

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
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9 Attorneys for Complainant

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BEFORE THE DEPARTMENT OF CORPORATIONS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of)	File No. 603-9964
THE CALIFORNIA CORPORATIONS)	
COMMISSIONER,)	
)	
Complainant,)	
)	NOTICE OF INTENTION
vs.)	TO ISSUE ORDER
)	REVOKING CALIFORNIA
FORTRESS CREDIT CORP. ,)	FINANCE LENDERS LICENSE
)	
Respondent.)	
)	
)	
)	

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

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

25
26 Unless a request for hearing, as evidenced by the mailing or delivery of the Notice of
27 Defense, is received within 15 days after the Accusation was personally served upon
28

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

2
3 DATED: April 12, 2011
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
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7 Los Angeles, California 90013-1105
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10 BEFORE THE DEPARTMENT OF CORPORATIONS
11 OF THE STATE OF CALIFORNIA
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13 In the Matter of the Accusation of) File No. 603-9964
14 THE CALIFORNIA CORPORATIONS)
15 COMMISSIONER,)
16)
17 Complainant,)
18)
19 vs.) ACCUSATION
20)
21 FORTRESS CREDIT CORP. ,)
22)
23 Respondent.)
24)
25)
26)
27)
28)

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

31 I

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

36
37 1345 AVENUE OF THE AMERICAS, 46TH FLOOR
38 NEW YORK, NY 10105

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 April 9, 2011. On or about March 4, 2011 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: April 12, 2011
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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1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER
Deputy Commissioner
3 Department of Corporations
320 West 4th Street, Ste. 750
4 Los Angeles, California 90013-2344

5 Attorneys for Complainant

6 BEFORE THE DEPARTMENT OF CORPORATIONS
7 OF THE STATE OF CALIFORNIA
8

9	In the Matter of the Accusation of THE)	
10	CALIFORNIA CORPORATIONS)	
11	COMMISSIONER,)	File No.: 603-9964
12	Complainant,)	ORDER DISMISSING NOTICE OF
13	vs.)	INTENTION TO ISSUE ORDER REVOKING
14	FORTRESS CREDIT CORP.)	CALIFORNIA FINANCE LENDERS
15	Respondent.)	LICENSE
16)	

17
18 GOOD CAUSE APPEARING, the Notice of Intention to Issue Order Revoking California
19 Finance Lenders License issued against FORTRESS CREDIT CORP. on April 12, 2011 is hereby
20 dismissed.

21
22 Dated: April 27, 2011
Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

23
24
25 By _____
26 PATRICIA R. SPEIGHT
27 Special Administrator
California Finance Lenders Law
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