

1 MARY ANN SMITH
Deputy Commissioner
2 Department of Financial Protection and Innovation
320 West 4th Street, Suite 750
3 Los Angeles, California 90013

4 Attorney for Complainant
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6
7 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
8 OF THE STATE OF CALIFORNIA
9

10 In the Matter of:) CFL LICENSE NO.: 60DBO-131048
11 THE COMMISSIONER OF FINANCIAL)
12 PROTECTION AND INNOVATION,)
13 Complainant,) DESIST AND REFRAIN ORDER PURSUANT
14 v.) TO FINANCIAL CODE SECTION 22712
15 ENCINA LENDER FINANCE SPV, LLC,)
16 Respondent.)
17)
18)

19 TO: ENCINA LENDER FINANCE SPV, LLC
20 12540 BROADWELL ROAD, BUILDING 100, SUITE 1202
21 MILTON, GEORGIA 30004

22 Complainant, the Commissioner of Financial Protection and Innovation (Commissioner)
23 finds that Encina Lender Finance SPV, LLC (Respondent) violated provisions of the California
24 Financing Law (CFL) (Fin. Code, § 22000 et seq.) and applicable regulations and hereby issues the
25 following Findings of Fact and Desist and Refrain Order:

26 **I.**

27 **Findings of Fact**

28 1. The Commissioner is authorized to administer and enforce the provisions of the CFL

1 and the rules and regulations promulgated thereunder.

2 2. Respondent is a licensed finance lender/broker with a principal place of business at
3 12540 Broadwell Road, Building 100, Suite 1202, Milton, Georgia 30004.

4 3. Pursuant to Financial Code section 22712, CFL licensees are required to maintain a
5 surety bond in the minimum amount of \$25,000.00.

6 4. On or around June 4, 2024, the Commissioner received notice that Respondent’s
7 surety bond would expire on June 30, 2024.

8 5. On June 18, 2024 the Commissioner notified Respondent that the Commissioner
9 would issue a Desist and Refrain Order under Financial Code section 22712, subdivision (a) if the
10 surety bond was not reinstated, continued, or replaced by June 30, 2024.

11 6. Respondent’s surety bond expired on June 30, 2024.

12 7. Respondent has yet to replace or reinstate its surety bond in violation of Financial
13 Code section 22112.

14 **II.**

15 **Desist and Refrain Order**

16 8. Financial Code section 22112 and California Code of Regulations, title 10, section
17 1422 require a licensee to maintain a surety bond at all times.

18 9. Financial Code section 22712, subdivision (a) provides, in relevant part:

19 Whenever, in the opinion of the commissioner . . . any licensee violates
20 any provision of this division, any provision of an order, or any
21 regulation adopted pursuant to this division, the commissioner may order
22 that person or licensee to desist and to refrain from engaging in the
23 business or further continuing that violation. If, within 30 days after the
order is served, a written request for a hearing is filed and no hearing is
held within 30 days thereafter, the order is rescinded. . . .

24 10. Respondent violated Financial Code section 22112 and California Code of
25 Regulations, title 10, section 1422, by failing to maintain its surety bond.

26 NOW BASED ON THE FOREGOING, IT IS HEREBY ORDERED under Financial Code
27 section 22712, subdivision (a), that Encina Lender Finance SPV, LLC immediately desist and
28 refrain from further violating Financial Code section 22112 and California Code of Regulations,
title 10, section 1422, by reinstating, continuing, or replacing its surety bond in compliance with

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Financial Code section 22112.

This Order shall remain in full force and effect until further order of the Commissioner.

Dated: August 27, 2024
Los Angeles, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation



By _____
ADEOLA TANIMOJO
Special Administrator
California Financing Law