

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: JOSEPH BARNETT HUBBARD**  
**doing business as CASH TIL PAYDAY**  
**32245 Mission Trail, Suite D3**  
**Lake Elsinore, CA 92530**

**CITATIONS**  
**AND**  
**DESIST AND REFRAIN ORDER**  
**(Pursuant to California Financial Code section 23058)**

The California Corporations Commissioner finds that:

1. Joseph Barnett Hubbard dba Cash Til Payday, hereinafter “Licensee” is, and was at all relevant times herein conducting business as an individual with his principal place of business located at 32245 Mission Trail, Suite D3, Lake Elsinore, CA 92530.

2. On or about July 20, 2006, Licensee obtained a license from the California Corporations Commissioner (“Commissioner”) to engage in the business of deferred deposit transactions at 32245 Mission Trail, Suite D3, Lake Elsinore, CA 92530.

3. An examination of Licensee conducted by the Commissioner on June 27, 2007 disclosed the following violations at 32245 Mission Trail, Suite D3, Lake Elsinore, CA 92530.

Citation A. Licensee failed to include the Department’s toll free number, which is 1-(866) Ask Corp (275-2677), in the notice distributed to the customer prior to entering into the agreement in violation of Financial Code section 23035 (c) (4).

Citation B. The notice required to be conspicuously posted in the unobstructed view of the public in letters not less than ½ inch in height did not include the disclosure that the licensee cannot use the criminal process against a consumer to collect any deferred deposit transaction in violation of California Financial Code section 23035 (d) (1).

Citation C. Licensee charged customer an NSF fee of \$15 for checks that were neither deposited to the bank or returned by the bank n violation of California Financial Code section 23036(f) on at least five occasions totaling \$75.00.

1 Pursuant to California Financial Code section 23058, Licensee is hereby ordered to pay to  
2 the Commissioner an administrative penalty for 32245 Mission Trail, Suite D3, Lake Elsinore,  
3 CA 92530 in the total amount \$5,500 for the following Citations within 30 days from the date of  
4 this Citations.

5 Citation A. \$1,500

6 Citation B. \$1,500

7 Citation C. \$2,500

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

11 These Citations and Desist and Refrain Order are necessary, in the public  
12 interest, for the protection of consumers and is consistent with the purposes, policies and  
13 provisions of the California Deferred Deposit Transaction Law. These Citations and Desist and  
14 Refrain Orders shall remain in full force and effect until further order of the Commissioner.

15 These Citations are separate from any further action that may include other administrative,  
16 civil or criminal remedies that the Commissioner may take based upon the violations of law cited  
17 herein or otherwise.

18  
19 California Financial Code section 23058 provides, in relevant part:

20 (a) If, upon inspection, examination or investigation, based upon a  
21 complaint or otherwise, the department has cause to believe that a person  
22 is engaged in the business of deferred deposit transactions without a license,  
23 . . . the department may issue a citation to that person in writing, describing  
24 with particularity the basis of the citation. Each citation may contain . . . an  
25 assessment of an administrative penalty not to exceed two thousand five hundred  
26 dollars (\$2,500) . . . .

27 (c) If within 30 days from the receipt of the citation of the person cited fails  
28 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 . . . .

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

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: December 28, 2007  
Los Angeles, CA

PRESTON DUFAUCHARD  
California Corporations Commissioner

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