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

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14	In the Matter of THE COMMISSIONER OF BUSINESS OVERSIGHT,) CDDTL No.: 100-0201, 100-0202, 100-0203
15	Complainant,)
16	v.) ACCUSATION TO SUSPEND DEFERRED DEPOSIT ORIGINATOR LICENSE
17	SUN CASH OF SD, LLC dba SUN CASH,)
18	Respondent.)
19)
20)
21)

1 Jan Lynn Owen, the Commissioner of Business Oversight (“Commissioner”), alleges and
2 charges as follows:

3 **I**

4 **Jurisdiction and Venue**

5 1. The Commissioner, as head of the Department of Business Oversight (“Department”),
6 is authorized to administer and enforce the provisions of the California Deferred Deposit Transaction
7 Law (“CDDTL”) (Fin. Code, § 23000 et seq.) and the rule and regulations promulgated thereunder.

8 2. The Commissioner brings this action to suspend the deferred deposit originator license
9 previously issued to Respondent Sun Cash of SD, LLC doing business as Sun Cash (“Sun Cash”)
10 under Financial Code section 23052 and the rules and regulations promulgated thereunder.

11 **II**

12 **Statement of Facts**

13 3. Respondent Sun Cash is a deferred deposit originator licensed by the Commissioner
14 on December 31, 2004. Sun Cash is licensed as a limited liability company with its principal place of
15 business at 730 H Street, #2, Chula Vista, CA 91910. Sun Cash has two additional licensed business
16 locations at 2720 E. Plaza Blvd., Suite L, National City, CA 91950 and 5419 El Cajon Blvd., Suite
17 200, San Diego, CA 92115.

18 4. Paul Vorel (“Vorel”), at all relevant times, served as the chief financial officer of Sun
19 Cash.

20 5. On August 17, 2015, the Commissioner commenced a regulatory examination of Sun
21 Cash at the San Diego location. Prior to the examination, the Commissioner’s examiner requested
22 that Sun Cash complete the Summary of Personnel form which is used to identify all individuals who
23 are officers, directors, or direct or indirect owners of 10% or more of the company. During the
24 examination, Sun Cash provided the completed Summary of Personnel form and supporting
25 documentation which included a chart showing the ownership structure of the company. The
26 Commissioner’s examiner determined that three of the five individuals listed on the Summary of
27 Personnel – Michael Robbins, Scott Robbins and Randy Roche, did not have their fingerprints on file
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1 with the Department. In response to the Commissioner's inquiry, Sun Cash indicated that Michael
2 Robbins and Scott Robbins who were listed as "GM" and "COO," respectively, were not officers,
3 directors, or owners of 10% or more of the company, therefore, they were not required to submit
4 fingerprints. Sun Cash also stated that fingerprints for Randy Roche, a 35% shareholder of Sun Cash,
5 were submitted along with the original application.

6 6. On April 14, 2016, the Commissioner sent an email to Vorel requesting that Sun Cash
7 provide an explanation of the roles and responsibilities of Michael Robbins and Scott Robbins. In
8 addition, the Commissioner also informed Vorel that it did not have any fingerprint records on file for
9 Randy Roche. The Commissioner requested that Sun Cash provide evidence that the required
10 fingerprint documents and applicable processing fees have been submitted to the Department. In
11 response, Vorel stated that Sun Cash would submit the required fingerprint information to the
12 Department for all three individuals. With respect to the roles and responsibilities of Michael Robbins
13 and Scott Robbins, Vorel indicated that that both Michael Robbins and Scott Robbins worked as store
14 managers and are responsible for the daily operations of the branches, they were not officers,
15 directors, or owners of 10% or more of the company. Accordingly, the Commissioner did not require
16 the fingerprints of Michael Robbins and Scott Robbins.

