

1 CLOTHILDE V. HEWLETT
Commissioner
2 MARY ANN SMITH
Deputy Commissioner
3 MIRANDA LeKANDER
Assistant Chief Counsel
4 UCHE L. ENENWALI (State Bar No. 235832)
Senior Counsel
5 Department of Financial Protection and Innovation
320 West 4th Street, Suite 750
6 Los Angeles, California 90013
Telephone: (213) 503-4203
7 Facsimile: (213) 576-7181

8 Attorneys for Complainant

9
10 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
11 OF THE STATE OF CALIFORNIA

12 In the Matter of:) OAH No. 2022060694
13 THE COMMISSIONER OF FINANCIAL) AGENCY CASE NO: CFL 60DBO-118108
14 PROTECTION AND INNOVATION,) CONSENT ORDER
15 Complainant,)
16 v.)
17 SLEEKFIN, INC., a corporation,)
18 Respondent.)

19
20 This Consent Order is entered into between the Commissioner of Financial Protection and
21 Innovation (Complainant or Commissioner) and Respondent Sleekfin, Inc. (Respondent) and is
22 made with respect to the following facts:

23 **I.**

24 **RECITALS**

25 A. The Commissioner has jurisdiction over the licensing and regulation of persons and
26 entities engaged in the business of finance lending or brokering under the California Financing Law
27 (CFL) (Fin. Code, § 22000 et seq.).
28

1 B. Respondent is a corporation, with a principal place of business at 1617 Elm Ave,
2 Richmond, California 94805.

3 C. Respondent is licensed as a finance broker under the CFL with main license number
4 60DBO-118108.

5 D. Respondent operates one branch office in California.

6 E. In accordance with Financial Code section 22159, CFL licensees must file an annual
7 report with the Commissioner by March 15 of each year (Annual Report).

8 F. On January 5, 2022, the Commissioner notified CFL licensees of the March 15, 2022,
9 deadline to file their Annual Reports by sending notice to the email address each CFL licensee must
10 establish for communications from the Commissioner (designated email address) pursuant to the
11 Commissioner's Order on Electronic Communications, dated November 22, 2013. The notification
12 again warned that the Commissioner could assess monetary penalties for untimely filing or failing to
13 file pursuant to Financial Code section 22715.

14 G. On February 17, 2022, the Commissioner again notified CFL licensees of the March
15 15, 2022 deadline to file their Annual Reports by sending notice to the email address each CFL
16 licensee established pursuant to the Commissioner's Order on Electronic Communications, dated
17 November 22, 2013. The notification warned that the Commissioner could assess penalties and
18 summarily revoke licenses for untimely filing or failing to file pursuant to Financial Code section
19 22715.

20 H. On March 2, 2022, the Commissioner again notified CFL licensees of the March 15,
21 2022 deadline to file their Annual Reports by sending notice to the email address each CFL licensee
22 established pursuant to the Commissioner's Order on Electronic Communications, dated November
23 22, 2013. The notification warned that the Commissioner could assess penalties and summarily
24 revoke licenses for untimely filing or failing to file pursuant to Financial Code section 22715.

25 I. As of March 15, 2022, Respondent had not filed its Annual Report with the
26 Commissioner. As a result, the Commissioner issued a notice on March 18, 2022 to Respondent's
27 email address established pursuant to the Commissioner's Order on Electronic Communications,
28 dated November 22, 2013, advising Respondent that it should file its Annual Report by or before

1 March 30, 2022, or else its license would be summarily revoked pursuant to Financial Code section
2 22715 (Notice Email).

3 J. As of March 30, 2022, Respondent had not filed its Annual Report with the
4 Commissioner as directed in the notice letters. As a result, on April 19, 2022, the Commissioner
5 issued an Order Summarily Revoking California Finance Lenders License and/or Broker license
6 pursuant to Financial Code Section 22715 for CFL License Number 60DBO-118108 (Summary
7 Revocation Order).

8 K. To date, Respondent has not submitted its Annual Report, which was due on March
9 15, 2022. Pursuant to Financial Code Section 22715, the Commissioner may assess penalties up to a
10 maximum of \$25,000 against Respondent for failing to file or filing its Annual Report more than 54
11 days past the due date.

12 L. Respondent timely submitted a request for a hearing on the Summary Revocation
13 Order with the Commissioner on May 18, 2022, which was set for a one-day hearing on July 11,
14 2022, at 9:00 a.m., before the Office of Administrative Hearings, Los Angeles.

