

1 CLOTHILDE V. HEWLETT
Commissioner
2 MARY ANN SMITH
Deputy Commissioner
3 DANIEL P. O'DONNELL
Assistant Chief Counsel
4 RYAN M. CASSIDY (State Bar No. 340274)
5 Counsel
6 Department of Financial Protection and Innovation
2101 Arena Boulevard
7 Sacramento, CA 95834
Telephone: (916) 764-8358
8 Attorneys for Complainant

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

11 In the Matter of:

12 THE COMMISSIONER OF FINANCIAL
13 PROTECTION AND INNOVATION,

14 Complainant,

15 v.

16 ROBINSON SERVICES, and TAFARA
17 ROBINSON,

18 Respondents.

DESIST AND REFRAIN ORDER AND
CLAIM FOR ANCILLARY RELIEF

(Cal. Fin. Code § 90015 and Cal. Corp. Code
§ 25532)

19 The Commissioner of Financial Protection and Innovation (Commissioner) is informed and
20 believes, and based upon such information and belief, finds as follows:

21 **I.**

22 **INTRODUCTION**

23 1. The Commissioner has jurisdiction over the regulation of persons engaged in offering
24 or providing a consumer financial product or service in California under the California Consumer
25 Financial Protection Law (Cal. Fin. Code §§ 90000-90019) (CCFPL).

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

1 10. In truth and in fact, these funds were not held in escrow, nor did Robinson invest any of
2 the money on the Consumers’ behalf or purchase any securities. Instead, Robinson created fake
3 account records of account balances through “Robinson Services – Financial Services Brokerage.”
4 These records and Robinson’s communications led the Consumers to falsely believe that their money
5 was earning profits through Robinson’s efforts. Nor did Robinson allow the Consumer to withdraw
6 any funds, even when they asked.

7 11. Robinson’s representations set forth in Paragraph 9 above constitute deceptive acts or
8 practices with respect to a consumer financial product or service, to wit, engaging in deposit-taking
9 activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any
10 financial instrument on behalf of a consumer.

11 **B. Deceptive Acts or Practices, Debt Relief Services**

12 12. Beginning in at least May 2019, Robinson offered to help consumers with debt relief by
13 stating, “We will look into debt relief / student loan balance reduction payment and settlement options
14 for you.”

15 13. In one case, at least one Consumer agreed to pay Robinson one thousand dollars
16 (\$1,000.00) for debt relief services. However, after the Consumer paid Robinson, Robinson never
17 provided any services.

18 14. Robinson’s representations set forth in Paragraph 13 above constitute deceptive acts or
19 practices with respect to a consumer financial product or service, to wit, by representing that Robinson
20 would provide debt relief services, but upon receiving payment no services were ever provided.

21 **C. Unqualified, Non-Exempt Sale of Securities**

22 15. Beginning in at least May 2019, after Robinson obtained custody of Consumer’s funds,
23 Robinson offered and sold securities in the form of investment contracts, in California, through
24 telephone calls and email correspondence.

25 16. The purported purpose of the securities offering was to raise money from members of
26 the public and in return Robinson promised a 10% annual return.

27 17. These securities were offered or sold in this state in issuer transactions. The Department
28 of Financial Protection and Innovation has not issued a permit or other form of qualification

1 authorizing any person to offer or sell these securities in this state and the securities are not exempt
2 from qualification.

3 18. Robinson sold investment contracts to approximately two investors, residing in
4 California and elsewhere, in at least two separate transactions. Robinson raised at least \$194,000.00
5 from investors.

6 **D. Misrepresentations of Material Fact, Offer and Sale of Securities**

7 19. Robinson and their agents solicited investors and prospective investors through
8 telephone calls and email correspondence.

9 20. In connection with the offer and sale of securities, Robinson made, or caused to be
10 made, misrepresentations of material fact to investors and potential investors, including that Robinson
11 Services was a brokerage services company. In fact, neither the California Department of Financial
12 Protection and Innovation (Department) nor the United States Securities and Exchange Commission
13 has ever issued a broker-dealer certificate to Robinson.

14 21. Robinson also misrepresented that investor money would be held in a brokerage
15 account, in an escrow account earning interest, that the investment was safe, and that it would grow
16 10% annually. In fact, any money Robinson did return to investors was only a portion of their original
17 investment – no investor received any profits. And despite multiple requests for a refund, Robinson
18 has failed to pay back her investors.

19 **III.**

20 **DESIST AND REFRAIN ORDERS**

21 **A. CCFPL**

22 22. Under the CCFPL, it is unlawful for a “covered person” to “[e]ngage, have engaged, or
23 propose to engage in any unlawful, unfair, deceptive, or abusive act or practice with respect to
24 consumer financial products or services.” Cal. Fin. Code § 90003(a)(1).

25 23. A “covered person” includes “[a]ny person that engages in offering or providing a
26 consumer financial product or service to a resident of this state.” Cal. Fin. Code § 90003(f)(1).

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1 24. A “consumer financial product or service” is generally a “financial product or service
2 that is delivered, offered, or provided for use by consumers primarily for personal, family, or
3 household purposes.” Cal. Fin. Code § 90005(e)(1).

4 25. A “financial product or service” includes, among other things, “[e]ngaging in deposit-
5 taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any
6 financial instrument for use by or on behalf of a consumer.” Cal. Fin. Code § 90005(k)(4).

