

BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
OF THE STATE OF CALIFORNIA

In the Matter of:)	DCLA LICENSE NO.: 10370-99
)	
THE COMMISSIONER OF FINANCIAL)	ACCUSATION
PROTECTION AND INNOVATION,)	
)	
Complainant,)	
)	
v.)	
)	
LEWIS, MILLER & COMPANY, INC.,)	
)	
Respondent.)	

The Complainant, the Commissioner of Financial Protection and Innovation (Commissioner) of the Department of Financial Protection and Innovation (Department) is informed and believes, and based upon such information and belief, alleges and charges Lewis, Miller & Company, Inc. (Respondent) as follows:

I.

Introduction

1. The Commissioner has jurisdiction over the licensing and regulation of persons engaged in the business of debt collection in California under the Debt Collection Licensing Act (DCLA) (Cal. Fin. Code §§ 100000-100025) and the rules and regulations promulgated thereunder.
2. Respondent is a Delaware corporation.
3. Respondent is a debt collector licensed by the Commissioner under the DCLA with license number 10370-99. Respondent’s principal place of business is 191 Lathrop Way Suite J, Sacramento, California 95815.

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II.

Factual Background

4. California Financial Code section 100021(a) requires all DCLA licensees to file an annual report with the Commissioner, on or before March 15, that contains all relevant information that the Commissioner reasonably requires concerning the business and operations conducted by the licensee in the state during the preceding calendar year, including information regarding collection activity (Annual Report).

5. On September 11, 2023, the Commissioner notified all DCLA licensees via the email listed under Primary Company Contact on the Nationwide Multistate Licensing System and Registry (NMLS)¹ that they must establish an email for communications from the Commissioner (Designated Email Address) pursuant to the Commissioner’s Order on Electronic Communications, dated November 22, 2013.

6. On November 8, 2023, the Commissioner notified all DCLA licensees via email listed under Primary Company Contact on NMLS that all debt collectors licensed prior to January 1, 2024 must file the Annual Report by March 15, 2024 through the DFPI Self-Service Portal, and instructions for accessing the DFPI Self-Service Portal would be sent to the Designated Email Address in December 2023.

7. On December 4, 2023, the Commissioner notified all DCLA licensees via the Designated Email Address or email listed under Primary Company Contact on NMLS if a Designated Email Address was not yet provided, that this was the last opportunity to provide a Designated Email Address to receive the draft of the Annual Report. The DCLA licensee had one week to complete the process for providing a Designated Email Address.

8. On December 18, 2023, the Commissioner notified all DCLA licensees via the Designated Email Address or email listed under Primary Company Contact on NMLS if they had still not provided a Designated Email Address with a sample of the Annual Report stating that

¹ NMLS stands for Nationwide Multistate Licensing System & Registry and is the system of record for non-depository, financial services licensing or registration in participating agencies, including the District of Columbia and U.S. Territories of Puerto Rico, the U.S. Virgin Islands, and Guam. In these jurisdictions, NMLS is the official system for companies and individuals seeking to apply for, amend, renew and surrender licenses authorities managed through NMLS.

1 detailed filing instructions and access to the Annual Report will be provided on January 2, 2024.
2 The email reminded DCLA licensees that if they were licensed as of December 31, 2023, they must
3 file the Annual Report via the DFPI Self-Service Portal by March 15, 2024.

4 9. On January 2, 2024, the Commissioner notified all DCLA licensees via the
5 Designated Email Address or email listed under Primary Company Contact on NMLS if they had
6 still not provided a Designated Email Address that the Annual Report was accessible via the DFPI
7 Self-Service Portal and provided instructions for filing the Annual Report.

8 10. On February 12, 2024, the Commissioner reminded all DCLA licensees via the
9 Designated Email Address or email listed under Primary Company Contact on NMLS if they had
10 still not provided a Designated Email Address that all DCLA licensees who were licensed as of
11 December 31, 2023, must file the Annual Report by the deadline of March 15, 2024, and provided a
12 correction to the instructions for filing the Annual Report.

