

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

5 TO: Fusion Bank
6 Kendell Lang
7 Harbour Bay Shopping Plaza
8 East Bay Street
9 Nassau, New Providence
10 Commonwealth of the Bahamas

11 **CEASE AND DESIST ORDER**
12 **(For Violations of Financial Code section 560, 561 and 562)**

13 The Commissioner of Business Oversight (Commissioner) finds:

14 1. The Commissioner has jurisdiction to license and regulate persons and entities
15 engaged in the business of banking in California, pursuant to the Financial Institutions Law (Fin.
16 Code, § 99 et seq.).

17 2. At all relevant times, Fusion Bank advertised that it is located at Harbour Bay
18 Shopping Plaza, East Bay Street, Nassau, New Providence, Commonwealth of the Bahamas. Fusion
19 Bank advertises its banking services over the internet at www.cannafriendlysociety.com. Fusion
20 Bank’s website claims that it is part of an organization in the Bahamas called the
21 “CannaFriendlySociety.”

22 3. At all relevant times, Kendell Lang is an individual purporting to be the Chief
23 Executive Officer of Fusion Bank.

24 4. Since at least January 2018, Fusion Bank has used the word “bank” in its name.

25 5. Since at least January 2018, Fusion Bank and Kendell Lang have advertised and
26 offered banking services in California, including: (a) “[t]he ability to pay employees, vendors and tax
27 authorities through customary account methods”; (b) “[a] disruptive private account solution to
28 eliminate operating in cash”; (c) “[p]rivate, members-only branch locations in each State operating as
a Private Vault Facility or PVF”; (d) “[s]ecure cash deposits receive a Safe Keeping Receipt (SKR) in

1 the same manner as private vaulting companies”; and (e) “[s]ecure, online and mobile-first banking
2 through Fusion Bank”.

3 6. Financial Code section 560 provides that no person shall solicit or receive deposits or
4 transact business in the way or manner of a bank unless it has received a certificate issued by the
5 Commissioner authorizing it to engage in the banking business.

6 7. Financial Code section 561 provides that no person shall advertise that it is accepting
7 deposits unless it has received a certificate issued by the Commissioner authorizing it to engage in the
8 banking business.

9 8. Financial Code section 562 provides that no person shall transact business under any
10 name or title that contains the word “bank” unless it has received a certificate issued by the
11 Commissioner authorizing it to engage in the banking business.

12 9. As of the date of this order, Fusion Bank has not been issued a certificate by the
13 Commissioner authorizing it to engage in the banking business.

14 Based upon the foregoing, the Commissioner finds that Fusion Bank and Kendell Lang
15 solicited deposits and transacted business in the way or manner of a bank without receiving a
16 certificate from the Commissioner authorizing it to engage in the banking business, in violation of
17 Financial Code section 560.

18 Further, the Commissioner finds that Fusion Bank and Kendell Lang violated Financial Code
19 section 561 by advertising that Fusion Bank is accepting deposits without receiving a certificate from
20 the Commissioner authorizing it to engage in the banking business.

21 Further, the Commissioner finds that Fusion Bank and Kendell Lang violated Financial Code
22 section 562 by transacting business under a name which contains the word “bank” without having
23 first obtained a certificate from the Commissioner authorizing it to engage in the banking business.

24 Under the Authority granted to the Commissioner by Financial Code section 567, Fusion
25 Bank and Kendell Lang are hereby ordered to cease and desist from transacting business under the
26 name “Fusion Bank” until Fusion Bank obtains a certificate from the Commissioner authorizing it to
27 engage in the banking business.

28 Fusion Bank and Kendell Lang are further ordered to cease and desist from soliciting deposits

1 or advertising that Fusion Bank is accepting deposits, or transacting business in the way or manner of
2 a bank, without first obtaining a certificate from the Commissioner authorizing it to engage in the
3 banking business.

4 This Order is necessary, in the public interest, for the protection of consumers, and is
5 consistent with the purposes, policies and provisions of the Financial Institutions Law.

6

7 Dated: May 7, 2018
8 Sacramento, California.

9

JAN LYNN OWEN
Commissioner of Business Oversight

10

By _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28