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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-46224
PROTECTION AND INNOVATION,)
15) **ACCUSATION IN SUPPORT OF ORDER**
Complainant.) **REVOKING LICENSE PURSUANT TO**
16) **FINANCIAL CODE SECTION 22714**
17 v.)
18)
ECAPITAL FREIGHT FACTORING CORP.)
19 fka ECAPITAL LLC,)
20 Respondent.)

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22 The Complainant, the Commissioner of Financial Protection and Innovation (Commissioner),
23 is informed and believes, and based upon such information and belief, alleges and charges as
24 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 eCapital Freight Factoring Corp., formerly known as eCapital LLC (Respondent) is a Florida corporation with its principal place of business at 20807 Biscayne Blvd, Suite 203, Aventura, Florida, 33180. Respondent is licensed by the Commissioner under the CFL with the license number 60DBO-46224.

II.

Violation and Citation

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

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

1 7, 2022, and again via email and mail on March 28, 2022. Complainant provided further notice of
2 this requirement over the telephone – Complainant made at least two calls to the designated
3 telephone number provided by each CFL licensee, including Respondent – between February 1 and
4 March 15, 2022.

5 7. Complainant determined that Respondent was in violation of Regulation 1422.4 and
6 had not transitioned management of its CFL license to NMLS as of July 22, 2022. Accordingly,
7 Complainant issued a Citation on July 22, 2022 pursuant to Financial Code section 22707.5,
8 subdivision (a). The Citation included an order to correct the violation and an order to pay an
9 administrative fine in the amount of \$2,500.00 to the Commissioner by September 20, 2022.

10 8. Complainant served the Citation on Respondent via certified mail on July 22, 2022
11 and by electronic mail at Respondent’s Designated Email Address on July 22, 2022.

12 9. To date, Respondent has neither complied with the order to correct the violation by
13 transitioning its license to NMLS nor paid the administrative fine.

14 **III.**

15 **Applicable Law**

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

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IV.

Prayer for Relief

WHEREFORE, IT IS PRAYED that

11. Pursuant to subsection (a)(1) of Section 22714, the California Financing Law license of Respondent eCapital Freight Factoring Corp., formerly known as eCapital LLC be revoked due to the lengthy duration of the violations identified above and Respondent’s failure to comply with the Citation.

Dated: June 6, 2023
San Francisco, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

By _____
Joshua Schieber
Senior Counsel
Enforcement Division