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9 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
10 OF THE STATE OF CALIFORNIA

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12	In the Matter of:)	CDDTL License No.: 100-3162
)	
13	THE COMMISSIONER OF BUSINESS)	DESIST AND REFRAIN ORDER PURSUANT
14	OVERSIGHT OF THE STATE OF)	TO CALIFORNIA FINANCIAL CODE
15	CALIFORNIA,)	SECTION 23050; and
)	
16	Complainant,)	CITATION PURSUANT TO CALIFORNIA
)	FINANCIAL CODE SECTION 23058
17	v.)	
)	
18	JINESH TALSANIA, d.b.a.,)	
19	MONEY MALL POMONA,)	
)	
20	Respondent.)	

21 The Complainant is informed and believes and based on such information and belief, alleges
22 and charges the Respondent as follows:

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I.

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FACTUAL BACKGROUND

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1. Jinesh Talsania, d.b.a. Money Mall Pomona (“Money Mall”) is a deferred deposit transaction originator licensed by Complainant, the Commissioner of Business Oversight (“Commissioner”) pursuant to the California Deferred Deposit Transaction Law (“CDDTL”) (Fin. Code § 23000 et seq.). On or around May 2, 2006, Money Mall was issued license number 100-3162

1 to conduct business as a deferred deposit transaction originator at 1180 E. Philadelphia, #3, Pomona,
2 California 91766.

3 2. At all relevant times herein, Jinesh Talsania is the sole proprietor of Money Mall.

4 3. On or around July 16, 2013, the Commissioner commenced a regulatory examination
5 of Money Mall pursuant to Financial Code section 23046.

6 4. Pursuant to Financial Code section 23001, subdivision (a), “deferred deposit
7 transaction” (commonly referred to as “payday loans” or “payday advances”) means a transaction
8 whereby a person defers depositing a customer’s personal check until a specific date, pursuant to a
9 written agreement for a fee or other charge.

10 5. From at least May 2, 2006 through at least July 16, 2013, Money Mall engaged in the
11 business of deferred deposit transactions.

12 6. During the regulatory examination of Money Mall it was disclosed that on November
13 20, 2012, Money Mall sold 20 deferred deposit transactions totaling \$5,258.00 in uncollected check
14 amounts to an unaffiliated entity, KBS Services, LLC, pursuant to a “Contract for purchase”
15 (“Contract”). The Contract stated that KBS Services, LLC shall pay Money Mall \$500.00 for the
16 “total amount of 20 purchased accounts.” The “Purchase List” listed 20 accounts and included the
17 borrowers’ names, amounts ranging from \$115.00 to \$300.00, and due dates ranging from December
18 29, 2008 through April 19, 2012.

19 7. On or around July 16, 2013, Money Mall did not have an original or an exact copy of
20 the following records for any of the 20 deferred deposit transactions that were sold to KBS Services,
21 LLC on November 20, 2012: deferred deposit transaction agreement; evidence of the check; written
22 disclosure(s) used to provide notice in compliance with subdivision (c) of Section 23035 of the
23 Financial Code; record of any and all extensions of time or payment plans for repayment of an
24 existing deferred deposit transaction; record of time periods for each transaction; record of
25 transaction fees and charges; and record of transaction payments.

26 8. California Code of Regulations, title 10, section 2025, subdivision (c) requires each
27 licensed business location for each deferred deposit transaction to maintain at least the following: the
28 deferred deposit transaction agreement; evidence of the check; written disclosure(s) used to provide

1 notice in compliance with subdivision (c) of Section 23035 of the Financial Code; record of any and
2 all extensions of time or payment plans for repayment of an existing deferred deposit transaction;
3 record of time periods for each transaction; record of transaction fees and charges; and record of
4 transaction payments.

5 9. California Code of Regulations, title 10, section 2029 requires that “whenever any
6 deferred deposit transaction is sold, transferred or assigned to an unaffiliated entity, the deferred
7 deposit originator relinquishing the deferred deposit transaction shall maintain at its licensed location
8 the original or an exact copy of the deferred deposit transaction agreement and all papers and other
9 documents relating to such transaction, including evidence of the check, as provided by the law.”

10 10. Financial Code section 23024 requires that all records be kept for two years following
11 the last entry on a deferred deposit transaction and shall enable an examiner to review the
12 recordkeeping and reconcile each consumer deferred deposit transaction with documentation
13 maintained in the consumer’s deferred deposit transaction file records. As such, Money Mall was
14 required to keep all such records pertaining to the 20 deferred deposit transactions that were sold to
15 KBS Services, LLC on November 20, 2012 until at least November 20, 2014.

16 11. For at least 20 deferred deposit transactions for which the date of last entry was
17 November 20, 2012 pursuant to the Contract for their sale to KBS Services, LLC, an unaffiliated
18 entity, Money Mall failed to maintain an original or an exact copy of the minimum required
19 documents for each deferred deposit transaction pursuant to California Code of Regulations, title 10,
20 section 2025, subdivision (c), and section 2029, for the requisite two years following November 20,
21 2012, in violation of Financial Code section 23024.

22 II.

23 **DESIST AND REFRAIN ORDER**

24 The Commissioner is authorized to pursue administrative actions and remedies against
25 persons who engage in violations of the CDDTL.

