

STATE OF CALIFORNIA
DEPARTMENT OF CORPORATIONS

ORDER

In the matter of) REVOKING CALIFORNIA FINANCE LENDERS LICENSE
)) PURSUANT TO SECTION 22715
)) FINANCIAL CODE

DELAVE MORTGAGE
(DELAVE REALTY MORTGAGE, INC.,
DBA)
Respondent) File No. 6053888
)
License under the)
California Finance Lenders Law)

The Commissioner finds that the annual reports as required by Section 22159 of the Finance Code has not been filed, although notification to the Respondent to file the report was duly sent on or about April 27, 2010.

THEREFORE, GOOD CAUSE APPEARING, Respondent's California Finance Lenders License is revoked effective May 26, 2010 pursuant to Section 22715 of the Financial Code, unless the annual report is received by the Department of Corporations at the office located on **320 West 4th Street, Suite 750, Los Angeles, CA 90013**, no later than the close of business on May 25, 2010. On the effective date of this Revocation Order, if the annual report has not been filed, you are hereby ordered and directed to discontinue the making or brokering of any loan made pursuant to the California Finance Lenders Law. You are also ordered and directed to discontinue all activity conducted pursuant to Section 22340 and Section 22600 of the Financial Code within 60 days of the effective date of this Order.

This ORDER is to remain in full force and effect until the further written order of the Commissioner of Corporations.

Section 22715 of the Financial Code provides as follows:

The commissioner may by order summarily suspend or revoke the license of any licensee if that person fails to file the report required by Section 22159 within 10 days after notice by the commissioner that such report is due and not filed. If, after an order is made, a request for hearing is filed in writing within 30 days and the hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

Dated: Los Angeles, California
May 12, 2010

PRESTON DUFAUCHARD
California Corporations Commissioner

Effective: May 26, 2010

By _____
PATRICIA R. SPEIGHT
Special Administrator
California Finance Lenders Law

1 PRESTON DuFAUCHARD
2 California Corporations Commissioner
3 ALAN S. WEINGER (CA BAR NO. 86717)
4 Deputy Commissioner
5 Department of Corporations
6 320 West 4th Street, Ste. 750
7 Los Angeles, California 90013-1105

8 Attorneys for Complainant

9
10 BEFORE THE DEPARTMENT OF CORPORATIONS
11 OF THE STATE OF CALIFORNIA
12

13 In the Matter of the Accusation of) File No. 605-3888
14 THE CALIFORNIA CORPORATIONS)
15 COMMISSIONER,)
16)
17 Complainant,)
18)
19 vs.) NOTICE OF INTENTION
20) TO ISSUE ORDER
21) REVOKING CALIFORNIA
22 DELAVE MORTGAGE (DELAVE) FINANCE LENDERS LICENSE
23 REALTY MORTGAGE, INC., DBA),)
24)
25 Respondent.)
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27)
28)

29 Pursuant to section 22714 of the California Finance Lenders Law (California
30 Financial Code), notice is hereby given of the intention of the California Corporations
31 Commissioner to enter his Order pursuant to section 22714 of the California Finance
32 Lenders Law to revoke Respondent's finance lenders license.

33 The attached Accusation, which is incorporated by this reference, states the reasons
34 for the intended Order.

35 Unless a request for hearing, as evidenced by the mailing or delivery of the Notice of
36 Defense, is received within 15 days after the Accusation was personally served upon
37
38

1 you or mailed to you, such Order may be entered at any time thereafter without a hearing.

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3 DATED: June 2, 2010
4 Los Angeles, California

5 PRESTON DuFAUCHARD
6 California Corporations Commissioner

7 By _____
8 PATRICIA R. SPEIGHT
9 Special Administrator
10 California Finance Lenders Act

1 PRESTON DuFAUCHARD
2 California Corporations Commissioner
3 ALAN S. WEINGER (CA BAR NO. 86717)
4 Deputy Commissioner
5 Department of Corporations
6 320 West 4th Street, Ste. 750
7 Los Angeles, California 90013-1105
8 Attorneys for Complainant

9
10 BEFORE THE DEPARTMENT OF CORPORATIONS
11 OF THE STATE OF CALIFORNIA
12

13 In the Matter of the Accusation of) File No. 605-3888
14 THE CALIFORNIA CORPORATIONS)
15 COMMISSIONER,)
16)
17 Complainant,)
18)
19 vs.) ACCUSATION
20)
21 DELAVE MORTGAGE (DELAVE)
22 REALTY MORTGAGE, INC., DBA),)
23)
24 Respondent.)
25)
26)

27 The Complainant is informed and believes, and based upon such information and
28 belief, alleges and charges Respondent as follows:

29 I

30 Respondent is a finance lender and/or broker licensed by the California Corporations
31 Commissioner ("Commissioner") pursuant to the California Finance Lenders Law
32 (California Financial Code § 22000 et seq.) ("CFL"). Respondent has its principal place of
33 business located at:

34 1150 N. FIRST ST., SUITE #220
35 SAN JOSE, CA 95112

1 II

2 Pursuant to California Financial Code section 22112, all CFL licensees are required to
3 maintain a surety bond in the minimum amount of \$25,000.00. The surety bond of
4 respondent expired on June 1, 2010. On or about April 30, 2010 the Commissioner notified
5 respondent that a replacement surety bond had to be filed immediately, but no later than the
6 expiration date to avoid suspension or revocation of its CFL license.

7 Respondent has yet to obtain a replacement surety bond in violation of California
8 Financial Code section 22112.

9 III

10 California Financial Code section 22112 provides in pertinent part:

11 A licensee shall maintain a surety bond in accordance with this subdivision in
12 the amount of twenty-five thousand dollars (\$25,000). The bond shall be
13 payable to the commissioner and issued by an insurer authorized to do business
14 in this state. A copy of the bond, including any and all riders and
15 endorsements executed subsequent to the effective date of the bond, shall be
16 filed with the commissioner for review and approval within 10 days of
17 execution. For licensees with multiple licensed locations, only one surety
18 bond in the amount of twenty-five thousand dollars (\$25,000) is required. The
19 bond shall be used for the recovery of expenses, fines, and fees levied by the
20 commissioner in accordance with this division or losses or for damages
21 incurred by consumers as the result of a licensee's noncompliance with the
22 requirements of this division.

23 California Financial Code section 22714 provides in pertinent part:

24 The commissioner may suspend or revoke any license, upon notice and
25 reasonable opportunity to be heard, if the commissioner finds any of the
26 following:

27 (a) The licensee has failed to comply with any demand, ruling, or requirement
28 of the commissioner made pursuant to and within the authority of this division.

(b) The licensee has violated any provision of this division or any rule or
regulation made by the commissioner under and within the authority of this
division.

(c) A fact or condition exists that, if it had existed at the time of the original
application for the license, reasonably would have warranted the commissioner
in refusing to issue the license originally.

1 IV

2 The Commissioner finds that, by reason of the foregoing, Respondent has violated
3 California Financial Code section 22112, and based thereon, grounds exist to revoke the
4 California Finance Lender license of Respondent.

5 WHEREFORE, IT IS PRAYED that the California finance lender license of
6 Respondent be revoked.

7 DATED: June 2, 2010
8 Los Angeles, California

9 PRESTON DuFAUCHARD
10 California Corporations Commissioner

11
12 By _____
13 PATRICIA R. SPEIGHT
14 Special Administrator
15 California Finance Lenders Act
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