

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. 607-1921  
14 THE CALIFORNIA CORPORATIONS )  
15 COMMISSIONER, )  
16 )  
17 Complainant, )  
18 )  
19 vs. ) NOTICE OF INTENTION  
20 ) TO ISSUE ORDER  
21 ) REVOKING CALIFORNIA  
22 FCI COMMERCIAL CAPITAL, INC. , ) FINANCE LENDERS LICENSE  
23 )  
24 Respondent. )  
25 )  
26 )  
27 )  
28 )

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

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

35 Unless a request for hearing, as evidenced by the mailing or delivery of the Notice of  
36 Defense, is received within 15 days after the Accusation was personally served upon  
37  
38

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

2 DATED: October 20, 2010  
3 Los Angeles, California

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5 PRESTON DuFAUCHARD  
6 California Corporations Commissioner

7 By \_\_\_\_\_  
8 PATRICIA R. SPEIGHT  
9 Special Administrator  
10 California Finance Lenders Act

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15 COMMISSIONER, )  
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17 Complainant, )  
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19 vs. ) ACCUSATION  
20 )  
21 FCI COMMERCIAL CAPITAL, INC. , )  
22 )  
23 Respondent. )  
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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:

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37 965 UNIVERSITY AVENUE, SUITE 150  
38 SACRAMENTO, CA 95825

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II

Pursuant to California Financial Code section 22112, all CFL licensees are required to maintain a surety bond in the minimum amount of \$25,000.00. The surety bond of respondent expired on October 14, 2010. On or about September 23, 2010 the Commissioner notified respondent that a replacement surety bond had to be filed immediately, but no later than the expiration date to avoid suspension or revocation of its CFL license.

Respondent has yet to obtain a replacement surety bond in violation of California Financial Code section 22112.

III

California Financial Code section 22112 provides in pertinent part:

A licensee shall maintain a surety bond in accordance with this subdivision in the amount of twenty-five thousand dollars (\$25,000). The bond shall be payable to the commissioner and issued by an insurer authorized to do business in this state. A copy of the bond, including any and all riders and endorsements executed subsequent to the effective date of the bond, shall be filed with the commissioner for review and approval within 10 days of execution. For licensees with multiple licensed locations, only one surety bond in the amount of twenty-five thousand dollars (\$25,000) is required. The bond shall be used for the recovery of expenses, fines, and fees levied by the commissioner in accordance with this division or losses or for damages incurred by consumers as the result of a licensee's noncompliance with the requirements of this division.

California Financial Code section 22714 provides in pertinent part:

The commissioner may suspend or revoke any license, upon notice and reasonable opportunity to be heard, if the commissioner finds any of the following:

- (a) The licensee has failed to comply with any demand, ruling, or requirement 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.

1 (c) A fact or condition exists that, if it had existed at the time of the original  
2 application for the license, reasonably would have warranted the commissioner  
3 in refusing to issue the license originally.

4 IV

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

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

10 DATED: October 20, 2010  
11 Los Angeles, California

12 PRESTON DuFAUCHARD  
13 California Corporations Commissioner

14 By \_\_\_\_\_  
15 PATRICIA R. SPEIGHT  
16 Special Administrator  
17 California Finance Lenders Act  
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10 OF THE STATE OF CALIFORNIA

11 In the Matter of the Accusation of ) File No. 607-1921  
12 The California Corporations )  
13 Commissioner, )  
14 Complainant, )  
15 vs. ) ORDER REVOKING  
16 FCI COMMERCIAL CAPITAL, INC. ) CALIFORNIA FINANCE  
17 Respondent. ) LENDERS LICENSE  
18 )  
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 October 14, 2010. On  
28 or about September 23, 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 October 20, 2010, the Commissioner issued a Notice of Intention  
8 to 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

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

16 DATED: December 13, 2010  
17 Los Angeles, California

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19 PRESTON DuFAUCHARD  
20 California Corporations Commissioner

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