

1 MARY ANN SMITH
Deputy Commissioner
2 AMY J. WINN
Assistant Chief Counsel
3 MEGAN K.G. BRUYNS (State Bar No. 341875)
Senior Counsel
4 Department of Financial Protection and Innovation
1455 Frazee Road, Suite 315
5 San Diego, California 92108
Telephone: (619) 610-2093
6 Facsimile: (213) 576-7181

7 Attorneys for Complainant

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

10	In the Matter of:) CFL LICENSE NO.:603D946
11	THE COMMISSIONER OF FINANCIAL) STIPULATION TO ENTRY OF DESIST AND
12	PROTECTION AND INNOVATION,) REFRAIN ORDER AND PAYMENT OF
13	Complainant,) PENALTIES
14	v.)
15	BLUE STREET CAPITAL, LLC,)
16	Respondent.)

17 In compliance with the Order Conditionally Granting Petition For Reinstatement of its
18 license under the California Finance Lenders Law (“CFLL”) (Fin. Code §§ 22000 et seq.), Blue
19 Street Capital, LLC (“Respondent”) enters this Stipulation to Entry of Desist and Refrain Order and
20 Payment of Penalties (“Stipulation”) with the Commissioner of Financial Protection and Innovation
21 (“Commissioner”).

22 RECITALS

23 This Stipulation is made with reference to the following facts:

- 24 A. Respondent is a California limited liability company organized in 2003 with its main
25 office located at 17011 Beach Blvd, Suite 710, Huntington Beach, California 92647.
- 26 B. Nicholas Whittemore is the Principal and a control person of Respondent and, as
27 such, is authorized to enter into this Stipulation on behalf of Respondent.
- 28 C. On January 29, 2007, CFLL license number 603D946 was issued to Respondent to

1 engage in the business of a finance lender in this state from its office located at 2120 Main
2 Street, Suite 160, Huntington Beach, California 92648.

3 D. On April 19, 2022, the Commissioner issued an order revoking Respondent’s
4 California Finance Lender License for failing to file its Annual Report pursuant to Financial
5 Code section 22159.

6 E. On or about November 10, 2023, Respondent filed a Petition for Reinstatement of
7 License (“Petition”) with the Commissioner pursuant to Government Code section 11522.

8 F. In conjunction with the Petition, Respondent disclosed that it had engaged in
9 unlicensed finance lender activity in this state after its license was revoked.

10 G. The Commissioner is of the opinion that during the period of April 19, 2022
11 through April 15, 2024, Respondent engaged in the business of a finance lender in this state by
12 making at least fifty (50) non-real estate commercial loans and commercial leases with a \$1
13 buyout without first obtaining a license from the Commissioner and without being otherwise
14 exempt, in violation of Financial Code section 22100.

15 H. It is the intention and desire of the parties to resolve this matter without the
16 necessity of a hearing and/or other litigation.

17 NOW, THEREFORE, for good and valuable consideration, and the terms and conditions
18 set forth herein, the parties agree as follows:

19 TERMS AND CONDITIONS

20 1. Respondent stipulates to the issuance of the Desist and Refrain Order issued pursuant
21 to section 22712, in the form attached hereto as Exhibit A, directing Respondent to desist and refrain
22 from engaging in the business of a finance lender in this state in violation of Financial Code section
23 22100. Respondent agrees that the delivery by certified mail of the executed Desist and Refrain
24 Order issued by the Commissioner to the address set forth in paragraph A above shall constitute
25 valid service of the Desist and Refrain Order.

26 2. Respondent hereby waives all rights to any hearing or appeal of the Desist and
27 Refrain Order.

28 ///

1 3. Respondent agrees to pay the following penalty: one thousand dollars (\$1,000.00) for
2 each of the fifty (50) loans and leases with \$1 buyout made while unlicensed under the CFLL. Total
3 penalties of fifty thousand dollars (\$50,000.00) (“Penalties”) are due to the Commissioner within
4 forty-five (45) calendar days. The Penalties must be made payable in the form of a cashier’s check or
5 Automated Clearing House deposit to the Department of Financial Protection and Innovation and
6 transmitted to the attention of Accounting – Litigation, Department of Financial Protection and
7 Innovation, 2101 Arena Boulevard, Sacramento, California 95834. Notice of the payment must be
8 concurrently sent to Megan Bruyns, Senior Counsel, Department of Financial Protection and
9 Innovation, 1455 Frazee Road, Suite 315, San Diego, California, 92108/megan.bruyns@dfpi.ca.gov.

10 4. Respondent agrees that failure to timely comply with the conditions set forth in the
11 Order Conditionally Granting Petition for Reinstatement or in paragraph 3 above, within forty-five
12 (45) calendar days of execution of this Stipulation (as such date is set forth in paragraph 10) shall
13 result in summary denial of Respondent’s petition for reinstatement of its CFLL license.

14 5. Respondent acknowledges that remedies for violations of the CFLL are not exclusive
15 and may be sought and employed in any combination to enforce the purpose and provisions of this
16 law.

17 6. Respondent agrees that nothing in this Stipulation shall preclude the Commissioner,
18 or her agents or employees, to the extent authorized by law, from assisting or cooperating in any
19 investigation and/or action brought by any other federal, state or county agency. Respondent further
20 agrees that this Stipulation shall not bind or otherwise prevent any other federal, state or county
21 agency from the performance of its duties.

22 7. Respondent has had the opportunity to obtain the advice of legal counsel and enters
23 into this Stipulation voluntarily and without coercion and acknowledges that no promises, threats or
24 assurances have been made by the Commissioner or any officer, or agent thereof, about this
25 Stipulation.

26 8. Respondent acknowledges that this Stipulation and the Exhibit attached thereto are
27 public records.

28 ///

1 9. Respondent and the Commissioner agree that this Stipulation may be executed in one
2 or more separate counterparts, each of which when so executed, shall be deemed an original. Such
3 counterparts shall together constitute and be one and the same instrument.

4 10. This Stipulation shall not become effective until signed by all parties and delivered by
5 the Commissioner’s agent via email to Respondent’s agent, Nicholas Whittemore,
6 nick@bluestreetcapital.com.

7 Dated: July 31, 2024

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

9
10 By _____
11 Mary Ann Smith
12 Deputy Commissioner
13 Enforcement Division

BLUE STREET CAPITAL, LLC

14 Dated: July 31, 2024

15 By _____
16 Nicholas Whittemore
17 Principal