

1 PRESTON DUFAUCHARD
California Corporations Commission
2 ALAN WEINGER (CA BAR NO. 86717)
Deputy Commissioner
3 Department of Corporations
320 West 4th Street, Ste. 750
4 Los Angeles, California 90013-2344
Telephone: (213) 576-7610 Fax: (213) 576-7130

5 Attorneys for Complainant

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

9 In the Matter of THE CALIFORNIA) Case No.: 100-3417
10 CORPORATIONS COMMISSIONER,)
11 Complainant,) ORDER SETTING ASIDE NOTICE OF
12 vs.) INTENTION TO ISSUE ORDER REVOKING
13) CALIFORNIA DEFERRED DEPOSIT
14 INSTANT FINANCE CORPORATION) TRANSACTION LAW LICENSE
15 Respondent.)
16)
17)

18 The California Corporations Commissioner finds that:

19 On December 30, 2009, Instant Finance Corporation paid invoice number 48563 in the
20 amount \$966.36 for the cost the regulatory examination.
21

22 THEREFORE, GOOD CAUSE APPEARING, the Notice of Intention to Issue Order
23 Revoking California Deferred Deposit Transaction License pursuant to Financial Code Section
24 23052 issued by the Commissioner to Instant Finance Corporation on December 22, 2009 is hereby
25 set aside effective this date.

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Dated: January 4, 2010
Los Angeles, CA

PRESTON DUFAUCHARD
California Corporations Commissioner

By _____
Steven C. Thompson
Special Administrator

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California Corporations Commissioner
2 ALAN S. WEINGER
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7 BEFORE THE DEPARTMENT OF CORPORATIONS
8 OF THE STATE OF CALIFORNIA
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10 In the Matter of the Accusation of THE) Case No.: 100-3417
CALIFORNIA CORPORATIONS)
11 COMMISSIONER,) ACCUSATION
12)
Complainant,)
13)
14 vs.)
15 INSTANT FINANCE CORPORATION)
16 Respondent.)
17)
18)

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

21 I

22 Respondent Instant Finance Corporation (“Instant Finance”) is a deferred deposit transaction
23 originator licensed by the California Corporations Commissioner (“Commissioner”) pursuant to the
24 California Deferred Deposit Transaction Law (California Financial Code § 23000 et seq.)
25 (“CDDTL”). Instant Finance is licensed as a corporation that has its principal place of business
26 located at 9030 Sierra Avenue, Fontana, CA 92335.
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II

Pursuant to California Financial Code section 23013, all CDDTL licensees are required to maintain a surety bond in the minimum amount of \$25,000.00. The surety bond of Instant Finance expired on January 18, 2011. On or about December 30, 2010, the Commissioner notified Instant Finance by certified mail that a replacement surety bond had to be filed immediately, but no later than the expiration date to avoid suspension or revocation of its CDDTL license. The notification was delivered to Instant Finance on or about January 3, 2011.

Instant Finance has yet to obtain a replacement surety bond in violation of California Financial Code section 23013.

III

California Financial Code section 23013 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 for losses or damages incurred by consumers as the result of a licensee's noncompliance with the requirements of this division.

California Financial Code section 23052 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.
- (c) A fact or condition exists that, if it had existed at the time of the original

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application for the license, reasonably would have warranted the commissioner in refusing to issue the license originally.

IV

The Commissioner finds that, by reason of the foregoing, Instant Finance has violated California Financial Code section 23013, and based thereon, grounds exist to revoke the deferred deposit transaction license of Instant Finance.

WHEREFORE, IT IS PRAYED that the deferred deposit transaction license of Instant Finance Corporation be revoked.

Dated: January 18, 2011
Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
Steven C. Thompson
Special Administrator

1 PRESTON DUFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER (CA BAR NO. 86717)
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5 Attorneys for Complainant

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

10 In the Matter of the Accusation of THE) Case No.: 100-3417
CALIFORNIA CORPORATIONS)
11 COMMISSIONER,) ORDER REVOKING CALIFORNIA
12) DEFERRED DEPOSIT TRANSACTION LAW
Complainant,) LICENSE PURSUANT TO FINANCIAL
13) CODE SECTION 23052
14 vs.)
15 INSTANT FINANCE CORPORATION)
16 Respondent.)
17)
18)

19 The California Corporations Commissioner (“Commissioner”) finds:

21 1. Respondent Instant Finance Corporation (“Instant Finance”) is a deferred deposit
22 transaction originator licensed by the California Corporations Commissioner (“Commissioner”)
23 pursuant to the California Deferred Deposit Transaction Law (California Financial Code § 23000 et
24 seq.) (“CDDTL”).

