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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 THE COMMISSIONER OF FINANCIAL
PROTECTION AND INNOVATION,
14 Complainant,
15 v.
16 INTELA-PAC, INC., also known as IPAK; IV
17 PLUS, INC.; THE NETHERLAND TEA
COMPANY LTD.; AGRO AMERICA;
18 LARRY YNFANTE, KELLI D. AUSTIN, and
19 JESSE DE CASTRO,
20 Respondents.

NOTICE OF INTENT TO ISSUE ORDER
LEVYING ADMINISTRATIVE PENALTIES
AND STATEMENT IN SUPPORT
PURSUANT TO CORPORATIONS CODE
SECTION 25252

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

23 **I. STATEMENT OF FACTS**

24 1. At all relevant times, Larry Ynfante (Ynfante) is and was a California resident, using
25 the address 4001 Mount Barnard Avenue, San Diego, California 92131.

26 2. At all relevant times, Kelli D. Austin (Austin) is and was a Texas resident, address
27 unknown.

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**Violations of Corporations Code Section 25401
(Misrepresentations and Omissions of Material Facts)**

9. In connection with the offers and sales of securities, Respondents made, or caused to be made, misrepresentations of material fact to investors and potential investors, including that:

a. Money invested in Intela-PAC, Inc., IV Plus, Inc., The Netherland Tea Company Ltd., and Agro America would be used by those companies to generate profits for their investors;

b. The purported purpose of the securities offering in Intela-PAC, Inc. and IV Plus, Inc., were to raise money from members of the public to operate a business selling film-based, flexible pouch packaging that can be used to store and transport beverages;

c. The purported purpose of the securities offering in The Netherland Tea Company Ltd. was to raise money from members of the public to operate a business selling tea;

d. The purported purpose of the securities offering in Agro America was to raise money from members of the public to operate a business selling cannabis;

e. Their convertible promissory notes could be converted into stock into the various business entities;

f. Intela-PAC, Inc. and IV Plus, Inc. were going to become public companies, and they had in fact gone public and were listed on the New York Stock Exchange;

g. Intela-PAC, Inc. and IV Plus, Inc. had more than 3,000 investors, and that Larry Ynfante had taken more than 10 companies public before;

h. Intela-PAC, Inc. and IV Plus, Inc. had a business relationship with the California State Prison System; and

i. A 2015 Desist and Refrain Order¹ against the company had been “lifted” by the California Department of Financial Protection and Innovation.

¹ The Commissioner issued a Desist and Refrain order against Intela-PAC, Inc. and Larry Ynfante for violations of Corporations Code 25110 and 25401 on November 6, 2015 (“2015 Action”). Intela-PAC, Inc. and Larry Ynfante were served with the 2015 action on November 12, 2015. Respondents did not request an administrative hearing. The 2015 Action become final on or about December 12, 2015. The Department has never rescinded or otherwise repealed this Order and it remains in effect.

1 hundred dollars (\$2,500) for each subsequent violation, or according to proof, for Respondents’
2 repeated willful violations of section 25110 and 25401.

3 WHEREFORE, good cause showing, and pursuant to Corporations Code section 25252, the
4 Commissioner prays for an order levying administrative penalties, individually, jointly and severally,
5 against Respondents, as follows:

6 a. That pursuant to Corporations Code section 25252, the Commissioner levy
7 administrative penalties of \$1,000.00 for the first violation of Corporations Code section 25110 and
8 \$2,500.00 for each subsequent violation, as listed below, for a total amount of \$273,500.00 or
9 according to proof:

- 10 i. First violation: \$1,000.00 for the first sale of a security; and
- 11 ii. Additional violations: \$2,500.00 for the remaining 109 sales of securities.

12 b. That pursuant to Corporations Code section 25252, the Commissioner levy
13 administrative penalties of \$2,500.00 for each violation, as listed below, for a total amount of
14 \$2,357,500.00, or according to proof:

- 15 i. Additional violations:
 - 16 A. \$2,500.00 for the misrepresentation in paragraph 9a, made in the 123
17 remaining transactions;
 - 18 B. \$2,500.00 for the misrepresentation in paragraph 9b, made in 119
19 transactions;
 - 20 C. \$2,500.00 for the misrepresentation in paragraph 9c, made in 2
21 transactions;
 - 22 D. \$2,500.00 for the misrepresentation in paragraph 9d, made in 2
23 transactions;
 - 24 E. \$2,500.00 for the misrepresentation in paragraph 9e, made in 123
25 transactions;
 - 26 F. \$2,500.00 for the misrepresentation in paragraph 9f, made in 110
27 transactions;

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- G. \$2,500.00 for the misrepresentation in paragraph 9g, made in 2 transactions;
- H. \$2,500.00 for the misrepresentation in paragraph 9h, made in 119 transactions;
- I. \$2,500.00 for the misrepresentation in paragraph 9i, made in 110 transactions;
- J. \$2,500.00 for the omission in paragraph 10a, made in 110 transactions; and
- K. \$2,500.00 for the omission in paragraph 10b, made in the 123 transactions.

The total amount of administrative penalties for violations of CSL sections 25110 and 25401 is \$2,631,000.00, or according to proof.

Dated: April 12, 2023
Sacramento, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

By _____
RYAN M. CASSIDY
Counsel
Enforcement Division