15 M. The parties appeared for the hearing on July 11, 2022; however, the matter was
16 continued to July 15, 2022 based on Respondent's representation that it wished to enter a Consent
17 Order with the Commissioner to resolve the matter.

18 N. On July 14, 2022, Respondent informed the Commissioner that it wished to withdraw
19 its request for hearing and surrender its CFL license.

20 O. In connection with these proceedings, Respondent represented to the Commissioner
21 that it had taken no new applications under its license.

22 P. The Commissioner finds that entering into this Consent Order is in the public interest
23 and consistent with the purposes fairly intended by the policies and provisions of the CFL.

24 NOW, THEREFORE, in consideration of the foregoing, and the terms and conditions set
25 forth herein, the parties agree as follows:

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II.

TERMS AND CONDITIONS

1. Purpose. The parties intend to resolve this matter for the purpose of judicial economy and expediency and without the uncertainty and expense of a hearing or other litigation.

2. Order Rescinding Penalty Order. The Commissioner hereby rescinds the Summary Revocation Order which had been issued on April 19, 2022.

3. Acknowledgment. Respondent acknowledges that the Commissioner issued and served Respondent with the Summary Revocation Order in which the Commissioner alleged that Respondent failed to file its Annual Report for the year 2021 with the Commissioner, in violation of Financial Code Section 22715.

4. Surrender of License. The Commissioner agrees to review Respondent’s request to surrender its CFL License Number 60DBO-118108 upon execution of this Consent Order. Respondent shall provide the Commissioner all necessary documentation the Commissioner may require to process the license surrender no later than 10 days after the effective date of this Consent Order as defined by paragraph 26.

5. Administrative Penalty. Respondent shall pay an administrative penalty of \$500.00 no later than 10 days after the effective date of this Consent Order as defined in paragraph 26. The penalty must be made payable in the form of a cashier’s check or Automated Clearing House deposit to the Department of Financial Protection and Innovation and transmitted to the attention of Accounting – Litigation, Department of Financial Protection and Innovation, 2101 Arena Boulevard, Sacramento, California 95834. Notice of the payment must be concurrently sent to Uche Enenwali, Senior Counsel, Department of Financial Protection and Innovation, 320 West 4th Street, Suite 750, Los Angeles, California 90013.

6. Failure to Surrender License or Pay Administrative Penalty. Respondent stipulates that failure to comply with paragraphs 4 and 5 above will result in automatic revocation of Respondent’s CFL License Number 60DBO-118108. Respondent hereby waives any notice or hearing rights afforded under the CFL, Administrative Procedure Act, including Government Code

1 section 11415.60, subdivision (b); Code of Civil Procedure; or any other provision of law to contest
2 the summary revocation contemplated by this paragraph.

3 7. Withdrawal of Hearing Request and Waiver of Hearing Rights. Respondent
4 acknowledges the Commissioner is ready, willing, and able to proceed with a hearing on the
5 Summary Revocation Order on the charges contained in this Consent Order. Respondent hereby
6 withdraws its request for hearing filed with the Commissioner on May 18, 2022 and, further, waives
7 the right to any hearings, and to any reconsideration, appeal, or other right to review which may be
8 afforded pursuant to the CFL, the California Administrative Procedure Act, the California Code of
9 Civil Procedure, or any other provision of law. Respondent further expressly waives any
10 requirement for the filing of an Accusation pursuant to Government section 11415.60, subdivision
11 (b). By waiving such rights, Respondent effectively consents to this Consent Order and the Order
12 Rescinding the Penalty Order becoming final.

13 8. Full and Final Resolution. The parties hereby acknowledge and agree that this
14 Consent Order is intended to constitute a full and final resolution of the violations described herein,
15 and that no further proceedings or actions will be brought by the Commissioner in connection with
16 these matters except under the CFL or any other provision of law or excepting therefrom any
17 proceeding to enforce compliance with the terms of this Consent Order.

18 9. Information Willfully Withheld or Misrepresented. This Consent Order may be
19 revoked, and the Commissioner may pursue any and all remedies available under law against
20 Respondent if the Commissioner discovers that Respondent knowingly or willfully withheld or
21 misrepresented information used for and relied upon in this Consent Order.

22 10. Future Actions by Commissioner. If Respondent fails to comply with the terms of the
23 Consent Order, the Commissioner may institute proceedings for any and all violations otherwise
24 resolved under this Consent Order. The Commissioner reserves the right to bring any future actions
25 against Respondent, or any of its partners, owners, officers, shareholders, directors, employees or
26 successors for any and all unknown violations of this CFL.