25 2. Pursuant to California Financial Code section 23013, all CDDTL licensees are
26 required to maintain a surety bond in the minimum amount of \$25,000.00. The surety bond of
27 Instant Finance expired on January 18, 2011. On or about December 30, 2010, the Commissioner
28

1 notified Instant Finance that a replacement surety bond had to be filed immediately, but no later than
2 the expiration date to avoid suspension or revocation of its CDDTL license.

3 3. Instant Finance has not obtained a replacement surety bond in violation of California
4 Financial Code section 23013.

5 4. Failure to maintain a surety bond is grounds under Financial Code section 23052 for
6 the revocation of a license issued under the CDDTL.

7 5. On January 18, 2011, the Commissioner issued a Notice of Intention to Issue Order
8 Revoking CDDTL License, Accusation and accompanying documents against Instant Finance based
9 upon the above. Instant Finance was served with those documents by certified mail, return receipt
10 requested on or about January 24, 2011.

11 NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the CDDTL
12 license issued to Instant Finance Corporation is hereby revoked. This order is effective as of the date
13 hereof.

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Dated: February 9, 2011
Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
Steven C. Thompson
Special Administrator

1 PRESTON DUFAUCHARD
California Corporations Commissioner
2 WAYNE STRUMPFER
Deputy Commissioner
3 ALAN S. WEINGER (CA BAR NO. 86717)
Lead Corporations Counsel
4 Department of Corporations
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5 Los Angeles, California 90013-2344

6 Attorneys for Complainant

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

10 In the Matter of the Accusation of THE) Case No.: 100-3417;100-3485
11 CALIFORNIA CORPORATIONS)
12 COMMISSIONER,) ACCUSATION
)
13 Complainant,)
)
14 vs.)
)
15 INSTANT FINANCE CORPORATION)
16)
17 Respondent.)
18)

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

21 I

22 Respondent Instant Finance Corporation (“Instant Finance”) is a deferred deposit transaction
23 originator licensed by the California Corporations Commissioner (“Commissioner”) pursuant to the
24 California Deferred Deposit Transaction Law (California Financial Code § 23000 et seq.)
25 (“CDDTL”). Instant Finance is licensed as a corporation that has its principal place of business
26 located at 9030 Sierra Avenue, Fontana, CA 92335.
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II

Pursuant to California Financial Code section 23057, all CDDTL licensees were required to submit the names, addresses and telephone numbers of all the individuals who obtained payday loans from April 15, 2007 to September 11, 2007 to Applied Management and Planning Group (AMPG) over the Internet via a secure website. On or about September 11, 2007, Instant Finance was notified by federal express, overnight delivery that the customer information must be submitted to AMPG no later than the close of business on October 1, 2007 to avoid revocation of its CDDTL license. .

Instant Finance has yet to submit the customer information in violation of California Financial Code section 23057.

III

California Financial Code section 23057 provdes that:

On December 1, 2007, the commissioner shall report to the Governor and the Legislature on its implementation of this division. The report shall include, at a minimum, information regarding the demand for deferred deposit transactions, the growth and trends in the industry, common practices for conducting the business of deferred deposit transactions, the advertising practices of the industry, including any violations of Section 23027, and any other information the commissioner deems necessary to inform the Governor and the Legislature regarding potential legislation that may be necessary to protect the people of the State of California. The commissioner's recommendations for future action may include, but are not limited to, changes in the fees charged to consumers, specifications regarding the length of time for deferred deposit transactions, maximum amount provided to consumers, additional regulation of advertising practices, and the implementation of an installment loan product in lieu of a deferred deposit transaction as described in this division.

As the commissioner conducts this study, licensees shall be required to supply all information the commissioner deems necessary. The study shall be made public and may not include any proprietary information.

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California Financial Code section 23052 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.

(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.

IV

The Commissioner finds that, by reason of the foregoing, Instant Finance has violated California Financial Code sections 23057, and based thereon, grounds exist to revoke the deferred deposit transaction license of Instant Finance.

WHEREFORE, IT IS PRAYED that the deferred deposit transaction license of Instant Finance be revoked.

