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**STATE OF CALIFORNIA**  
**BUSINESS, TRANSPORTATION AND HOUSING AGENCY**  
**DEPARTMENT OF CORPORATIONS**

**TO: THOMAS W. PURINGTON AND SHARON L. PURINGTON**  
**DBA SMILEY SERVICES**  
**157 Joerschke Drive**  
**Grass Valley, CA 95945**

**CITATIONS**  
**AND**  
**DESIST AND REFRAIN ORDER**  
**(Pursuant to California Financial Code section 23058)**

The California Corporations Commissioner finds that:

1. Thomas W. Purington and Sharon L. Purington dba Smiley Services, hereinafter “Licensee” is, and was at all relevant times herein, conducting business as an individual with their principal place of business located at 157 Joerschke Drive, Grass Valley, CA 95945.

2. On or about December 31, 2004, Licensee obtained licenses from the California Corporations Commissioner (“Commissioner”) to engage in the business of deferred deposit transactions at 157 Joerschke Drive, Grass Valley, CA 95945.

3. An examination of Licensee conducted by the Commissioner on March 10, 2008 disclosed the following violations at 157 Joerschke Drive, Grass Valley, CA 95945.

Citation A. Licensee failed to conduct deferred deposit business under name authorized in license in violation of Financial Code section 23023.

Citation B. Licensee failed to include disclosure that licensee cannot use criminal process against a consumer to collect any deferred deposit transaction in Notice required to be posted in conspicuous view of the public in letters at least ½ inch in height in violation of Financial Code section 23035 (d) (1).

1 Pursuant to California Financial Code section 23058, Licensee is hereby ordered to pay to the  
2 Commissioner an administrative penalty in the total amount of \$4,000 for the following Citations  
3 within 30 days from the date of these Citations.

4 Citation A. \$2,500

5 Citation B. \$1,500

6 Pursuant to California Financial Code section 23050, Licensee is hereby ordered  
7 to desist and refrain from engaging in the business of deferred deposit transactions in the State of  
8 California in violation of the above referenced sections.

9 These Citations and Desist and Refrain Order are necessary, in the public  
10 interest, for the protection of consumers and is consistent with the purposes, policies and  
11 provisions of the California Deferred Deposit Transaction Law. These Citations and Desist and  
12 Refrain Order shall remain in full force and effect until further order of the Commissioner.

13 These Citations and Desist and Refrain Order are separate from any further action that may  
14 include other administrative, civil or criminal remedies that the Commissioner may take based upon  
15 the violations of law cited herein or otherwise.

16  
17 California Financial Code section 23058 provides, in relevant part:

18 (a) If, upon inspection, examination or investigation, based upon a  
19 complaint or otherwise, the department has cause to believe that a person  
20 is engaged in the business of deferred deposit transactions without a license,  
21 . . . the department may issue a citation to that person in writing, describing  
22 with particularity the basis of the citation. Each citation may contain . . . an  
23 assessment of an administrative penalty not to exceed two thousand five hundred  
24 dollars (\$2,500) . . . .  
25 . . .

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

(d) Any hearing held under this section shall be conducted in accordance with  
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2  
of the Government Code . . . .

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California Financial Code section 23050 provides:

Whenever, in the opinion of the commissioner, any person is engaged in the business of deferred deposit transactions, as defined in this division, without a license from the commissioner, or any licensee is violating any provision of this division, the commissioner may order that person or licensee to desist and to refrain from engaging in the business or further violating this division. If, within 30 days, after the order is served, a written request for a hearing is filed and no hearing is held within 30 days thereafter, the order is rescinded.

The request for a hearing may be made by delivering or mailing a written request to:

Steven Thompson  
Special Administrator  
California Deferred Deposit Transaction Law  
Department of Corporations  
320 West 4<sup>th</sup> Street, Ste. 750  
Los Angeles, California 90013-2344  
(213) 576-7610

Dated: June 12, 2008  
Los Angeles, CA

PRESTON DUFAUCHARD  
California Corporations Commissioner

By \_\_\_\_\_  
Steven C. Thompson  
Special Administrator  
California Deferred Deposit Transaction Law