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9 BEFORE THE DEPARTMENT OF CORPORATIONS
10 OF THE STATE OF CALIFORNIA
11

12 In the Matter of the Accusation of THE) File No.: 603-A620
CALIFORNIA CORPORATIONS)
13 COMMISSIONER,) ACCUSATION
14)
Complainant,)
15)
vs.)
16)
17 CHARLES T. CHRISTIANSEN, ROOVEN)
AKIBA, and SEAN R. ROBERTS,)
18)
19 Respondents.)

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

22 I

23 1. Respondent Charles T. Christiansen (“Christiansen”) is, and was at all times relevant
24 herein, the chief executive officer of FiVanta Funding Corp. formerly known as Champions Group
25 Equity Lending (“FiVanta”), a lender previously licensed by the California Corporations
26 Commissioner (“Commissioner”) pursuant to the California Finance Lenders Law of the State of
27 California (California Financial Code § 22000 et seq.) (“CFL”).
28

1 change in any of the persons required to be identified in the application(s). Additionally, California
2 Code of Regulations, title 10, section 1409 requires CFLL licensees to maintain a current list of
3 officers and directors with the Commissioner, and in the event of any change, to file with the
4 Commissioner the same information on such new persons as is required for an original license.

5 On or about January 23, 2009, the Department of Corporations (“Department”) received
6 information that FiVanta was advertising itself as being licensed by the Department under the CFLL
7 after its CFLL license had been revoked; a violation of Financial Code section 22161. The
8 advertisement was sent out in or about June 2008. This written advertisement further violated
9 Business and Professions Code section 17533.6 in that the advertisement was designed to be
10 interpreted or construed as having an Alameda County government connection, approval or
11 endorsement. Business and Professions Code section 17533.6 provides in relevant part that “[i]t is
12 unlawful for any person, firm, corporation, or association that is a nongovernmental entity to solicit .
13 . . the purchase of or payment for a product or service, . . . by means of a mailing, . . . that contains a
14 seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted
15 or construed as implying any . . . local government connection, approval or endorsement . . .

16 This information caused the Department to further investigate advertising by FiVanta along
17 with conducting a review of its files on FiVanta, including a review of all Annual Reports filed by
18 FiVanta.

19 Further investigation into possible advertising by FiVanta revealed that FiVanta was
20 continuing to advertise itself as a Department finance lender licensee in violation of Financial Code
21 section 22161 as recently as January 2009 on KNX radio. Additionally, the review of the
22 Department’s files revealed that FiVanta, under the leadership of Christiansen and Akiba failed to
23 disclose Christiansen, Akiba or a Gregory Toscas (“Toscas”) to the Commissioner until on or about
24 August 30, 2007. According to FiVanta filings with the California Secretary of State (“SOS”),
25 Christiansen and Toscas had become officers and/or directors of FiVanta at least one year prior to
26 their disclosure to the Department. FiVanta finally disclosed Christiansen, Akiba and Toscas by way
27 of its Annual Report, Schedule K, filed on August 30, 2007 with the Department pursuant to
28 California Financial Code section 22159. FiVanta listed Christiansen, Akiba and Toscas on its

1 Schedule K as chief executive officer, president, and treasurer, respectively. FiVanta did not file any
2 other documents in regards to Christiansen, Akiba and Toscas with the Commissioner at that time, or
3 any other time, such as the required SIQ's, which would have alerted the Commissioner's staff that
4 Christiansen, Akiba and Toscas were new officers.

5 The file review further disclosed that FiVanta, under the leadership of Christiansen and
6 Roberts, had never disclosed Roberts as an officer of FiVanta on its Annual Report Schedule K or
7 otherwise nor did they file the required SIQ on Roberts. According to correspondence from Roberts
8 with the Department on behalf of FiVanta, Roberts represented that he was an officer of FiVanta
9 since at least March 16, 2008. Filings by FiVanta with the SOS on or about April 1, 2008, disclose
10 Roberts as the secretary and a director of FiVanta. Roberts was the owner of Instafi.com, a prior
11 CFLL licensee, which licensee was abruptly closed by Roberts back in late 2003 leaving hundreds of
12 borrowers without financing and further resulting in the loss of loan fees to such borrowers.
13 Moreover, Instafi.com had its CFLL license revoked for Roberts' failure to file reports with the
14 Commissioner regarding the abrupt closure of Instafi.com.

15 On or about February 17, 2009, the Commissioner commenced an examination of the books
16 and records of FiVanta. Roberts, when questioned during the examination about FiVanta's
17 advertising activity, failed to disclose the KNX radio advertising and represented the timing of the
18 written advertisement as having commenced in March 2008 and continued over a period of six to
19 eight weeks. The examination disclosed that Christiansen and Roberts remained as officers of
20 FiVanta.

21 Based on the above, Christiansen and Akiba have (i) failed to maintain a current list of
22 officers and directors with the Commissioner in violation of California Code of Regulations, title 10,
23 section 1409 and (ii) violated California Financial Code section 22108 and California Code of
24 Regulations, title 10, section 1422 by failing to timely and adequately amend its application to
25 disclose Christiansen, Akiba, and Toscas; and Christiansen and Roberts have (i) falsely advertised
26 that FiVanta was licensed to lend under the CFLL in violation of Financial Code section 22161 and
27 (ii) violated California Financial Code section 22108 and California Code of Regulations, title 10,
28 section 1422 by failing to amend its application to disclose Roberts.

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IV

California Financial Code section 22169 provides in pertinent part:

(a) The commissioner may, after appropriate notice and opportunity for hearing, by order, . . . bar from any position of employment, management, or control any finance lender, broker, or any other person, if the commissioner finds either of the following:

(1) That the censure, suspension, or bar is in the public interest and that the person has committed or caused a violation of this division or rule or order of the commissioner, which violation was either known or should have been known by the person committing or causing it or has caused material damage to the finance lender, or to the public.

V

Complainant finds that, by reason of the foregoing, Respondents Christiansen, Akiba and Roberts have violated California Financial Code sections 22108 and 22161 and California Code of Regulations, title 10, sections 1409 and 1422, and it is in the best interests of the public to bar Respondents Christiansen, Akiba and Roberts from any position of employment, management or control of any finance lender and/or broker.

WHEREFORE, IT IS PRAYED that Respondents Christiansen, Akiba and Roberts be barred from any position of employment, management or control of any finance lender and/or broker.

Dated: March 2, 2009
Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
Judy L. Hartley
Senior Corporations Counsel