Dated: October 2, 2007
Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
Steven C. Thompson
Special Administrator

1 PRESTON DUFAUCHARD
California Corporations Commissioner
2 WAYNE STRUMPFER
Deputy Commissioner
3 ALAN S. WEINGER (CA BAR NO. 86717)
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6 Attorneys for Complainant

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

10 In the Matter of the Accusation of THE) Case No.: 100-3417;100-3485
11 CALIFORNIA CORPORATIONS)
12 COMMISSIONER,) ORDER SETTING ASIDE NOTICE OF
13 Complainant,) INTENTION TO ISSUE ORDER REVOKING
14 vs.) DEFERRED DEPOSIT TRANSACTION
15 INSTANT FINANCE CORPORATION) LICENSE
16)
17 Respondent.)
18 _____)

19 The California Corporations Commissioner finds that:

20 I

21 Respondent Instant Finance Corporation (“Instant Finance”) submitted the names, addresses
22 and telephone numbers of all the individuals who obtained payday loans from April 15, 2006 to
23 September 11, 2007 to Applied Management and Planning Group (AMPG) in accordance with the
24 provisions of California Financial Code Section 23057.
25

26 THEREFORE, GOOD CAUSE APPEARING, the Notice of Intention to Issue Order
27 Revoking California Deferred Deposit Transaction Law License pursuant to California Financial
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1 Code Section 23052 issued by the Commissioner to Instant Finance on October 4, 2007 is hereby
2 set aside effective this date.

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4 Dated: November 30, 2007
5 Los Angeles, California PRESTON DuFAUCHARD
6 California Corporations Commissioner

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9 By _____
10 Steven C. Thompson
11 Special Administrator

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10 In the Matter of the Accusation of THE) Case No.: 100-3417
CALIFORNIA CORPORATIONS)
11 COMMISSIONER,) ACCUSATION
12)
Complainant,)
13)
14 vs.)
15 INSTANT FINANCE CORPORATION)
16 Respondent.)
17)
18)

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

21 I

22 Respondent Instant Finance Corporation is a deferred deposit transaction originator licensed
23 by the California Corporations Commissioner (“Commissioner”) pursuant to the California Deferred
24 Deposit Transaction Law (California Financial Code § 23000 et seq.) (“CDDTL”). Instant Finance
25 Corporation is licensed as a corporation authorized to conduct business in this state with its principal
26 place of business at 9030 Sierra Ave., Fontana, CA 92335.
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II

Pursuant to California Financial Code section 23046 (a), all CDDTL licensees may be examined by the Commissioner or the Commissioner's representatives at any time, but not less than once every two years. Pursuant to California Financial Code section 23046 (b), each licensee is required to pay for the costs of the examination. On or about November 19, 2008, an examination of Instant Finance Corporation was commenced. On or about May 22, 2009, the Department of Corporations ("Department") sent Invoice Number 48563 in the amount of \$966.36 to Instant Finance Corporation for the costs of the examination, with payment due upon receipt of the invoice. The Department sent letters dated June 23, 2009 and August 17, 2009 informing Instant Finance Corporation that Invoice Number 48563 in the amount of \$966.36 was unpaid and that failure to pay the invoice could result in a claim filed against the surety bond and suspension or revocation of the license. On or about October 21, 2009, the Commissioner notified Instant Finance Corporation by certified mail, return receipt requested that failure to pay the outstanding invoice within ten (10) business days of the date of the letter would result in collection being pursued through the administrative process, which may include filing a claim against the surety bond and an action to revoke the license. The notification was delivered to Instant Finance Corporation on or about October 23, 2009. Instant Finance Corporation has not paid the invoice in the amount of \$966.36.

III

California Financial Code section 23046 provides in pertinent part:

(a) For the purpose of discovering violations of this division or securing information required by the commissioner in the administration and enforcement of this division, the commissioner may at any time, but not less than once every two years, investigate the business of deferred deposits, and examine the books, accounts, records, and files used in the business of deferred deposit transactions, of every person engaged in the business of deferred deposit transactions, whether the person acts or claims to act as a principal or an agent, or under or without the authority of this division. For the purpose of examination, the commissioner and the commissioner's representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all these persons.

(b) The cost of each examination of a licensee or a person subject to this division shall be paid to the commissioner by the licensee or person examined, and the commissioner may maintain an action for the recovery of the cost in any court of

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competent jurisdiction. In determining the cost of an examination, the commissioner may use the estimated average hourly cost for all persons performing examinations of licensees or other persons subject to this division for the fiscal year.

California Financial Code section 23052 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.

(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.

IV

The Commissioner finds that, by reason of the foregoing, Instant Finance Corporation has violated California Financial Code section 23046, and based thereon, grounds exist to revoke the deferred deposit transaction license of Instant Finance Corporation..

WHEREFORE, IT IS PRAYED that the deferred deposit transaction license of Instant Finance Corporation be revoked.

Los Angeles, California
Dated: December 22, 2009

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
Steven C. Thompson
Special Administrator