

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STATE OF CALIFORNIA**  
**BUSINESS, TRANSPORTATION AND HOUSING AGENCY**  
**DEPARTMENT OF CORPORATIONS**

**TO: ADEL BAWARDI**  
**DBA BV CASH ADVANCE**  
**32395 Clinton Keith Rd., #B-6**  
**Wildomar, CA 92595**

**CITATIONS**  
**AND**  
**DESIST AND REFRAIN ORDER**  
**(Pursuant to California Financial Code sections 23050 and 23058)**

The California Corporations Commissioner finds that:

1. Adel Bawardi dba BV Cash Advance, hereinafter “Licensee” is, and was at all relevant times herein, conducting business as an individual with his principal place of business located at 32395 Clinton Keith Rd., #B-6, Wildomar, CA 92595. .

2. On or about December 31, 2004, Licensee obtained a license from the California Corporations Commissioner (“Commissioner”) to engage in the business of deferred deposit transactions at 32395 Clinton Keith Rd., #B-6, Wildomar, CA 92595.

3. An examination of Licensee conducted by the Commissioner on June 5, 2008 disclosed the following violation at 32395 Clinton Keith Rd., #B-6, Wildomar, CA 92595.

Citation A. The notice required to be conspicuously posted in the unobstructed view of the public in letters less than ½ inch in height failed to contain the schedule of charges and fees exemplified with the amounts of \$100 and \$200 on deferred deposit transactions, payable in 14 days and 30 days, giving the corresponding annual percentage rate in violation of California Financial Code section 23035 (d).

Citation B. The written notice required to be given to customers prior to entering into deferred deposit transactions failed to include disclosure that deferred deposit transactions are not subject to the provisions of Section 1719 of the Civil Code, and no customer may be required to pay treble damages if the check does not clear the bank in violation of California Financial Code section 23035 (c) (6).

1 Citation C. Advertising disclosed that the licensee is licensed by the Department of  
2 Corporations, but failed to include the clause, “pursuant to the California Deferred Deposit  
3 Transaction Law”, in violation of Financial Code section 23027. Licensee was informed of this  
4 violation during the previous regulatory examination conducted on September 19, 2006.

5 Citation D. The written Agreement failed to include a clear description of the customer’s  
6 payment obligations and an itemization of the amount financed as required under the Federal Truth  
7 In Lending Act and its Regulations in violation of California Financial Code section 23035 (e).  
8 Licensee was informed of this violation during the previous regulatory examination conducted on  
9 September 19, 2006.

10 Pursuant to California Financial Code section 23058, Licensee is hereby ordered to pay to  
11 the Commissioner an administrative penalty in the total amount of \$8,000 for the following  
12 Citation within 30 days from the date of this Citation.

- 13 Citation A. \$1,500
- 14 Citation B. \$1,500
- 15 Citation C. \$2,500
- 16 Citation D. \$2,500

17 Pursuant to California Financial Code section 23050, Licensee is hereby ordered to desist  
18 and refrain from engaging in the business of deferred deposit transactions in the State of  
19 California in violation of the above referenced sections.

20 This Citation and Desist and Refrain Order are necessary, in the public  
21 interest, for the protection of consumers and is consistent with the purposes, policies and  
22 provisions of the California Deferred Deposit Transaction Law. This Citation and Desist and  
23 Refrain Order shall remain in full force and effect until further order of the Commissioner.

24 This Citation is separate from any further action that may include other administrative, civil  
25 or criminal remedies that the Commissioner may take based upon the violations of law cited herein  
26 or otherwise.

27 California Financial Code section 23058 provides, in relevant part:

- 28 (a) If, upon inspection, examination or investigation, based upon a  
complaint or otherwise, the department has cause to believe that a person

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

is engaged in the business of deferred deposit transactions without a license, . . . the department may issue a citation to that person in writing, describing with particularity the basis of the citation. Each citation may contain . . . an assessment of an administrative penalty not to exceed two thousand five hundred dollars (\$2,500) . . . .  
...

(c) If within 30 days from the receipt of the citation of the person cited fails to notify the department that the person intends to request a hearing as described in subdivision (d), the citation shall be deemed final.

(d) Any hearing held under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code . . . .

California Financial Code section 23050 provides:

Whenever, in the opinion of the commissioner, any person is engaged in the business of deferred deposit transactions, as defined in this division, without a license from the commissioner, or any licensee is violating any provision of this division, the commissioner may order that person or licensee to desist and to refrain from engaging in the business or further violating this division. If, within 30 days, after the order is served, a written request for a hearing is filed and no hearing is held within 30 days thereafter, the order is rescinded.

The request for a hearing may be made by delivering or mailing a written request to:

Steven Thompson  
Special Administrator  
California Deferred Deposit Transaction Law  
Department of Corporations  
320 West 4<sup>th</sup> Street, Ste. 750  
Los Angeles, California 90013-2344  
(213) 576-7610

Dated: August 11, 2008  
Los Angeles, CA

PRESTON DUFAUCHARD  
California Corporations Commissioner

By \_\_\_\_\_  
Steven C. Thompson  
Special Administrator  
California Deferred Deposit Transaction Law