17 7. The Commissioner has made numerous requests to Sun Cash to provide the
18 fingerprints for Randy Roche or provide evidence that the required fingerprint documents and
19 applicable processing fees have been submitted to the Department, but to date nothing has been
20 provided. On May 6, 2016, in response to the Commissioner's email concerning the fingerprints for
21 Randy Roche, Vorel answered that he would submit the necessary documentation once he receives
22 the fingerprint cards from CDDTL Licensing Specialist Kenneth Wu ("Wu"). Wu confirmed Vorel
23 requested the fingerprint cards and those cards were mailed to Vorel, but the Department did not
24 receive any fingerprint documentation for Randy Roche. Other emails sent to Vorel concerning the
25 missing fingerprints for Randy Roche were sent on July 5, 2016, July 14, 2016, and September 30,
26 2016. Attempts to contact Vorel by phone were unsuccessful and the outgoing voicemail was
27 unavailable to leave a message. The last attempt to contact Vorel by phone was on August 12, 2016.

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1 8. By reason of respondent’s continuing violation of the CDDTL, the Commissioner
 2 seeks to suspend the deferred deposit originator license of Sun Cash under Financial Code section
 3 23052, until it provides the required fingerprints for Randy Roche or provide evidence that the
 4 required fingerprint documents and applicable processing fees have been submitted to the
 5 Department.

6 III

7 **SUSPENSION OF DEFERRED DEPOSIT ORIGINATOR LICENSE**

8 9. Financial Code section 23008 authorizes the Commissioner to require Sun Cash to
 9 submit finger print documentation for Randy Roche, a 35% shareholder of Sun Cash. Section 23008
 10 provides:

11 Upon the filing of an application pursuant to Section 23005 and the
 12 payment of fees pursuant to Section 23006, the commissioner shall
 13 investigate the applicant, and its general partners and persons owning
 14 or controlling, directly or indirectly, 10 percent or more of the
 15 outstanding interests if the applicant is a partnership. If the applicant is
 16 a corporation, trust, or association, including an unincorporated
 17 organization, the commissioner shall investigate its officers, directors,
 and persons owning or controlling, directly or indirectly, 10 percent or
 more of the outstanding equity securities. If the commissioner
 determines that the applicant has satisfied this division and does not
 find facts constituting reasons for denial under Section 23011, the
 commissioner shall issue and deliver a license to the applicant.

18 10. Financial Code section 23010 authorizes the Commissioner to require Sun Cash to file
 19 fingerprint documentation for Randy Roche, a 35% shareholder of Sun Cash. Section 25010
 20 provides:

21 The commissioner may by regulation require licensees to file, at the
 22 times that the commissioner may specify, the information that the
 23 commissioner may reasonably require regarding any changes in the
 information provided in any application filed pursuant to this division.

24 11. Financial Code section 23052 provides that failure to comply with any demand, ruling,
 25 or requirement of the Commissioner constitutes grounds for suspension of a CDDTL license. Section
 26 23052 provides:

27 The commissioner may suspend or revoke any license, upon notice and
 28 reasonable opportunity to be heard, if the commissioner finds any of

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the following:

(a) The licensee has failed to comply with any demand, ruling, or requirement of the commissioner made pursuant to and within the authority of this division.

(b) The licensee has violated any provision of this division or any rule or regulation made by the commissioner under and within the authority of this division.

12. The Commissioner has demanded that Sun Cash provide the required fingerprints for Randy Roche, a 35% shareholder of Sun Cash, or provide evidence that the required fingerprint documents and applicable processing fees have been submitted to the Department, but Sun Cash has failed to comply with the Commissioner’s demand.

13. Respondent Sun Cash’s continued failure to submit the required fingerprints for Randy Roche or submit evidence that the required fingerprint documents and applicable processing fees have been provided to the Commissioner provides grounds for the Commissioner to suspend the deferred deposit originator license of Sun Cash under Financial Code section 23052, subdivision (a).

WHEREFORE, IT IS PRAYED that the deferred deposit originator license of Sun Cash be suspended until Sun Cash provides the required fingerprints for Randy Roche or provides evidence that the required fingerprint documents and processing fees have been submitted to the Department.

Dated: December 6, 2016

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
MARLOU de LUNA
Senior Counsel
Enforcement Division