1 2 3	MARY ANN SMITH Deputy Commissioner Department of Business Oversight 320 West 4 <sup>th</sup> Street, Suite 750 Los Angeles, California 90013				
4	Attomay for Compleinant				
5	Attorney for Complainant				
6					
7	BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT				
8	OF THE STATE OF CALIFORNIA				
9					
10	In the Matter of:	) CFL LICENSE NO.: 60DBO91587			
11	THE COMMISSIONER OF BUSINESS	) )			
12	OVERSIGHT,	)			
13	Complainant,	) DESIST AND REFRAIN ORDER PURSUANT			
14	v.	) TO FINANCIAL CODE SECTION 22712 )			
15	VELLY MODICACE CENTED LLC	)			
16	KELLY MORTGAGE CENTER, LLC,	)			
17	Respondent.	)			
18		)			
19	TO: Kelly Mortgage Center, LLC				
20	18100 Von Karman Avenue, S	Suite 850			
21	Irvine, California 92612				
22	Complainant, the Commissioner of Business Oversight (Commissioner) finds that Kelly				
23	Mortgage Center, LLC (Respondent) violated provisions of the California Financing Law (CFL)				
24	(Fin. Code, § 22000 et seq.) and applicable regulations and hereby issues the following Findings of				
25	Fact and Desist and Refrain Order:				
26	I.				
27	Findings of Fact				
28	1. The Commissioner is authorized to administer and enforce the provisions of the CFL				
		1			

and the rules and regulations promulgated thereunder.

- 2. Respondent is a licensed finance lender/broker with a principal place of business at 18100 Von Karman Avenue, Suite 850, Irvine, California 92612.
- 3. Pursuant to Financial Code section 22712, CFL licensees are required to maintain a surety bond in the minimum amount of \$25,000.00.
- 4. On or around February 19, 2020, the Commissioner received notice that Respondent's surety bond would expire on March 25, 2020.
- 5. On March 9, 2020, the Commissioner notified Respondent that the Commissioner would issue a Desist and Refrain Order under Financial Code section 22712, subdivision (a) if the surety bond was not reinstated, continued, or replaced by March 25, 2020.
  - 6. Respondent's surety bond expired on March 25, 2020.
- 7. Respondent has yet to replace or reinstate its surety bond in violation of Financial Code section 22112.

## II.

## **Desist and Refrain Order**

- 8. Financial Code section 22112 and California Code of Regulations, title 10, section 1422 require a licensee to maintain a surety bond at all times.
  - 9. Financial Code section 22712, subdivision (a) provides, in relevant part:
    - Whenever, in the opinion of the commissioner . . . any licensee violates any provision of this division, any provision of an order, or any regulation adopted pursuant to this division, the commissioner may order that person or licensee to desist and to refrain from engaging in the business or further continuing that violation. If, within 30 days after the order is served, a written request for a hearing is filed and no hearing is held within 30 days thereafter, the order is rescinded. . . .
- 10. Respondent violated Financial Code section 22112 and California Code of Regulations, title 10, section 1422, by failing to maintain its surety bond.

NOW BASED ON THE FOREGOING, IT IS HEREBY ORDERED under Financial Code section 22712, subdivision (a), that Kelly Mortgage Center, LLC immediately desist and refrain from further violating Financial Code section 22112 and California Code of Regulations, title 10, section 1422, by reinstating, continuing, or replacing its surety bond in compliance with Financial

Code section 22112. This Order shall remain in full force and effect until further order of the Commissioner. Dated: May 18, 2020 Los Angeles, CA MANUEL P. ALVAREZ Commissioner of Business Oversight By\_ CHARLES AGBONKPOLOR Special Administrator California Financing Law