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STATE OF CALIFORNIA
BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF BUSINESS OVERSIGHT

TO: Kevin A. Fisher
KFisher Consulting Group
6435 Laguna Mirage Lane
Elk Grove, California 95758

DESIST AND REFRAIN ORDER
(For violations of section 12200 of the California Financial Code)

The Commissioner of Business Oversight (“Commissioner”) finds that:

1. At all relevant times, Kevin Fisher (“Fisher”) was a natural person and a resident of the State of California. Fisher’s last known business address is 6435 Laguna Mirage Lane, Sacramento, California 95758.

2. At all relevant times, Fisher did business as KFisher Consulting Group (“KFisher”). KFisher is not registered with the California Secretary of State as a corporation or an LLC. Fisher never registered KFisher as a fictitious business name in Sacramento County.

3. Between 2009 and 2014, Fisher dba KFisher contracted with consumers to negotiate debts with creditors for an upfront fee.

4. As part of these agreements, Fisher dba KFisher promised that if the debt was not successfully negotiated, the upfront fee would be returned, in its entirety.

5. On multiple occasions, Fisher dba KFisher accepted monies intended to pay a consumer’s debt, however, those debts were either not settled in their entirety or the monies never made it to the creditor.

6. Fisher dba KFisher never honored their money back policy.

7. The Commissioner has jurisdiction over and regulates bill payers and proraters under the Check Sellers, Bill Payers and Proraters Law (Financial Code sec. 12000 et seq.) Financial Code section 12200 states:

1 No person shall engage in the business, for compensation, of selling
2 checks, drafts, money orders, or other commercial paper serving the
3 same purpose, or of receiving money as agent of an obligor for the
4 purpose of paying bills, invoices, or accounts of such obligor, or
5 acting as a prorater, nor shall any person, without direct
6 compensation and not as an authorized agent for a utility company,
7 accept money for the purpose of forwarding it to others in payment
8 of utility bills, without first obtaining a license from the
9 commissioner.

9. Financial Code section 12002.1 defines a “prorater” as follows:

8 A prorater is a person who, for compensation, engages in whole or in part
9 in the business of receiving money or evidences thereof for the purpose of
10 distributing the money or evidences thereof among creditors in payment or
11 partial payment of the obligations of the debtor.

10. During the years 2009 through 2014, Fisher and KFisher acted as a prorater within the
12 meaning of Financial Code section 12002.1.

11. Neither Fisher nor KFisher have ever had a license to perform prorater services in the
14 State of California, as required by Financial Code section 12200, and are not exempt under Financial
15 Code section 12104.

12. Further, during the relevant time period, Fisher and KFisher violated numerous
17 provisions of the Financial Code intended to protect California consumers, including but not limited to
18 Financial Code sections 12205 (bonding and minimum asset requirements), 12315 (consent of
19 creditors), 12315.1 (notice to creditors), and 12316 (excessive charges).

13. Financial Code section 12103 provides in relevant part:

21 Whenever in the opinion of the commissioner . . . any person or licensee is
22 violating any provision of this division, the commissioner may order the
23 person or licensee to desist and to refrain from engaging in such business
24 or further violating this division.

24 Based on the foregoing findings, the Commissioner of Business Oversight is of the opinion
25 that Kevin A. Fisher dba KFisher Consulting Group has engaged in prorater services in this state
26 without a license in violation of Financial Code section 12200.

27 Pursuant to Financial Code section 12103, Kevin A. Fisher dba KFisher Consulting Group is
28 hereby ordered to desist and refrain from engaging in prorater services unless and until duly licensed

1 under the Check Sellers, Bill Payers and Proraters Law or unless exempt.

2 This Order is necessary, in the public interest, for the protection of investors and consistent
3 with the purposes, policies and provisions of the Check Sellers, Bill Payers and Proraters Law.

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5 Dated: October 12, 2015

JAN LYNN OWEN
Commissioner of Business Oversight

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By _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division

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