7 26. “Deposit-taking activity” includes (1) the acceptance of deposits, maintenance of
8 deposit accounts, or the provision of services related to the acceptance of deposits or the maintenance
9 of deposit accounts; and (2) the receipt of funds or the equivalent thereof, received or held by a
10 covered person for the purpose of facilitating a payment or transmitting funds between a consumer and
11 a third party. Cal. Fin. Code § 90005(i).

12 27. A “financial product or service” includes, among other things, “[p]roviding financial
13 advisory services . . . including . . . [p]roviding services to assist a consumer with debt management or
14 debt settlement, modifying the terms of any extension of credit, or avoiding foreclosure.” Cal. Fin.
15 Code § 90005 (k)(8)(B).

16 28. Robinson are a “covered person” under the CCFPL that engages in offering or
17 providing consumer financial products or services to California residents, including “[e]ngaging in
18 deposit-taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds
19 or any financial instrument for use by or on behalf of a consumer.” Cal. Fin. Code § 90005(k)(4).

20 29. Robinson are a “covered person” under the CCFPL that engages in offering or
21 providing consumer financial products or services to California residents, including financial advisory
22 services such as assisting consumers with debt management or debt settlement and modifying the
23 terms of any extension of credit. Cal. Fin. Code § 90005 (k)(8)(B).

24 30. Based on the foregoing, the Commissioner is of the opinion that Robinson Services and
25 Tafara Robinson violated Financial Code section 90003 (a)(1), by engaging, having engaged, or
26 proposing to engage in deceptive acts and practices (through its misleading offering of deposit-taking
27 services and debt relief services) with respect to consumer financial products or services.

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1 31. Pursuant to Financial Code section 90015 (d)(1), Robinson Services and Tafara
2 Robinson are hereby ordered to desist and refrain from violating Financial Code section 90003 (a)(1).

3 **B. CSL**

4 32. Corporations Code section 25110 prohibits the offer or sale of unqualified, nonexempt
5 securities in issuer transactions in the State of California.

6 33. Corporations Code section 25401 prohibits the offer or sale of securities in this state by
7 means of written or oral communications that include untrue statements of material fact or omit
8 materials facts necessary in order to make the statements made, in light of the circumstances under
9 which they were made, not misleading.

10 34. Based on the foregoing findings, the Commissioner is of the opinion that the
11 investment contracts offered by Robinson are securities subject to qualification under the California
12 Corporate Securities Law of 1968 and are being or have been offered or sold without being qualified,
13 in violation of Corporations Code section 25110.

14 35. Pursuant to Corporations Code section 25532, Robinson Services and Tafara Robinson
15 are hereby ordered to desist and refrain from offering or selling or buying or offering to buy any
16 security in the State of California, including, but not limited to investment contracts, unless and until
17 qualification has been made under said law or unless exempt.

18 36. Further, the Commissioner, the Commissioner is of the opinion that the securities, in
19 the form of investment contracts, issued by Robinson, were offered and sold in this state by means of
20 written or oral communications which included untrue statements of material fact or omitted to state
21 material facts necessary in order to make the statements made, in the light of the circumstances under
22 which they were made, not misleading, in violation of Corporations Code section 25401.

23 37. Pursuant to Corporations Code section 25532, Robinson Services and Tafara Robinson
24 are hereby ordered to desist and refrain from offering or selling or buying or offering to buy any
25 security in the State of California, including but not limited to investment contracts, by means of any
26 written or oral communication which includes an untrue statement of a material fact or omits to state a
27 material fact necessary in order to make the statements made, in the light of the circumstances under
28 which they were made, not misleading.

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IV.

CLAIM FOR ANCILLARY RELIEF

A. CCFPL

38. Complainant re-alleges and reincorporates by reference, as set forth fully above in paragraphs 1 to 14.

39. Pursuant to Financial Code section 90015, the Commissioner may include a claim for ancillary relief, as provided in Financial Code section 90012 (b).

40. Relief may include, but is not limited to, “[r]efund of moneys or return of real property,” restitution, and “[d]isgorgement or compensation for unjust enrichment, with any disgorged amounts returned to the affected consumers, to the extent practicable.” Cal. Fin. Code § 90012 (b).

41. Based on the foregoing, the Commissioner is of the opinion that Robinson Services and Tafara Robinson, collected at least \$194,000.00 from at least two California consumers in connection with acts or practices, relating to deposit-taking activities, that violated Financial Code section 90003 (a)(1).

42. Based on the foregoing, the Commissioner is of the opinion that Robinson Services and Tafara Robinson, collected at least \$1,000 from at least one California consumers in connection with acts or practices, relating to debt relief servicing, that violated Financial Code section 90003 (a)(1).

43. Pursuant to Financial Code sections 90012 (b) and 90015 (e), Robinson Services and Tafara Robinson are hereby ordered to refund all money collected from the two California consumers, totaling \$195,000.00. Robinson Services and Tafara Robinson shall pay each of the two refunds directly to the respective consumer no later than June 30, 2024. Notice of the refunds must be concurrently sent to Ryan M. Cassidy, by email at: ryan.cassidy@dfpi.ca.gov.

B. CSL

44. Complainant re-alleges and reincorporates by reference, as set forth fully above in paragraphs 1 to 21.

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

