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11 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
12 OF THE STATE OF CALIFORNIA

13 In the Matter of THE COMMISSIONER OF)
14 BUSINESS OVERSIGHT,)
15 Complainant,)
16 v.)
17 PACIFIC HILLS, LLC doing business as)
18 FIRST CAPITAL BUSINESS FINANCE,)
19 Respondent.)
20)
21)

CFL APPLICATION NO.: 60DBO-54919
ORDER DENYING FINANCE LENDER
LICENSE APPLICATION

1 Jan Lynn Owen, the Commissioner of Business Oversight (“Commissioner” or
2 “Complainant”) finds that:

3 1. Pacific Hills, LLC (“Pacific Hills”) is, and at all relevant times, a California Limited
4 Liability Company founded in 2009 with its principal place of business located at 505 East Ist Street,
5 Suite D, Tustin, California 92780.

6 2. On April 1, 2016, Pacific Hills filed an application for a finance broker license (the
7 “Application”) with the Commissioner under the California Finance Lenders Law (“CFL”) (
8 Financial Code, § 22000 et seq.), in particular Financial Code section 22100.

9 3. Dustin Wataru Doi (“Doi”) is the president and chief executive officer holding 50
10 percent ownership of Pacific Hills.

11 4. Tho Vinh Doan (“Doan”) is the vice president holding the other 50 percent ownership
12 of Pacific Hills. Doan will be the person responsible for the conduct of Pacific Hills’ lending activity
13 in this state.

14 5. Doan’s Statement of Identity and Questionnaire (“SIQ”), Exhibit C to the Application,
15 at Question 5. asked: “Have you ever been convicted of or pleaded nolo contendere to a misdemeanor
16 or felony other than minor traffic citations that do not constitute a misdemeanor or felony offense?”
17 Doan answered “Yes” and provided this detail: “1998 18 years ago when I was 19, I plead guilty to
18 commercial burglary.” In that case, Doan was convicted of second degree burglary and grand theft, a
19 felony, and served 16 months in jail and was ordered to pay restitution. But Doan failed to disclose he
20 was also convicted of grand theft on April 28, 2008¹. For that crime, Doan was sentenced to two
21 years probation and ordered to participate in a work program.

22 6. On August 9, 2016, the Department requested information from Doan concerning the
23 2008 grand theft conviction. Doan responded that he took three items from a store – a USB memory
24 stick, an iPod and an FM charger, without paying for them. The items amounted to \$609.00.

25 7. Under Financial Code section 22109, subdivision (a) (2), the Commissioner may deny
26 the application for a finance lender or broker license if the applicant or an officer, director, general
27

28 ¹ People of the State of California v. Tho Vinh Doan, Case No. 06SF0365

1 partner, person responsible for the applicant's lending activities in this state, or person owning or
2 controlling, directly or indirectly, 10 percent or more of the outstanding interests or equity securities
3 of the applicant has, within the last 10 years, been convicted of or pleaded nolo contendere to a crime,
4 or committed an act involving dishonesty, fraud, or deceit, if the crime or act is substantially related
5 to the qualifications, functions, or duties of a person engaged in business in accordance with this
6 division.

7 8. Doan's criminal conviction of grand theft within the last 10 years gives the
8 Commissioner cause to deny the finance broker license application of Pacific Hills under section
9 22109 of the Financial Code.

10 9. On September 19, 2016, the Commissioner issued a Notice of Intent to Deny
11 Application for Finance Broker License, Statement of Issues, and accompanying documents against
12 Pacific Hills based upon the above. Pacific Hills was served with those documents on September 20,
13 2016 by certified return-receipt mail at the address listed on its application. The Department received
14 the green return-receipt card signed by Doi on September 25, 2016. The Department has received no
15 request for a hearing from Pacific Hills and the time to request a hearing has expired.

16 NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the finance
17 lender license application of Pacific Hills is hereby denied. This order is effective as of the date
18 hereof.

19 Dated: October 19, 2016

20 JAN LYNN OWEN
21 Commissioner of Business Oversight

22
23 By: _____
24 MARY ANN SMITH
25 Deputy Commissioner
26 Enforcement Division
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