

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 4<sup>th</sup> 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 )  
14 THE CALIFORNIA CORPORATIONS )  
15 COMMISSIONER, )  
16 )  
17 Complainant, )  
18 )  
19 vs. )  
20 )  
21 FIRST CAPITAL FINANCIAL SERVICES, )  
22 ASIA, LTD. , )  
23 )  
24 Respondent. )  
25 )  
26 )  
27 )  
28 )

File No. 603-G054

NOTICE OF INTENTION  
TO ISSUE ORDER  
REVOKING CALIFORNIA  
FINANCE LENDERS LICENSE

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

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

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

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

2  
3 DATED: July 21, 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 4<sup>th</sup> 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. 603-G054  
14 THE CALIFORNIA CORPORATIONS )  
15 COMMISSIONER, )  
16 )  
17 Complainant, )  
18 )  
19 vs. ) ACCUSATION  
20 )  
21 FIRST CAPITAL FINANCIAL SERVICES, )  
22 ASIA, LTD. , )  
23 )  
24 Respondent. )  
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  
37 700 S. FLOWER STREET, SUITE 2325  
38 LOS ANGELES, CA 90017

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 July 20, 2010. On or about June 17, 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  
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

IV

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

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

DATED: July 21, 2010  
Los Angeles, California

PRESTON DuFAUCHARD  
California Corporations Commissioner

By \_\_\_\_\_  
PATRICIA R. SPEIGHT  
Special Administrator  
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 4<sup>th</sup> Street, Ste. 750  
7 Los Angeles, California 90013-1105

8 Attorneys for Complainant

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

11 In the Matter of the Accusation of ) File No. 603-G054  
12 The California Corporations )  
13 Commissioner, )  
14 Complainant, )  
15 vs. ) ORDER REVOKING  
16 FIRST CAPITAL FINANCIAL ) CALIFORNIA FINANCE  
17 SERVICES, ASIA, LTD. ) LENDERS LICENSE  
18 Respondent. )  
19 )

20 The California Corporations Commissioner finds that:

21  
22 1. Respondent is a California finance lender licensed by the California  
23 Corporations Commissioner ("Commissioner") pursuant to the California  
24 Finance Lenders Law (California Financial Code § 22000 et seq.)("CFL").

25 2. Pursuant to California Financial Code section 22112, all CFL  
26 licensees are required to maintain a surety bond in the minimum amount of  
27 \$25,000.00. The surety bond of respondent expired on July 20, 2010. On or  
28 about June 17, 2010, the Commissioner notified Respondent that a

1 replacement surety bond had to be filed immediately, but no later than the  
2 expiration date to avoid suspension or revocation of its CFL license.

3           3. Respondent has not obtained a replacement surety bond in violation  
4 of California Financial Code section 22112.

5           4. Failure to maintain a surety bond is grounds under Financial Code  
6 section 22714 for the revocation of a license issued under the CFL.

7           5. On July 21, 2010, the Commissioner issued a Notice of Intention to  
8 Issue Order Revoking CFL license, Accusation, and accompanying  
9 documents against Respondent based upon the above; and respondent was  
10 served with those documents by certified mail, return receipt requested. The  
11 Department has received no request for a hearing has expired.

12           NOW GOOD CAUSE APPEARING THEREFORE, it is hereby  
13 ordered that the CFL license issued to Respondent is hereby revoked. This  
14 order is effective as of the date hereof.

15 DATED:     August 11, 2010  
16                     Los Angeles, California  
17

18  
19                                     PRESTON DuFAUCHARD  
20                                     California Corporations Commissioner

21  
22                                     By \_\_\_\_\_  
23                                     PATRICIA R. SPEIGHT  
24                                     Special Administrator  
25                                     California Finance Lenders Law  
26  
27  
28