27 11. Assisting Other Agencies. Nothing in this Consent Order limits the Commissioner's
28 ability to assist any other government agency (city, county, state or federal) with any prosecution,

1 administrative, civil or criminal action brought by that agency against Respondent, or any other
2 person based on any of the activities alleged in this matter or otherwise.

3 12. No Presumption Against Drafter. Each party acknowledges that it has had the
4 opportunity to draft, review, and edit the language of this Consent Order. Accordingly, the parties
5 intend no presumption for or against the drafting party will apply in construing any part of this
6 Consent Order. The parties waive the benefit of Civil Code section 1654 as amended or
7 corresponding provisions of any successor statute, which provide that in cases of uncertainty,
8 language of a contract should be interpreted most strongly against the party who caused the
9 uncertainty to exist.

10 13. Independent Legal Advice. Each of the parties represents, warrants, and agrees that it
11 has had the opportunity to receive independent advice from an attorney(s) and/or representatives
12 with respect to the advisability of executing this Consent Order.

13 14. Headings. The headings to the paragraphs of this Consent Order are inserted for
14 convenience only and will not be deemed a part hereof or affect the construction or interpretation of
15 the provisions hereof.

16 15. Binding. This Consent Order is binding on all heirs, assigns, and/or successors in
17 interest.

18 16. Reliance. Each of the parties represents, warrants, and agrees that in executing this
19 Consent Order, it has relied solely on the statements set forth herein and the advice of its own legal
20 counsel, if represented. Each of the parties further represents, warrants, and agrees that in executing
21 this Consent Order it has placed no reliance on any statement, representation, or promise of any
22 other party, or any other person or entity not expressly set forth herein, or upon the failure of any
23 party or any other person or entity to make any statement, representation, or disclosure of anything
24 whatsoever. The parties have included this clause: (1) to preclude any claim that any party was in
25 any way fraudulently induced to execute this Consent Order; and (2) to preclude the introduction of
26 parol evidence to vary, interpret, supplement, or contradict the terms of this Consent Order.

27 ///

28 ///

1 17. Waiver, Amendments, and Modifications. No waiver, amendment, or modification of
2 this Consent Order will be valid or binding unless it is in writing and signed by each of the parties.
3 The waiver of any provision of this Consent Order will not be deemed a waiver of any other
4 provision. No waiver by either party of any breach of, or of compliance with, any condition or
5 provision of this Consent Order by the other party will be considered a waiver of any other condition
6 or provision or of the same condition or provision at another time.

7 18. Full Integration. This Consent Order is the final written expression and the complete
8 and exclusive statement of all the agreements, conditions, promises, representations, and covenants
9 between the parties with respect to the subject matter hereof, and supersedes all prior or
10 contemporaneous agreements, negotiations, representations, understandings, and discussions
11 between and among the parties, their respective representatives, and any other person or entity, with
12 respect to the subject matter covered hereby.

13 19. Governing Law. This Consent Order will be governed by and construed in
14 accordance with California law. Each of the parties hereto consents to the jurisdiction of such court
15 and thereby irrevocably waives, to the fullest extent permitted by law, the defense of an inconvenient
16 forum to the maintenance of such action or proceeding in such court.

17 20. Counterparts. This Consent Order may be executed in one or more separate
18 counterparts, each of which when so executed, shall be deemed an original. Such counterparts shall
19 together constitute a single document.

20 21. Effect Upon Future Proceedings. If Respondent applies for any license, permit or
21 qualification under the Commissioner’s current jurisdiction, or are the subject of any future action by
22 the Commissioner to enforce this Consent Order, then the subject matter hereof shall be admitted for
23 the purpose of such application(s) or enforcement proceeding(s).

24 22. Voluntary Agreement. Respondent hereby enters into this Consent Order voluntarily
25 and without coercion and acknowledges that no promises, threats, or assurances have been made by
26 the Commissioner or any officer, or agent thereof, about this Consent Order. The parties each
27 represent and acknowledge that he, she or it is executing this Consent Order completely voluntarily
28 and without any duress or undue influence of any kind from any source.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

27. Authority to Sign. Each signatory hereto covenants that he/she possesses all necessary capacity and authority to sign and enter into this Consent Order and undertake the obligations set forth herein.

Dated: July 15, 2022

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation



By _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division

Dated: July 15, 2022

SLEEKIN, INC.

By _____
JINWEI ZHANG
CEO