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

12	In the Matter of)	DESIST AND REFRAIN ORDER PURSUANT
13	THE CALIFORNIA CORPORATIONS)	TO CALIFORNIA FINANCIAL CODE
14	COMMISSIONER,)	SECTION 23050; and
15	Complainant,)	ORDER VOIDING TRANSACTIONS
16	v.)	PURSUANT TO CALIFORNIA FINANCIAL
17	Vandelier Group LLC)	CODE SECTION 23060
18)	
19	Respondents.)	
20)	
21)	

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23 Complainant, the Commissioner of the California Department of Corporations
24 (“Commissioner” or “Department”), is informed and believes, and based on such information and
25 belief, finds as follows:

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I.

FACTUAL BACKGROUND

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3 1. Vandelier Group LLC (“Vandelier”) is, and was at all relevant times herein, an entity
4 of unknown form. Vandelier operates over the internet using the domain name cwbservices.net,
5 including but not limited to the email address vandelierinfo@cwbservices.net, and maintains an
6 address located at P.O. Box 411056, Kansas City, Missouri 64141. Vandelier provides the telephone
7 number (866) 564-6020 and fax number (888) 296-0313.

8 2. The internet domain name cwbservices.net is used by multiple entities, including but
9 not limited to Vandelier, Anasazi Group LLC, and St. Armands Services LLC a.k.a. St. Armands
10 Group LLC (“St. Armands”). St. Armands is located at P.O. Box 411056, Kansas City, Missouri
11 64141, and 1010 Walnut Street, Kansas City, Missouri 64106.

12 3. The Commissioner has jurisdiction over deferred deposit transactions as set forth in
13 the California Deferred Deposit Transaction Law (“CDDTL”) (California Financial Code section
14 23000 *et. seq.*).

15 4. “Deferred deposit transaction” means a transaction whereby a person defers depositing
16 a customer’s personal check until a specific date, pursuant to a written agreement for a fee or other
17 charge. “Personal check,” which is referenced in California Financial Code section 23001,
18 subdivision (a), includes the electronic equivalent of a personal check, such as an Automated
19 Clearing House (“ACH”) or debit card transaction.

20 5. On January 30, 2012, the Commissioner, pursuant to California Financial Code
21 section 23050, ordered St. Armands to desist and refrain from violating California Financial Code
22 sections 23005 and 23036. Pursuant to California Financial Code section 23060 any and all deferred
23 deposit transactions contracted with California customers or in the State of California by St. Armands
24 are void.

25 6. On February 7, 2012, St. Armands was served the Desist and Refrain Order Pursuant
26 to California Financial Code Section 23050 and Order Voiding Transactions and To Disgorge All
27 Charges and Fees Pursuant to California Financial Code Section 23060 (“Commissioner’s Order”).
28 The Commissioner’s Order issued to St. Armands remains in full force and effect.

1 California Financial Code section 23050 provides, in pertinent part:

2 Whenever, in the opinion of the commissioner, any person is engaged in
3 the business of deferred deposit transactions . . . without a license from the
4 commissioner, or any licensee is violating any provision of this division,
5 the commissioner may order that person or licensee to desist and to refrain
6 from engaging in the business or further violating this division. If within
7 30 days, after the order is served, a written request for a hearing is filed
8 and no hearing is held within 30 days thereafter, the order is rescinded.

7 Cal. Fin. Code § 23050 (2012).

8 California Financial Code section 23005 subdivision (a) prohibits any person from offering,
9 originating, or making a deferred deposit transaction without first obtaining a license from the
10 Commissioner, except as specified. Section 23036 subdivision (a) limits fees to 15% of the face
11 amount of the deferred deposit transaction. Section 23036 subdivision (e) limits the exclusive fee
12 charged for the return of a dishonored check to fifteen dollars (\$15).

13 The foregoing facts establish violations of the CDDTL by Vandelier Group LLC including: 1)
14 engaging in the business of originating or offering to originate deferred deposit transactions without
15 having first obtained a license to do so from the Commissioner, in violation of section 23005(a); 2)
16 charging excessive transaction fees in violation of section 23036(a); and 3) charging excessive
17 returned check fees in violation of section 23036(e).

18 Pursuant to Financial Code section 23050 Vandelier Group LLC is hereby ordered to desist
19 and refrain from violating Financial Code sections 23005 and 23036. This Order is necessary for the
20 protection of consumers and consistent with the purposes, policies, and provisions of the CDDTL.
21 This Order shall remain in full force and effect until further order of the Commissioner.

22 **III.**

23 **ORDER VOIDING CALIFORNIA DEFERRED DEPOSIT TRANSACTIONS**

24 California Financial Code section 23060 provides:

25 (a) If any amount other than, or in excess of, the charges or fees permitted by
26 this division is willfully charged, contracted for, or received, a deferred deposit
27 transaction contract shall be void, and no person shall have any right to collect
28 or receive the principal amount provided in the deferred deposit transaction, any
charges, or fees in connection with the transaction.

(b) If any provision of this division is willfully violated in the making or collection of a deferred deposit transaction, the deferred deposit transaction contract shall be void, and no person shall have any right to collect or receive any amount provided in the deferred deposit transaction, any charges, or fees in connection with the transaction.

Cal. Fin. Code § 23060 (2012).

Pursuant to California Financial Code section 23060 subdivisions (a) and (b), any and all deferred deposit transactions contracted with California customers or in the State of California by Vandelier Group LLC are therefore void. Vandelier Group LLC is hereby ordered to immediately cease collecting all principal amounts, and return all principal amounts, provided in any and all deferred deposit transactions contracted with California customers or in the State of California, and to disgorge any and all charges or fees received in conjunction with those deferred deposit transactions.

Dated: July 30, 2012
Los Angeles, California

JAN LYNN OWEN
California Corporations Commissioner

By: _____
ALAN S. WEINGER
Deputy Commissioner