13 11. On March 1, 2024, the Commissioner again reminded all DCLA licensees via the
14 Designated Email Address or email listed under Primary Company Contact on NMLS if they had
15 still not provided a Designated Email Address that all DCLA licensees who were licensed as of
16 December 31, 2023, must file the Annual Report by the deadline of March 15, 2024, stating that
17 failure to file the Annual Report may subject the DCLA licensee to suspension, revocation,
18 penalties, or other enforcement action.

19 12. As of March 26, 2024, Respondent, who was licensed as of June 19, 2023, had not
20 filed its Annual Report with the Commissioner, in violation of California Financial Code section
21 100021(a). As a result, on April 4, 2024, the Commissioner issued a Notice of Failure to File
22 Annual Report by March 15, 2024 (Failure Notice) to Respondent via certified mail, U.S. mail, and
23 Designated Email Address or the email listed under a Company Contact on NMLS notifying
24 Respondent that the Department will issue a Desist and Refrain Order and Order Assessing
25 Penalties under California Financial Code section 90015(c) and (d)(1) and will also move to revoke
26 Respondent's DCLA license under California Financial Code sections 100003(b)(3) and
27 100003.3(b)(1) if the Annual Report is not filed before April 14, 2024.

28 13. As of April 14, 2024, or 10 calendar days after the Failure Notice, Respondent had

1 still not filed its Annual Report with the Commissioner, in continuing violation of California
2 Financial Code section 100021(a).

3 **III.**

4 **Applicable Laws**

5 14. California Financial Code section 100003 provides, in pertinent part:

6 (b) Without limitation, the functions, powers, and duties of the
7 commissioner include all of the following:

8 (3) To revoke or suspend any license for a violation of this division or a
9 violation of Title 1.6C (commencing with Section 1788) or Title 1.6C.5
10 (commencing with Section 1788.50) of Part 4 of Division 3 of the Civil
11 Code

12 15. California Financial Code section 100003.3 provides, in pertinent part:

13 (b) The commissioner may suspend or revoke a license if, after notice and
14 an opportunity for hearing, the commissioner finds any of the following:

15 (1) The licensee violated this division or a regulation adopted or an order
16 issued under this division

17 16. California Financial Code section 100021 provides:

18 (a) A licensee shall file an annual report with the commissioner, on or
19 before March 15, that contains all relevant information that the
20 commissioner reasonably requires concerning the business and operations
21 conducted by the licensee in the state during the preceding calendar year,
22 including information regarding collection activity. The report shall, at
23 minimum, require disclosure of all of the following information:

24 (1) The total number of California debtor accounts purchased or collected
25 on in the preceding year.

26 (2) The total dollar amount of California debtor accounts purchased in the
27 preceding year.

28 (3) The face value dollar amount of California debtor accounts in the
licensee's portfolio in the preceding year.

(4) The total dollar amount of California debtor accounts collected in the
preceding year, and the total dollar amount of outstanding debt that
remains uncollected.

(5) The total dollar amount of net proceeds generated by California debtor
accounts in the preceding year.

(6) Whether or not the licensee is acting as a debt collector, debt buyer, or
both.

(7) The case number of any action in which the licensee was held liable by
final judgment under Title 1.6C (commencing with Section 1788) or Title
1.6C.5 (commencing with Section 1788.50) of Part 4 of Division 3 of the
Civil Code.

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- (b) The individual annual reports filed pursuant to this section shall be made available to the public for inspection.
- (c) The report shall be made under oath and in the form prescribed by the commissioner.
- (d) A licensee shall make other special reports that may be required by the commissioner.

IV.

Conclusion

The Commissioner finds that, by reason of the foregoing, Respondent has violated California Financial Code section 100021(a). Based thereon, grounds exist pursuant to California Financial Code sections 100003(b)(3) and 100003.3(b)(1) to revoke Respondent’s DCLA license.

WHEREFORE, IT IS PRAYED that Lewis, Miller & Company, Inc.’s DCLA license 10370-99 be revoked.

Dated: April 15, 2024
Sacramento, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

By _____
MELINDA LEE
Deputy Commissioner
Debt Collection Licensing Act