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

12 In the Matter of:)
13)
14 THE COMMISSIONER OF FINANCIAL) CFL LICENSE No: 60DBO-61038
PROTECTION AND INNOVATION,)
15) **ACCUSATION IN SUPPORT OF ORDER**
Complainant.) **REVOKING LICENSE PURSUANT TO**
16) **FINANCIAL CODE SECTION 22714**
17 v.)
18)
VIVE BENEFITS, INC.,)
19)
Respondent.)
20)

21 The Complainant, the Commissioner of Financial Protection and Innovation (Commissioner),
22 is informed and believes, and based upon such information and belief, alleges and charges as
23 follows:

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I.

Introduction

1. The Commissioner has jurisdiction over the licensing and regulation of persons and entities engaged in the business of finance lending or brokering under the California Financing Law (CFL) (Cal. Fin. Code § 22000 et seq.)¹

2. Respondent Vive Benefits, Inc. (Respondent) is a corporation formed in Delaware with a principal place of business at 240 Round Hill Road, Tiburon, California 94920. Respondent is licensed by the Commissioner under the CFL with the license number 60DBO-61038.

II.

Violation

3. Under Section 22150, the Commissioner may make general rules and regulations and specific rulings, demands, and findings for the enforcement of, and within the general purposes of, the CFL.

4. Pursuant to a Commissioner’s Order on Electronic Communications, dated November 22, 2013, each CFL licensee must establish an email address for communications from the Commissioner (Designated Email Address).

5. Under California Code of Regulations, Title 10, Section 1422.4, which went into effect on October 1, 2021, all CFL licensees were required to transition to the Nationwide Multistate Licensing System and Registry (NMLS) by December 31, 2021. On December 16, 2021, Complainant extended the deadline to transition to NMLS to March 15, 2022. On March 7, 2022, Complainant again extended the deadline to transition to NMLS to March 31, 2022.

6. Complainant provided notice of this requirement to Respondent – via email to the Designated Email Address provided by each CFL licensee on July 20, 2021, September 16, 2021, October 14, 2021, November 8, 2021 and December 16, 2021. Complainant also provided notice via email to each CFL licensee that had not yet transitioned to NMLS, including Respondent, on March 7, 2022, and again via email and mail on March 28, 2022. Complainant provided further notice of

¹ Cal. Fin. Code § 22000, *et seq.* All subsequent statutory references are to the California Financial Code unless otherwise specified.

1 this requirement over the telephone – Complainant made at least two calls to the designated
2 telephone number provided by each CFL licensee, including Respondent – between February 1 and
3 March 15, 2022.

4 7. Complainant determined that Respondent was in violation of Regulation 1422.4 and
5 has not transitioned management of its CFL license to NMLS to date.

6 **III.**

7 **Applicable Law**

8 8. Subsection (a)(1) of Section 22714 provides that the Commissioner shall suspend or
9 revoke any CFL license, upon notice and reasonable opportunity to be heard, if the Commissioner
10 finds that the licensee has failed to comply with any demand, ruling, or requirement of the
11 commissioner made pursuant to and within the authority of this division.

12 **IV.**

13 **Prayer for Relief**

14 WHEREFORE, IT IS PRAYED that

15 9. Pursuant to subsection (a)(1) of Section 22714, the California Financing Law license
16 of Vive Benefits, Inc. be revoked due to the lengthy duration of the violation identified above.

17
18 Dated: May 4, 2023
19 San Francisco, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

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21 By _____
22 Sally Hong
23 Counsel
24 Enforcement Division