26 Financial Code section 23050 provides:

27 Whenever, in the opinion of the commissioner, any person is engaged in
28 the business of deferred deposit transactions, as defined in this division,
without a license from the commissioner, or any licensee is violating any

1 provision of this division, the commissioner may order that person or
2 licensee to desist and to refrain from engaging in the business or further
3 violating this division. If within 30 days, after the order is served, a written
4 request for a hearing is filed and no hearing is held within 30 days
5 thereafter, the order is rescinded.

6 Financial Code section 23024 provides in pertinent part:

7 Each licensee shall keep and use books, accounts, and records that will
8 enable the commissioner to determine if the licensee is complying with the
9 provisions of this division and with the rules and regulations promulgated
10 by the commissioner . . . All records shall be kept for two years following
11 the last entry on a deferred deposit transaction and shall enable an
12 examiner to review the recordkeeping and reconcile each consumer
13 deferred deposit transaction with documentation maintained in the
14 consumer's deferred deposit transaction file records.

15 California Code of Regulations, title 10, section 2025 states in pertinent part:

16 (c)(1) Except as provided in subsection (e), records to be maintained at
17 each licensed business location for each deferred deposit transaction shall
18 include at least the following: the deferred deposit transaction agreement,
19 evidence of the check, written disclosure(s) used to provide notice in
20 compliance with subdivision (c) of Section 23035 of the Financial Code,
21 record of any and all extensions of time or payment plans for repayment of
22 an existing deferred deposit transaction, record of time periods for each
23 transaction, record of transaction fees and charges, and record of
24 transaction payments

25 California Code of Regulations, title 10, section 2029 states:

26 Whenever any deferred deposit transaction is sold, transferred or assigned
27 to an unaffiliated entity, the deferred deposit originator relinquishing the
28 deferred deposit transaction shall maintain at its licensed location the
original or an exact copy of the deferred deposit transaction agreement and
all papers and other documents relating to such transaction, including
evidence of the check, as provided by the law.

29 The foregoing facts establish that Money Mall violated Financial Code section 23024 and
30 California Code of Regulations, title 10, sections 2025 and 2029. Pursuant to Financial Code section
31 23050 Money Mall is hereby ordered to desist and refrain from violating Financial Code section

1 23024 and California Code of Regulations, title 10, sections 2025 and 2029. This Order is necessary
2 for the protection of consumers and consistent with the purposes, policies, and provisions of the
3 CDDTL. This Order shall remain in full force and effect until further order of the Commissioner.

4 **III.**

5 **CITATION**

6 For the CDDTL violations of Jinesh Talsania, d.b.a. Money Mall Pomona, the Commissioner
7 herein issues Citation A as part of this single document:

8 **CITATION A** – For at least 20 deferred deposit transactions for which the date of last entry was
9 November 20, 2012 pursuant to the Contract for their sale to KBS Services, LLC, an unaffiliated
10 entity, Jinesh Talsania, d.b.a. Money Mall Pomona failed to maintain an original or an exact copy of
11 the minimum required documents for each deferred deposit transaction pursuant to California Code of
12 Regulations, title 10, section 2025, subdivision (c), and section 2029, for the requisite two years
13 following November 20, 2012, in violation of Financial Code section 23024.

14 Financial Code section 23058 gives the Commissioner the authority to issue citations for the
15 foregoing CDDTL violations. Section 23058 states:

16 (a) If, upon inspection, examination or investigation, based upon a
17 complaint or otherwise, the department has cause to believe that a
18 person is engaged in the business of deferred deposit transactions
19 without a license, or a licensee or person is violating any provision of
20 this division or any rule or order thereunder, the department may issue
21 a citation to that person in writing, describing with particularity the
22 basis of the citation. Each citation may contain an order to desist and
23 refrain and an assessment of an administrative penalty not to exceed
24 two thousand five hundred dollars (\$2,500). All penalties collected
25 under this section shall be deposited in the State Corporations Fund.

26 (b) The sanctions authorized under this section shall be separate from,
27 and in addition to, all other administrative, civil, or criminal remedies.

28 (c) If within 30 days from the receipt of the citation of the person cited
fails to notify the department that the person intends to request a
hearing as described in subdivision (d), the citation shall be deemed
final.

(d) Any hearing under this section shall be conducted in accordance
with Chapter 5 (commencing with Section 11500) of Part 1 of

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Division 3 of Title 2 of the Government Code, and in all states the commissioner has all the powers granted therein.

(e) After the exhaustion of the review procedures provided for in this section, the department may apply to the appropriate superior court for a judgment in the amount of the administrative penalty and order compelling the cited person to comply with the order of the department. The application, which shall include a certified copy of the final order of the department, shall constitute a sufficient showing to warrant the issuance of the judgment and order.

Pursuant to Financial Code section 23058, Jinesh Talsania, d.b.a. Money Mall Pomona is hereby ordered to pay the Commissioner an administrative penalty of two thousand five hundred dollars (\$2,500.00) for Citation A within 30 days from the receipt of this citation.

Dated: July 15, 2015
Los Angeles, California

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
MARY ANN SMITH
Deputy Commissioner