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9 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
10 OF THE STATE OF CALIFORNIA

11	In the Matter of:	)	DESIST AND REFRAIN ORDER (FIN CODE
		)	22000)
12	THE COMMISSIONER OF BUSINESS	)	
13	OVERSIGHT,	)	AND
		)	
14	Complainant,	)	ORDER VOIDING TRANSACTIONS AND
		)	TO DISGORGE ALL CHARGES AND FEES
15	v.	)	(FIN CODE 22750)
		)	
16	UNCLE WARBUCKS, MONEY MESSIAH,	)	
17	DASH OF CASH, RAPITAL CAPITAL,	)	
		)	
18	Respondents.	)	
19		)	

20 The Commissioner of Business Oversight (“Commissioner”) finds that:

21 **I. FACTUAL BACKGROUND**

22 1. The Commissioner is authorized to pursue administrative actions against persons who  
23 engage in violations of the California Financing Law (“CFL,” Fin. Code § 22000, et seq.) or the  
24 California Deferred Deposit Transaction Law (“CDDTL,” Fin. Code § 23000, et seq.).

25 2. At all relevant times, Uncle Warbucks was a company registered in Quebec, Canada,  
26 with its principal place of business at 1329-D Arena Road, Lot 110, Kahnawake, Quebec JOL 1B0,  
27 and a telephone number of (855) 885-4027.

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1           3.       At all relevant times, Uncle Warbucks maintained a website address of  
2 <http://www.unclewarbucks.com>. The website states that Uncle Warbucks offers loans of up to \$1,000  
3 with annual percentage rates ranging from 550% to 780%, makes available a loan application to  
4 prospective borrowers, and indicates that customers receive loan proceeds as soon as the next  
5 business day.

6           4.       At all relevant times, Money Messiah was a company registered in Quebec, Canada,  
7 with its principal place of business at 1329-B Arena Road, Lot 110, Kahnawake, Quebec JOL 1B0,  
8 and a telephone number of (855) 877-8150.

9           5.       At all relevant times, Money Messiah maintained a website address of  
10 <http://www.moneymessiah.com>. The website states that Money Messiah offers loans of up to \$1,000  
11 with annual percentage rates ranging from 550% to 780%, makes available a loan application to  
12 prospective borrowers, and indicates that customers receive loan proceeds as soon as the next  
13 business day.

14          6.       At all relevant times, Dash of Cash was a company registered in Quebec, Canada, with  
15 its principal place of business at 1329-A Arena Road, Lot 110, Kahnawake, Quebec JOL 1B0, and a  
16 telephone number of (844) 810-2274.

17          7.       At all relevant times, Dash of Cash maintained a website address of  
18 <http://www.dashofcash.com>. The website states that Dash of Cash offers loans of up to \$1,000 with  
19 annual percentage rates ranging from 550% to 780%, makes available a loan application to  
20 prospective borrowers, and indicates that customers receive loan proceeds as soon as the next  
21 business day.

22          8.       At all relevant times, Rapital Capital was a company registered in Quebec, Canada,  
23 with its principal place of business at 1329-C Arena Road, Lot 110, Kahnawake, Quebec JOL 1B0,  
24 and a telephone number of (855) 877-3405.

25          9.       At all relevant times, Rapital Capital maintained a website address of  
26 <http://www.rapitalcapital.com>. The website states that Rapital Capital offers loans of up to \$1,000  
27 with annual percentage rates ranging from 550% to 780%, makes available a loan application to  
28

1 prospective borrowers, and indicates that customers receive loan proceeds as soon as the next  
2 business day.

3 10. At all relevant times, Uncle Warbucks, Money Messiah, Dash of Cash, and Rapital  
4 Capital (collectively, “Respondents”) have each purported to be a member of the “Speedy Loan  
5 Network,” and were each registered in Quebec, Canada to an individual named Carolyn Stalk.

6 11. The Commissioner administers the California Financing Law (“CFL,” Fin. Code, §  
7 22000 et seq.). Financial Code section 22100, subsection (a) provides:

8 No person shall engage in the business of a finance lender or broker without  
9 obtaining a license from the commissioner.

10 A “finance lender” is defined by Financial Code section 22009 as “any person who is engaged  
11 in the business of making consumer loans or commercial loans. Section 22004 defines a “broker” as  
12 “any person who is engaged in the business of negotiating or performing any act as broker in  
13 connection with loans made by a finance lender.”

14 12. The Commissioner also administers the California Deferred Deposit Transaction Law  
15 (“CDDTL,” Fin. Code § 23000 et seq.). Financial Code section 23005 provides:

16 (a) A person shall not offer, originate, or make a deferred deposit transaction,  
17 arrange a deferred deposit transaction for a deferred deposit originator, act as an  
18 agent for a deferred deposit originator, or assist a deferred deposit originator in the  
19 origination of a deferred deposit transaction without first obtaining a license from  
the commissioner and complying with the provisions of this division.

20 13. The Commissioner has never issued licenses to any of the Respondents to engage in  
21 the business of a finance lender or broker, or to engage in the business of offering, originating, or  
22 making deferred deposit transactions. Moreover, none of the Respondents is exempt from the  
23 licensing requirements of Financial Code section 22100 or 23005.

24 14. Respondents offered and made loans to California consumers through their respective  
25 websites and/or lender search services (lead generators).

26 15. On June 2, 2014, the Commissioner issued a desist and refrain order against Uncle  
27 Warbucks, in which she ordered Uncle Warbucks to stop making loans to California residents  
28 without a license under the CDDTL.



1 **Order Voiding Transactions**

2 25. Financial Code section 22750 provides that if any provision of the CFL  
3 is willfully violated in the making or collection of a loan, whether by a licensee or  
4 by an unlicensed person subject to [the CFL], the contract of loan is void, and no  
5 person has any right to collect or receive any principal, charges, or recompense in  
6 connection with the transaction.

7 26. Financial Code section 23060, subdivision (b), provides that if any provision of the  
8 CDDTL

9 is willfully violated in the making or collection of a deferred deposit transaction, the  
10 deferred deposit transaction contract shall be void, and no person shall have any  
11 right to collect or receive any amount provided in the deferred deposit transaction,  
12 any charges, or fees in connection with the transaction.

13 27. Despite service of the orders on Respondents, Respondents continue to violate  
14 Financial Code section 22100 of the CFL. This continuing conduct constitutes a willful violation of  
15 the CFL.

16 28. Despite service of the orders on Respondents, Respondents continue to violate  
17 Financial Code section 23005 of the CDDTL. This continuing conduct constitutes a willful violation  
18 of the CDDTL.

19 29. Accordingly, each and every loan made in California or to a California resident by  
20 Respondents after June 2, 2014 is void, and Respondents shall not have any right to collect or receive  
21 any payment in connection with any such loan or deferred deposit transaction.

22 30. This order is necessary, is in the public interest, is for the protection of consumers, and  
23 is consistent with the purposes, policies and provisions of the CFL and the CDDTL.

24 DATED: May 29, 2020  
25 Sacramento, California

26 MANUEL P. ALVAREZ  
27 Commissioner of Business Oversight

28 By: \_\_\_\_\_  
MARY ANN SMITH  
Deputy Commissioner  
Enforcement Division