

**STATE OF NEW HAMPSHIRE
BANKING DEPARTMENT**

In The Matter of: Creative Solutions Software Corp. d/b/a myPay Solutions
Case No. 16-093

CONSENT ORDER

WHEREAS, pursuant to RSA 399-G:2, I, the New Hampshire Banking Department (“Department”) is charged with regulating persons that “engage in the business of money transmission” in New Hampshire or with New Hampshire consumers.

WHEREAS, 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 the RSA 399-G.

WHEREAS, Creative Solutions Software Corp. (d/b/a myPay Solutions) (“Creative Solutions”) is an Ann Arbor, Michigan corporation that is registered with both the Delaware Secretary of State and the New Hampshire Secretary of State and engages in the business of payroll service and has applied for a New Hampshire Money Transmitter license.

WHEREAS, Creative Solutions voluntarily informed the Department of its prior payroll transaction activities and inquired whether a New Hampshire Money Transmitter license was required for such activities.

WHEREAS, pursuant to its authority under RSA 399-G:5, I, the Department, through the Consumer Credit Division, engaged in an administrative review of Creative Solutions’ application and conducted an inquiry into its business activities.

WHEREAS, Creative Solutions fully cooperated in providing information to the Department, and as a result, the Department could make the following allegations regarding violation of RSA 399-G:2, I if the matter were contested:

1. Creative Solutions provides payroll services to certain customers, including tax filing services, direct deposit services and tax payment services. In connection with its direct deposit and tax payment services, funds typically are transferred via the Automated Clearing House (“ACH”) Network from the customer’s bank account to the bank accounts of Creative Solutions; and then from those accounts to the bank accounts specified by the customer, or to the bank accounts of tax authorities. Creative Solutions’ customers may offer payroll cards to their employees. While fund transfers are typically processed electronically via the ACH Network, Creative Solutions may pay certain state and local tax authorities via checks drawn on a bank account of Creative Solutions, generally if the tax authority will not accept direct deposit and requires payment by check (“Activities”).
2. Creative Solutions conducted approximately 1,848 unlicensed money transmissions from 2010 to 2015 for New Hampshire customers without a New Hampshire Money Transmitter license.
3. Creative Solutions collected a total of approximately \$22,454 in fees from its New Hampshire clients.

WHEREAS, Creative Solutions makes the following acknowledgements:

1. Creative Solutions acknowledges it has elected not to contest this matter.
2. Creative Solutions voluntarily enters into and signs this Consent Order without reliance upon any discussions between the Department and Creative Solutions, 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.
3. The parties acknowledge and agree that Creative Solutions is entering into this

Consent Order without any admission that Creative Solutions has violated the law and only for the purpose of resolving this matter, and that nothing contained herein may be taken as an admission or concession of any liability or violations of law, all of which Creative Solutions expressly denies. No part of this Consent Order constitutes or shall constitute evidence against Creative Solutions in any action or proceeding brought by any person(s) or entity or other party of any violation of any federal or state statute or regulation or the common law.

4. The conduct described above, if proven, may constitute violations of state law, which could result in penalties pursuant to RSA 399-G:23, II through IV.
5. Creative Solutions 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. Creative Solutions further acknowledges it waives the filing of any civil actions related to this Consent Order.
6. Creative Solutions understands that its action in entering this Consent Order is a final act and not subject to reconsideration or judicial review or appeal.
7. Creative Solutions understands the nature of the allegations set forth herein and that they constitute grounds for potential sanctions, as provided by law.
8. Creative Solutions represents and warrants that it has all the necessary rights, powers and abilities to carry out the terms of this Consent Order.
9. Creative Solutions acknowledges that the Department is relying upon Creative Solutions' representations and warranties stated herein in making its determinations in this matter.
10. Creative Solutions acknowledges that this Consent Order may be revoked and the

Department may pursue any and all remedies available under the law against Creative Solutions if the Department later learns that Creative Solutions knowingly or willfully withheld information from the Department.

11. This Consent Order is binding on all assigns and successors in interest.

WHEREAS, Creative Solutions consents to the Department imposing the following payment:

1. Creative Solutions shall remit \$19,000 by bank check to the “State of New Hampshire.” Such payment shall be made contemporaneously with Creative Solutions’ execution of this Consent Order.
2. Failure by Creative Solutions to comply with any portion of this Consent Order shall constitute a separate and sufficient basis for administrative action.

NOW THEREFORE, the Commissioner of the New Hampshire Banking Department enters the following ORDER:

1. The payment set forth above is hereby entered;
2. Pursuant to RSA 399-G:24,VI, the 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 this title;
3. This Order fully resolves and irrevocably settles this matter and all claims asserted or that could have been asserted (“Claims”) by the Department against Creative Solutions, its past and present officers, directors, shareholders, employees, representatives, attorneys, and agents prior to the date the Commissioner executes this Consent Order and arising out of the Activities.
4. The Department will not institute or proceed with any further action against Creative Solutions, including but not limited to an action or proceeding seeking restitution,

injunctive relief, fines, penalties, attorney's fees, or costs arising out of any allegations presented herein or any Claims against Creative Solutions, its past and present officers, directors, shareholders, employees, representatives, attorneys, and agents prior to the date the Commissioner executes this Consent Order and arising out the Activities; provided that the Department may take enforcement action against Creative Solutions if any representation made by Creative Solutions and reflected herein is subsequently discovered to be untrue.

5. Nothing herein is intended to alter any future statutory or regulatory requirements of licensure.
6. This Consent Order shall become final when issued.

Recommended by:

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

10-31-16
Date

/s/
Jonathan Aubin Baron, President and Director
Creative Solutions Software Corp.
d/b/a myPay Solutions

11/08/2016
Date

SO ORDERED.

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

11/10/16
Date