

1 STATE OF CALIFORNIA
2 BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
3 DEPARTMENT OF BUSINESS OVERSIGHT

4 TO: William MacNamara
5 Scott Peters
6 Thomas FencI
7 Chris McLaughlin
8 Wisper Ventures, LLC
9 246 S. Cortez Street
10 Prescott, Arizona 86303

11 Wisper Ventures Leasing, LLC
12 7135 East Camelback Road, Suite F240
13 Scottsdale, Arizona 85251

14 **DESIST AND REFRAIN ORDER**
15 **(For violations of Financial Code section 22100)**

16 The Commissioner of Business Oversight (Commissioner) finds that:

- 17 1. At all relevant times, Wisper Ventures Leasing, LLC was an Arizona limited liability
18 company with its last known address at 7135 East Camelback Road, Suite F240, Scottsdale, Arizona
19 85251. Wisper Ventures Leasing, LLC’s statutory agent for service of process is André Carman
20 (Carman), also located at 7135 East Camelback Road, Suite F240, Scottsdale, Arizona 85251.
- 21 2. Wisper Ventures, LLC is the sole member of the limited liability company, Wisper Ventures
22 Leasing, LLC.
- 23 3. Wisper Ventures, LLC is an Arizona limited liability company with its last known address at
24 535 East McKellips Road, Suite 3-115, Mesa, Arizona 85203. Wisper Ventures, LLC’s statutory
25 agent for service of process is also Carman, located at the Carman Law Firm, 246 South Cortez
26 Street, Prescott, Arizona 86303.
- 27 4. At all relevant times, William MacNamara, Scott Peters, and Thomas FencI were the sole
28 members of Wisper Ventures, LLC.
- 5. At all relevant times, Chris McLaughlin was a controller of Wisper Ventures, LLC.
- 6. Between 2014 and 2016, Wisper Ventures Leasing, LLC provided nine commercial loans to a
California company.

- 1 7. In each transaction:
- 2 a. The loans were secured by assets in the possession of the borrower prior to Wisper
- 3 Ventures Leasing, LLC providing money to the borrower.
- 4 b. The borrower sought money to pay the ongoing costs of its business.
- 5 c. The borrower received money, followed by the “sale” of the borrower’s property to
- 6 Wisper Ventures Leasing, LLC, with a provision for repayment in the form of
- 7 payments to Wisper Ventures Leasing.
- 8 d. The borrower gave up title to certain property as security in exchange for receiving
- 9 money, but retained control of its property.
- 10 e. There was no risk of Wisper Ventures Leasing, LLC losing capital, other than the
- 11 insolvency of the borrower.
- 12 f. The transactions included agreements for title reversions and “repurchase” at the end of
- 13 the payment periods described in the agreements.

14 8. Although Wisper Ventures Leasing, LLC labeled the transactions as sale-leaseback

15 transactions, the transactions were loans under the California Finance Lenders Law (Fin. Code,

16 22000 et seq.).

17 By reason of the foregoing, Wisper Ventures Leasing, LLC, Wisper Ventures, LLC, William

18 MacNamara, Scott Peters, Thomas Fencl, and Chris McLaughlin, have engaged in the business of a

19 finance lender and/or broker without having first obtained a license from the Commissioner in

20 violation of Financial Code section 22100.

21 Pursuant to Financial Code section 22712, Wisper Ventures Leasing, LLC, Wisper Ventures,

22 William MacNamara, Scott Peters, Thomas Fencl, and Chris McLaughlin are ordered to desist and

23 refrain from engaging in the business of a finance lender and/or broker in the State of California

24 without first obtaining a license from the Commissioner, or otherwise being exempt.

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This order is necessary, in the public interest, for the protection of California borrowers, and is consistent with the purposes, policies, and provisions of the California Finance Lenders Law. This order shall remain in full force and effect until further order of the Commissioner.

Dated: May 12, 2017
San Francisco, California

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division