

BEFORE THE ARKANSAS SECURITIES COMMISSIONER

CASE NO. C-16-0080

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ARKANSAS SECURITIES DEPT.

IN THE MATTER OF:
LIPSKY & ASSOCIATES, INC.
d/b/a EQUITY PLUS

ORDER NO. C-16-0080-16-OR01

CONSENT ORDER

This Consent Order is entered pursuant to the Arkansas Money Services Act (“Act”), Ark. Code Ann. §§ 23-55-101 through 23-55-1006, the Arkansas Money Services Rules (“Rules”), and the Arkansas Administrative Procedures Act, Ark. Code Ann §§ 25-15-201 through 25-15-219, in accordance with an agreement by and between the Staff of the Arkansas Securities Department (“Staff”) and Lipsky & Associates, Inc. d/b/a Equity Plus (“Lipsky”), in full and final settlement of all claims that could be brought against Lipsky by the Staff on the basis of the facts set forth herein.

Lipsky admits the jurisdiction of the Act and the Arkansas Securities Commissioner (“Commissioner”), waives its right to a formal hearing, consents to the entry of this order to resolve all claims by the Staff, and agrees to abide by the terms of this order.

FINDINGS OF FACT

1. Lipsky maintains a principal place of business at 1400 Santa Fe Drive, Suite 200, Weatherford, Texas 76086. Lipsky provides money transmission services through an automated bill payment service that allows consumers to have a portion of their bill collected each time they are paid.
2. Lipsky has applied to be licensed to provide money transmission services in Arkansas.
3. Lipsky engaged in the business of money transmission in Arkansas without a license from 2009 through 2016.

4. Lipsky has transmitted \$32,290,044.78 through 69,586 transactions, generating \$214,014.63 in fees through activity in Arkansas during the 7 year period.

5. Lipsky has cooperated fully with the Staff during the Staff's investigation of this matter. It is the Staff's recommendation, with the resolution of this matter through the entry of this order, that the pending license application for Lipsky be immediately approved.

CONCLUSIONS OF LAW

6. Pursuant to Ark. Code Ann. §§ 23-55-101 through 23-55-1006 the Commissioner has jurisdiction over Lipsky and the subject matter of this proceeding.

7. Ark. Code Ann. §23-55-201(a) states that a person may not engage in the business of money transmission or advertise, solicit, or hold itself out as providing money transmission unless the person is licensed under this subchapter or approved to engage in money services under §23-55-203. As detailed in paragraphs three and four, the failure by Lipsky to obtain a license from the Arkansas Securities Department under the Act prior to engaging in the business of money transmission or advertising, soliciting, or holding itself out as providing money transmission in Arkansas constituted violations of Ark. Code Ann. § 23-55-201(a).

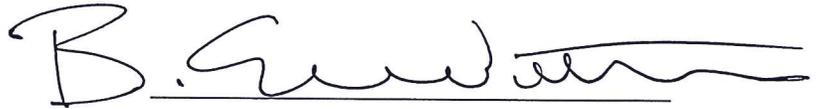
8. Pursuant to Ark. Code Ann. § 23-55-805 the Commissioner has the authority to assess a civil penalty against a person that violates the Act in an amount not to exceed \$1000 per day for each day the violation is outstanding. The violations by Lipsky support an assessment by the Commissioner of a civil penalty against Lipsky pursuant to Ark. Code Ann. § 23-55-805.

9. Ark. Code Ann. § 23-55-804 permits the informal deposition of an allegation by consent order.

ORDER

By agreement and with the consent of the Staff and the authorized representative of Lipsky, it is hereby ordered that Lipsky shall pay a civil penalty in the amount of \$41,800.00 to the Arkansas Securities Department. Payment shall be made by Lipsky with the submission of its agreement and consent to the terms of this order. Further, Lipsky shall comply with the provisions of the Act and Rules with regard to all future money transmission activities in Arkansas.

IT IS SO ORDERED.



B. EDMOND WATERS
Arkansas Securities Commissioner

12-29-16

Date

Approved as to content and form:



Daniel Ko, Vice President-Finance
Lipsky & Associates, Inc. d/b/a Equity Plus

12/28/2016

Date



Aislinn Andrews, Staff Attorney
Arkansas Securities Department

12/29/16

Date