

1 PRESTON DUFAUCHARD
2 CALIFORNIA CORPORATIONS COMMISSIONER
3 ALAN S. WEINGER (CA BAR NO. 86717)
4 DEPUTY COMMISSIONER
5 320 WEST 4th Street, Ste. 750
6 LOS ANGELES, CALIFORNIA 90013-1105

7 Attorneys for Complainant

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BEFORE THE DEPARTMENT OF CORPORATIONS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of THE) File No. 413 0972
COMMISSIONER OF CORPORATIONS OF)
THE STATE OF CALIFORNIA,)
Complainant,)
vs.)
SMC FINANCIAL,)
Respondent.)

ORDER TO DISCONTINUE RESIDENTIAL MORTGAGE LENDING
AND/OR SERVICING ACTIVITIES PURSUANT TO
SECTION 50319, CALIFORNIA FINANCIAL CODE

TO: SMC FINANCIAL
4505 EAST CHANDLER BLVD., SUITE 135
PHOENIX, AZ 85048

THE COMMISSIONER OF CORPORATIONS OF THE STATE OF CALIFORNIA
FINDS THAT:

SMC FINANCIAL has failed to comply with the bonding requirements of the California Residential Mortgage Lending Act (California Financial Code Section 50000 et seq.) in that effective November 9, 2009 Bond No. 52BSBEX1418 issued by HARTFORD FIRE INSURANCE COMPANY in favor of SMC FINANCIAL expired and no replacement bond has been obtained.

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2 Based on the foregoing, Respondent is conducting residential mortgage lending
3 and/or servicing business in violation of Section 50205 of the Financial Code and is conducting
4 business in such an unsafe and injurious manner as to render further operations hazardous to the
5 public or to customers.

6 NOW, BASED ON THE FOREGOING, AND GOOD CAUSE APPEARING
7 THEREFORE, it is hereby ORDERED, under the provisions of Section 50319 of the California
8 Financial Code, SMC FINANCIAL immediately discontinue the disbursement, in whole or in part,
9 of trust funds held by the licensee and establish a separate trust account for all subsequent trust
10 funds received by the licensee.
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13 THIS ORDER is to remain in full force and effect until further order of the Commissioner.

14 Section 50319 of the Financial Code provides as follows:

15 (a) If the commissioner, as a result of any examination or from any report
16 made to him or her, shall find that any person subject to this division is in an
17 insolvent condition, is conducting business in an unsafe or injurious manner that
18 renders further operations hazardous to the public or to customers, has failed to
19 comply with the provision of Section 50317, has permitted its tangible net worth to
20 be lower than the minimum required by law, or has failed to comply with the
21 bonding requirements of Section 50205, the commissioner may, by an order
22 addressed to and served by registered or certified mail, or by personal service on that
23 person, and on any other person having in his or her possession or control any trust
24 funds or other property deposited in escrow with that person, direct discontinuance
of the disbursement, in whole or in part, of trust funds held by the licensee and order
the establishment of a separate trust account for all subsequent trust funds received
by the licensee. No person having in his or her possession any of these funds or
documents shall be liable for failure to comply with the order unless he or she has
received written notice of the order. Subject to subdivision (b), the order shall
remain in effect until set aside by the commissioner, or the person has been adjudged
bankrupt.

25 (b) Within 15 days from the date of an order pursuant to subdivision (a), the
26 person may request a hearing under the Administrative Procedure Act (Chapter 5
27 commencing with Section 11500) of Part 2 of Division 3 of Title 2 of the
28 Government Code). Upon receiving a request, the matter shall be set for hearing to
commence within 30 days after the receipt unless the person subject to this division
consents to a later date. If no hearing is requested within 15 days after the mailing or
service of the notice and none is ordered by the commissioner, the failure to request
a hearing shall constitute a waiver of the right to a hearing. Neither the request for a
hearing nor the hearing itself shall stay the order issued by the commissioner under
subdivision (a).

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DATED: November 9, 2009
Los Angeles, California

Preston DuFauchard
California Corporations Commissioner

By _____
DiAun M. Burns
Special Administrator
California Residential Mortgage Lending Act

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In the Matter of the Accusation of) File No. 4130972
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THE CALIFORNIA CORPORATIONS)
COMMISSIONER,)
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Complainant,)
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vs.)
)
)
)
SMC FINANCIAL , Respondent)
)

ORDER SUMMARILY REVOKING
RESIDENTIAL MORTGAGE LENDER AND/OR SERVICER LICENSE

THE CALIFORNIA CORPORATIONS COMMISSIONER FINDS THAT:

GOOD CAUSE APPEARING, the license issued SMC FINANCIAL is hereby revoked for failure to comply with Section 50401 of the California Residential Mortgage Lending Act which requires the payment of an assessment to the Commissioner.

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Dated: November 9, 2009
Effective: December 8, 2009
Los Angeles, California

PRESTON DUFAUCHARD
CALIFORNIA CORPORATIONS COMMISSIONER

By _____
DIAUN M. BURNS
Special Administrator
California Residential Mortgage Lending Act