

**State of California  
Office of Administrative Law**

In re:  
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections: 31.28

Amend sections:

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

OAL Matter Number: 2021-0315-01

OAL Matter Type: File and Print Only (FP)

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This action by Department of Justice amends section 31.28, Electronic Surety Bond - California Financing Law Bond, in the title 11 listing of approved surety bonds for the Department of Financial Protection and Innovation.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: April 27, 2021



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Kevin D. Hull  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Xavier Becerra, Attorney  
General

Copy: Sarah L. Fabian

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

**FILE PRINT**

For use by Secretary of State only

STD. 400 (REV. 10/2019)

<b>OAL FILE NUMBERS</b>	<b>NOTICE FILE NUMBER</b> Z-	<b>REGULATORY ACTION NUMBER</b> 2021-0315-01	<b>EMERGENCY NUMBER</b> PP
For use by Office of Administrative Law (OAL) only		<p>2021 MAR 15 P 2:24</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>	
NOTICE		REGULATIONS	
<b>AGENCY WITH RULEMAKING AUTHORITY</b> Department of Justice, for the Department of Financial Protection and Innovation			<b>AGENCY FILE NUMBER (If any)</b>

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

APR 27 2021

1:20 PM

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
<b>OAL USE ONLY</b>		<b>ACTION ON PROPOSED NOTICE</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Department of Financial Protection and Innovation - <i>request re Bond Form 4/5/2021</i>		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>		ADOPT Article 6, section 31.28 Electronic Surety Bond - California Financing Law	
TITLE(S) 11, Div. 1, Chapter 2		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Adoption of surety bond form	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Sarah L. Fabian		TELEPHONE NUMBER 415-510-3517	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

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SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Sarah L. Fabian</i>	DATE March 3, 2021
TYPED NAME AND TITLE OF SIGNATORY Sarah L. Fabian - Deputy Attorney General	

STATE OF CALIFORNIA – DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION  
**ELECTRONIC SURETY BOND – CALIFORNIA FINANCING LAW**  
DFPI-802 (New. 02-21)



Bond No. [REDACTED]

Bond Amount: [REDACTED]

Effective Date: [REDACTED]

**KNOW ALL PERSONS BY THESE PRESENTS:**

That we, [REDACTED] including any and all trade names, NMLS # [REDACTED], whose address for service is [REDACTED], as Principal, and [REDACTED], NAIC # [REDACTED], whose address for service is [REDACTED], duly licensed to do surety business in the State of California as Surety (Principal and Surety together are hereinafter collectively referred to as "Obligors"), are held and firmly bound unto the Commissioner of Financial Protection and Innovation of the State of California ("Commissioner") for use by the Commissioner, for its own benefit, and for the benefit of any person or persons who may have a cause of action against us as the Obligors of this instrument under the provisions of the California Financing Law, California Financial Code section 22000 et seq., the provisions of Chapter 2 (commencing with section 995.010) of Title 14, Part 2, California Code of Civil Procedure, and Financial Code section 22112, hereafter described in the penal sum of [REDACTED], lawful money of the United States of America, to be paid to the Commissioner for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

Whereas, the above bound Principal has applied to the Commissioner for a license to engage in the business of finance lending, brokering, or administering a PACE program, as provided by law under the California Financing Law.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal and any employee or agent representing the Principal, working at any location, faithfully conform to and abide by each and every provision of the California Financing Law, California Financial Code section 22000 et seq., and all amendments thereto, and of all rules and regulations and orders lawfully made by the Commissioner, and pay to the Commissioner, and to any such person or persons having a right of action against the Obligors any and all monies that may become due or owing to the Commissioner, and to such person or persons from said Obligors under and by virtue of the provisions of the California Financing Law, then this obligation to be void; otherwise to remain in full force and effect until the Surety is released from liability by the Commissioner, subject, however, to the following conditions:

1. The Surety may reduce coverage by amending the effective date or the bond amount, or may cancel this bond thirty days from date of receipt of notice delivered electronically through NMLS to the Principal and the Commissioner, but no such amendment or cancellation shall affect any liability which arises from acts or omissions which occur prior to the termination of such thirty-day period.

2. In no event shall the aggregate liability of the Surety for any and all claims exceed the penal sum of this Bond stated herein.

3. The Commissioner has the exclusive right to proceed on this bond against the Principal or Surety hereon or both to recover any and all moneys that may become due or owing.

In Witness Whereof, The said Principal has hereto set his hand and seal and the said Surety has caused this obligation to be duly executed by its duly authorized agent to be hereunto affixed on this [redacted] day of [redacted], [redacted].

By: [redacted]

Principal

I certify under penalty of perjury under the laws of the State of California that I have executed the foregoing bond under an unrevoked power of attorney.

By: [redacted]

Surety