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9
10 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
11 OF THE STATE OF CALIFORNIA

12 In the Matter of:) DCLA LICENSE NO.: 12227-99
13)
14 THE COMMISSIONER OF FINANCIAL) ORDER REVOKING DEBT COLLECTION
PROTECTION AND INNOVATION,) LICENSING ACT LICENSE
15)
16 Complainant,) (Cal. Fin. Code §§ 100003(b)(3),
17 v.) 100003.3(b)(1) and (b)(6))
18 FPS-NATIONWIDE, LLC,)
19 Respondent.)
20)

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23 The Complainant, the Commissioner of Financial Protection and Innovation
24 (Commissioner) of the Department of Financial Protection and Innovation (Department) finds that:

- 25 1. The Commissioner has jurisdiction over the licensing and regulation of persons
26 engaged in the business of debt collection in California under the Debt Collection Licensing Act
27 (DCLA) (Cal. Fin. Code §§ 100000-100025) and the rules and regulations promulgated thereunder.
28 2. FPS-Nationwide, LLC (Respondent) is a California limited liability company.

1 3. Respondent is a debt collector licensed by the Commissioner under the DCLA with
2 license number 12227-99. Respondent’s principal place of business is 799 Piner Rd., Suite 223,
3 Santa Rosa, California 95403.

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

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

14 6. On November 8, 2023, the Commissioner notified all DCLA licensees via email
15 listed under Primary Company Contact on NMLS that all debt collectors licensed prior to January
16 1, 2024 must file the Annual Report by March 15, 2024 through the DFPI Self-Service Portal, and
17 instructions for accessing the DFPI Self-Service Portal would be sent to the Designated Email
18 Address in December 2023.

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

24 8. On December 18, 2023, the Commissioner notified all DCLA licensees via the
25 Designated Email Address or email listed under Primary Company Contact on NMLS if they had
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27 ¹ NMLS stands for Nationwide Multistate Licensing System & Registry and is the system of record for non-depository,
28 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 still not provided a Designated Email Address with a sample of the Annual Report stating that
2 detailed filing instructions and access to the Annual Report will be provided on January 2, 2024.
3 The email reminded DCLA licensees that if they were licensed as of December 31, 2023, they must
4 file the Annual Report via the DFPI Self-Service Portal by March 15, 2024.

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

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

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

20 12. Respondent, who was licensed as of September 29, 2023, filed its Annual Report
21 with the Commissioner on April 5, 2024, or 11 calendar days after March 25, 2024, which was the
22 extended deadline given to licensees to file the Annual Report, in violation of California Financial
23 Code section 100021(a).

24 13. As a result, on April 15, 2024, the Commissioner issued a Desist and Refrain Order
25 and Order Assessing Penalties under California Financial Code section 90015(c) and (d)(1) (Order).
26 The Order assessed penalties totaling \$2,500.00 pursuant to California Financial Code section
27 90012(c)(1)(A)(i) for violating California Financial Code section 100021(a) of the DCLA.

28 14. On or around April 15, 2024, the Department served the Order on Respondent via

1 certified mail and U.S. mail at Respondent’s licensed address and via email at Respondent’s
2 Designated Email Address. The Department has not received a request for a hearing regarding the
3 Order and the time to request a hearing has expired. As such, the Order is a final order.

4 15. The Order directed Respondent to pay a penalty of \$2,500.00 within 30 days of the
5 date of the Order, or by no later than May 15, 2024. As of the current date Respondent has not paid
6 the penalty pursuant to the Order.

7 16. On May 24, 2024, pursuant to California Financial Code sections 100003(b)(3) and
8 100003.3(b)(1) and (b)(6), the Commissioner issued to Respondent a Notice of Intention to Issue
9 Order Revoking Debt Collection Licensing Act License, Accusation, and accompanying documents
10 for Respondent’s violations of California Financial Code section 100021(a) (Accusation).

11 17. On May 28, 2024, the Commissioner served the Accusation on Respondent at its
12 principal place of business on file with the Department. The Department has received no request
13 for a hearing from Respondent and the time to request a hearing has expired.

14 NOW, GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the Debt
15 Collection Licensing Act License of FPS-Nationwide, LLC be revoked effective this date.

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17 Dated: August 16, 2024
18 Sacramento, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation



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20 By: _____
21 MARY ANN SMITH
22 Deputy Commissioner
23 Enforcement Division
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