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Commissioner  
2 MARY ANN SMITH  
Deputy Commissioner  
3 DANIEL P. O'DONNELL  
Assistant Chief Counsel  
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Counsel  
5  
6 Department of Financial Protection and Innovation  
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7 Sacramento, CA 95834  
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8 Attorneys for Complainant

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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;  
17 IV PLUS, INC.; THE NETHERLAND TEA  
COMPANY LTD.; AGRO AMERICA;  
18 LARRY YNFANTE, KELLI D. AUSTIN,  
and JESSE DE CASTRO

19 Respondents.  
20

DESIST AND REFRAIN ORDER;

and

CLAIM FOR ANCILLARY RELIEF

(Corp. Code § 25532)

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. FACTUAL BACKGROUND**

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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1           3.       At all relevant times, Jesse De Castro (De Castro) is and was a California resident,  
2 using the address 3513 Sara Drive, Torrance, California 90503.

3           4.       Beginning sometime at least in 2011, Larry Ynfante, Kelli Austin, and Jesse De Castro  
4 (collectively referred to as Respondents) offered and sold securities in the form of convertible  
5 promissory notes – investment contracts – in California.

6           5.       The purported purpose of the securities offerings were to raise money from members  
7 of the public to operate various businesses Respondents claimed they owned and/or controlled,  
8 namely Intela-PAC, Inc., IV Plus, Inc., The Netherland Tea Company Ltd., and Agro America.  
9 Ynfante represented himself as the President, Austin identified herself as the Secretary and an officer,  
10 and De Castro held himself out as the Sales Manager and authorized agent of Intela-PAC, Inc. and IV  
11 Plus, Inc.. Respondents also represented that these entities operated out of 3540 W. Sahara Ave.,  
12 Suite 101 Las Vegas, Nevada 89102.

13           6.       The securities were offered or sold in this state in issuer transactions. The Department  
14 of Financial Protection and Innovation has not issued a permit or other form of qualification  
15 authorizing any person to offer or sell these securities in this state. The offer or sale of these securities  
16 is not exempt.

17           7.       Respondents and their agents sold securities to at least 12 investors, mainly senior  
18 citizens, many of them unaccredited, residing in California and elsewhere, in at least 123 separate  
19 transactions. Respondents raised at least \$233,339.00 from investors.

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

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

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

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- 1           c.       The purported purpose of the securities offering in The Netherland Tea
- 2 Company Ltd. was to raise money from members of the public to operate a business selling tea;
- 3           d.       The purported purpose of the securities offering in Agro America was to raise
- 4 money from members of the public to operate a business selling cannabis;
- 5           e.       Their convertible promissory notes could be converted into stock into the
- 6 various business entities;
- 7           f.       Intela-PAC, Inc. and IV Plus, Inc. were going to become public companies,
- 8 and they had in fact gone public and were listed on the New York Stock Exchange;
- 9           g.       Intela-PAC, Inc. and IV Plus, Inc. had more than 3,000 investors, and that
- 10 Larry Ynfante had taken more than 10 companies public before;
- 11           h.       Intela-PAC, Inc. and IV Plus, Inc. had a business relationship with the
- 12 California State Prison System; and
- 13           i.       A 2015 Desist and Refrain Order<sup>1</sup> against the company had been “lifted” by
- 14 the California Department of Financial Protection and Innovation.

15       9.       In addition, in connection with the offers and sales of securities, Respondents made, or

16 caused to be made, omissions of material fact to investors and potential investors, including that:

- 17           a.       Respondents failed to disclose the 2015 Action to various investors; and
- 18           b.       Respondents failed to disclose that Intela-PAC, Inc., IV Plus, Inc., The
- 19 Netherland Tea Company Ltd., and Agro America were never legally incorporated anywhere.

20       From 2016 through 2022, Respondents continued to lull, comfort, and deceive its investors.

21 Respondents repeatedly told investors that they would issue stock certificates. However, they never

22 delivered any certificates to investors; instead, Respondents blamed the delays on outside service

23 providers, United States Postal Service, FedEx, government agencies, federal court hearings, special

24 masters, gag orders, weather damages, theft, New York riots, COVID, or that east coast investors

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27       <sup>1</sup> The Commissioner issued a Desist and Refrain order against Intela-PAC, Inc. and Larry Ynfante for violations of

28 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 were required to receive their stock certificates first. Respondents also continued to misrepresent that  
2 these companies were public and listed on a stock exchange; but claimed they could not disclose the  
3 stock symbols for privacy concerns, or because they were under a “gag order.” In fact, these  
4 statements were designed to keep current investors from complaining while they solicited new  
5 investors.

