the final payment of \$1,000 due by October 25, 2019. All penalty payments are to be sent to:

**Department of Banking and Insurance  
Collections Bureau  
P.O. Box 325  
Trenton, NJ 08625  
Attention: Rose McGill**

This Consent Order shall be duly signed by the Licensee and sent along with a copy of the proof of payment listed above as well as the formal response to the Report of Examination to:

**Department of Banking and Insurance  
Office of Consumer Finance  
P.O. Box 040  
Trenton, NJ 08625  
Attention: Troy Dayton**

3. The Licensee consents to the entry of this Consent Order as a final administrative order, and Licensee understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et seq.

RECEIVED

MAY - 8 2019

NJ REAL ESTATE COMMISSION

Consented to with respect to  
both form and content:

[LICENSEE]

By: Teofilo Lopez


Print Name: Teofilo Lopez

Title: President

Date: 5-1-19

It is so ordered:

MARLENE CARIDE, COMMISSIONER  
NEW JERSEY DEPARTMENT OF  
BANKING AND INSURANCE

By:   
Thomas M. Hunt, Assistant Director  
Office of Consumer Finance