1	MARY ANN SMITH Deputy Commissioner		
2	SEAN ROONEY Assistant Chief Counsel		
3	JOYCE TSAI (State Bar No. 241908) Senior Counsel		
4	Department of Business Oversight 1350 Front Street, Suite 2034		
5	San Diego, CA 92101 Telephone: (619) 525-4043		
6	Facsimile: (619) 525-4045		
7	Attorneys for Complainant		
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9	BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT		
10	OF THE STATE OF CALIFORNIA		
11	In the Matter of THE COMMISSIONER OF) CDDTL License No.: 100-3039	
12	BUSINESS OVERSIGHT,) CDD1L License No 100-3039	
13	Complainant,)) CITATIONS AND DESIST AND REFRAIN	
14	_	ORDER PURSUANT TO FINANCIAL CODE	
15	V.) SECTION 23058)	
16	CASH CENTRAL OF CALIFORNIA, LLC, dba CASH CENTRAL))	
17	D)	
18	Respondent.)	
19)	
20	Complainant, the Commissioner of Business Oversight ("Commissioner"), is informed and		
21	believes, and based on such information and belief, finds as follows:		
22		I	
23	Factual Background		
24	1. The Commissioner has jurisdiction over deferred deposit transactions as set forth in		
25	the California Deferred Deposit Transaction Law ("CDDTL") (Cal. Fin. Code § 23000 et. seq.).		
26	2. "Deferred deposit transaction" means a transaction whereby a person defers depositing		
27	a customer's personal check until a specific date, pursuant to a written agreement for a fee or other		
28	a specific date	, random and a recommendation of sales	

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charge. "Personal check," which is referenced in Financial Code section 23001, subdivision (a), includes the electronic equivalent of a personal check, such as an Automated Clearing House ("ACH") or debit card transaction.

- 3. Respondent Cash Central of California, LLC ("Cash Central") is a limited liability company formed under the laws of California on June 21, 2005. Its principal place of business is 84 East 2400 North, North Logan, UT 84341. It does business in California under the name Cash Central.
- 4. On January 3, 2006, the Commissioner issued to Cash Central a deferred deposit transaction originator license (File No. 100-3039) pursuant to the CDDTL.
- 5. Cash Central originates deferred deposit transactions over the internet from its website, www.cashcentral.com.
- 6. On or about February 7, 2014, the Commissioner commenced a regulatory examination of Cash Central.
- 7. Financial Code section 23008 provides that upon the filing of an application for a CDDTL license, the Commissioner shall investigate any person owning or controlling, directly or indirectly, 10 percent or more of the outstanding equity securities of the applicant. Financial Code section 23010 provides that the Commissioner may require licensees to notify the Commissioner of changes in the information provided in their application.
- 8. The Commissioner previously examined Cash Central in 2012 and notified Cash Central by letter that Cash Central was required to provide fingerprints for five individuals who had a direct or indirect interest of 10 percent. Cash Central did not comply with this requirement in 2012 and during the 2014 examination, the Commissioner found that Cash Central still had not complied with this requirement.
- 9. During the 2014 examination, the Commissioner found that Cash Central was using unlicensed lead generators to originate deferred deposit transactions. Cash Central had contracts with unlicensed lead generators to refer customers to Cash Central.

- 10. Financial Code section 23005 provides that a person shall not act as an agent for a deferred deposit originator or assist a deferred deposit originator without first obtaining a CDDTL license. Cash Central violated this section by using unlicensed lead generators.
- 11. Cash Central has contracts with third party collection companies in order to collect on past due debt. During the 2014 examination, Cash Central produced collection reports showing that excess charges were being charged to customers with past due amounts. Cash Central charged a total of \$8,585.44 in excess charges that have not been collected. Cash Central has collected a total of \$4,784.65 in excess charges from 37 customers.
- 12. Financial Code section 23036 provides that no amount in excess of statutorily authorized fees shall be charged by a licensee pursuant to a deferred deposit transaction.
- 13. Financial Code section 23037 provides that a licensee shall not engage in any unfair, unlawful, or deceptive conduct.
- 14. By collecting and attempting to collect excess charges, Cash Central violated Financial Code sections 23036 and 23037.

II

Citations

Financial Code section 23058 provides, in pertinent part:

- (a) If, upon inspection, examination or investigation, based upon a complaint or otherwise, the department has cause to believe that a person is engaged in the business of deferred deposit transactions without a license, or a licensee or person is violating any provision of this division or any rule or order thereunder, the department may issue a citation to that person in writing, describing with particularity the basis of the citation. Each citation may contain an order to desist and refrain and an assessment of an administrative penalty not to exceed two thousand five hundred dollars (\$2,500). All penalties collected under this section shall be deposited in the State Corporations Fund.
- (b) The sanctions authorized under this section shall be separate from, and in addition to, all other administrative, civil, or criminal remedies.

For violations of the CDDTL, the Commissioner hereby issues the following citations:

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CITATION A: Cash Central of California, LLC, dba Cash Central, has violated Financial Code sections 23008 and 23010 by failing to provide fingerprints for individuals who owned 10 percent or more of its outstanding equity securities. Cash Central did not provide fingerprints during the 2012 and 2014 examinations.

CITATION B: Cash Central of California, LLC, dba Cash Central, has violated Financial Code section 23005 by using unlicensed lead generators to originate deferred deposit transactions. During the 2014 examination, the Commissioner found that Cash Central was using unlicensed lead generators.

CITATION C: Cash Central of California, LLC, dba Cash Central, has violated Financial Code sections 23036 and 23037 by collecting and attempting to collect excess charges. During the 2014 examination, the Commissioner found that Cash Central collected a total of \$4,784.65 in excess charges and charged another \$8,585.44 in excess charges.

Pursuant to Financial Code section 23058, Cash Central of California, LLC, dba Cash Central, is hereby ordered to pay the Department an administrative penalty of two thousand, five hundred dollars (\$2,500.00) for each of the three (3) citations, for the total amount of seven thousand, five hundred dollars (\$7,500.00) within thirty (30) days from the date of this order.

III

Desist and Refrain Order

Where the Commissioner has cause to believe a person is violating any provision of the CDDTL, the Commissioner is further authorized under Financial Code section 23058 to issue, along with each citation, an order to desist and refrain.

The foregoing facts establish violations of the CDDTL by Cash Central of California, LLC, dba Cash Central, including Financial Code sections as described more fully above in Citations A-C.

Pursuant to Financial Code section 23058, Cash Central of California, LLC, dba Cash Central, is hereby ordered to desist and refrain from violating Financial Code sections 23005, 23008, 23010, 23036, and 23037.

1	This Order is necessary for the protection of consumers and consistent with the purposes,		
2	policies, and provisions of the CDDTL. This Order shall remain in full force and effect until further		
3	order of the Commissioner.		
4	Dated: April 1, 2015	JAN LYNN OWEN	
5	Sacramento, California	Commissioner of Business Oversight	
6	Ву: _	MARY ANN SMITH	
7		MARY ANN SMITH Deputy Commissioner	
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