## 6 **II. DESIST AND REFRAIN ORDER**

7 The Commissioner is authorized to administer and enforce the provisions of the Corporate  
8 Securities Law of 1968 (Cal. Corp. Code §§ 25000-25707) (CSL), which includes the regulation of the  
9 offer and sale of securities in California.

10 Based on the foregoing findings, the Commissioner is of the opinion that the convertible  
11 promissory notes offered and sold by Intela-PAC, Inc., IV Plus, Inc., The Netherland Tea Company  
12 Ltd., Agro America, Larry Ynfante, Kelli Austin, and Jesse De Castro are securities subject to  
13 qualification under the Corporate Securities Law of 1968 and are being or have been offered or sold  
14 without first being qualified in violation of Corporations Code section 25110.

15 Pursuant to Corporations Code section 25532, Intela-PAC, Inc., IV Plus, Inc., The Netherland  
16 Tea Company Ltd., Agro America, Larry Ynfante, Kelli Austin, and Jesse De Castro are hereby  
17 ordered to desist and refrain from the further offer and sale in the State of California of securities,  
18 including but not limited to promissory notes, unless and until qualification has been made under the  
19 law, or unless exempt.

20 In addition, the Commissioner is of the opinion that Intela-PAC, Inc., IV Plus, Inc., The  
21 Netherland Tea Company Ltd., Agro America, Larry Ynfante, Kelli Austin, and Jesse De Castro  
22 offered or sold securities in this State by means of written or oral communications which included an  
23 untrue statement of material fact or omitted to state a material fact necessary to make the statements  
24 made, in light of the circumstances under which they were made, not misleading, in violation of  
25 Corporations Code section 25401.

26 Pursuant to Corporations Code section 25532, Intela-PAC, Inc., IV Plus, Inc., The Netherland  
27 Tea Company Ltd., Agro America, Larry Ynfante, Kelli Austin, and Jesse De Castro is hereby  
28 ordered to desist and refrain from offering or selling or buying or offering to buy any security in the

1 State of California, including but not limited to promissory notes, by means of any written or oral  
2 communication which includes an untrue statement of a material fact or omits to state a material fact  
3 necessary in order to make the statements made, in light of the circumstances under which they were  
4 made, not misleading.

5 Pursuant to Corporations Code section 25403, any person who controls or induces another  
6 person to violate a provision of the Corporate Securities Law of 1968, or any person who provides  
7 substantial assistance to another person in violation of the Corporate Securities Law of 1968, shall be  
8 liable for the violations.

9 **III. CLAIM FOR ANCILLARY RELIEF**

10 Complainant re-alleges and reincorporates by reference, as set forth fully above in paragraphs  
11 1 to 9.

12 Corporations Code section 25532 authorizes the Commissioner to seek ancillary relief on  
13 behalf of any person injured by violations of any provision of the Corporations Code and any rules  
14 promulgated thereunder.

15 Based on the foregoing findings, the Commissioner finds that the Respondents offered and sold  
16 unqualified, non-exempt securities in an amount of at least \$233,339.00, and made numerous material  
17 misrepresentations and omissions of fact, to at least 12 investors, in at least 123 transactions, in  
18 violation of Corporations Code sections 25110 and 25401.

19 WHEREFORE, good cause showing and the Commissioner's determination that this action is  
20 in the public interest and necessary to effectuate the Department's primary, legitimate, regulatory  
21 purpose based upon the Respondents' violations of the Corporations Code, the Commissioner hereby  
22 prays for an order of ancillary relief pursuant to Corporation Code section 25532, individually, jointly  
23 and severally against Respondents as follows:

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1 A) Full restitution, consisting of Investors' investment principal in an amount of  
2 \$233,339.00 and interest accumulated on the investment principal or according to proof.

3 This Order is necessary, in the public interest, for the protection of investors, and consistent  
4 with the purposes, policies, and provisions of the CSL.

5 Dated: April 12, 2023  
6 Sacramento, California

CLOTHILDE V. HEWLETT  
Department of Financial Protection and Innovation



7  
8 By: \_\_\_\_\_  
9 MARY ANN SMITH  
10 Deputy Commissioner  
11 Enforcement Division  
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