

1 PRESTON DuFAUCHARD  
California Corporations Commissioner  
2 MICHAEL L. PINKERTON  
Deputy Commissioner  
3 ALAN S. WEINGER (CA Bar No. 86717)  
Lead Corporations Counsel  
4 LINDSAY B. HERRICK (CA Bar No. 224986)  
Corporations Counsel  
5 Department of Corporations  
1515 K Street, Ste. 200  
6 Sacramento, California 95814  
Telephone: (916) 322-8778  
7 Facsimile: (916) 445-6985

8 Attorneys for Complainant  
CALIFORNIA CORPORATIONS COMMISSIONER

10 BEFORE THE DEPARTMENT OF CORPORATIONS  
11 OF THE STATE OF CALIFORNIA

12 In the Matter of the Orders Issued to: ) File No.: 100-1786  
13 )  
14 TIGS Enterprises, LLC dba CASH PLUS, ) ORDER ISSUING CITATIONS AND TO  
15 CASH PLUS, INC., CASH PLUS OFFICE No. ) DESIST AND REFRAIN FROM  
16 96, and as PAYDAY ADVANCE, ) VIOLATIONS (FIN CODE § 23058) AND  
Respondent. ) ORDER VOIDING TRANSACTIONS AND  
) TO DISGORGE ALL CHARGES AND FEES  
) (FIN CODE §23060)  
17 )  
18 )  
19 )  
20 )  
21 )

22 Complainant, the Commissioner of the Department of Corporations (“Commissioner” or  
23 “Department”), is informed and believes, and based such information and belief, finds as follows:

24 I  
25 **INTRODUCTION**

26 On December 31, 2004, the Commissioner issued TIGS Enterprises, LLC, doing business as  
27 Cash Plus, Cash Plus, Inc., Cash Plus Office No. 96 and as Payday Advance (“TIGS”), a deferred  
28 deposit transaction originator license (No. 100-1786) pursuant to the California Deferred Deposit

1 Transaction Law (“CDDTL”), which is set forth in California Financial Code sections 23000 *et seq.*  
2 (All future references are to Financial Code sections unless indicated otherwise.) TIGS’ principal  
3 place of business is located at 935 N Harbor Blvd., La Habra, California 90613. Tom Irikawa  
4 (“Irikawa”) and Gregory Michael Salvato are Members of TIGS.

5 By reason of the following violations of the CDDTL by TIGS, the Commissioner hereby  
6 issues citations to TIGS in the amount of \$19,000, and an order to desist and refrain from further  
7 violations pursuant to section 23058. Additionally, pursuant to section 23060, the Commissioner  
8 finds void 49 deferred deposit transactions, summarized in and attached hereto as Exhibit A, and  
9 orders the refunding of principal amounts provided in those transactions, totaling \$11,645, and  
10 further orders disgorgement of all fees in relation thereto in the amount of \$2,880 for a total payment  
11 of \$14,525 to its customers.

## 12 II

### 13 FACTUAL BACKGROUND

14 1. The Department is responsible for enforcing all provisions of the CDDTL, including the  
15 regulation of deferred deposit transactions, which are also commonly referred to as “payday  
16 advances” or “payday loans.”

17 2. Since at least 2005, TIGS has engaged in the business of offering, originating, or making  
18 deferred deposit transactions, as defined by section 23001(a), whereby a customer’s personal check is  
19 deferred from being deposited until a specific date, pursuant to a written agreement, for a fee or other  
20 charge.

21 3. On May 21, 2008, a regulatory examination of TIGS was conducted by the Department  
22 which revealed violations of section 23036(b) which prohibits charging any additional fee or charge  
23 of any kind in conjunction with providing a customer an extension or payment plan for repayment of  
24 an existing deferred deposit transaction. During the examination, Irikawa informed the Department  
25 that he provides TIGS’ customers such extensions for a \$15 fee. Irikawa stated that the customer’s  
26 original due date for the transaction is then changed in software used by TIGS and a receipt prints  
27 reflecting the new due date. The fee is paid when the customer returns to pay his or her deferred  
28 deposit transaction in full.



1 to desist and to refrain from engaging in the business or further violating  
2 this division. If within 30 days, after the order is served, a written request  
3 for a hearing is filed and no hearing is held within 30 days thereafter, the  
order is rescinded.

#### 4 **1. Order Issuing Citations**

5 During the regulatory examination commenced on May 21, 2008, the Department identified  
6 \$870 in additional fees or charges for extension or payment plans in violation of section 23036(b) in  
7 conjunction with 49 deferred deposit transactions to 19 customers. The facts therefore establish that  
8 TIGS has committed 49 violations of section 23036(b). There is no evidence that TIGS has issued  
9 any refunds relating to these transactions.

10 Pursuant to section 23058(a), the Commissioner, therefore, is statutorily authorized to issue,  
11 and hereby orders TIGS to pay, citations in the amount of \$19,000 representing \$1,000 for each  
12 customer charged fees or other charges for extension or payment plans in conjunction with the 49  
13 deferred deposit transactions.

14 Pursuant to section 23058(a), the Commissioner further orders TIGS to pay the citations,  
15 totaling \$19,000, to the Commissioner within 30 days from the date of this Order. The citations shall  
16 remain in full force and effect until further order of the Commissioner.

#### 17 **2. Order to Desist and Refrain**

18 The foregoing facts establish multiple violations of the CDDTL by TIGS. The issuance of a  
19 Desist and Refrain Order, therefore, is necessary for the protection of consumers and is consistent  
20 with the purposes, policies, and provisions of the CDDTL.

21 Pursuant to sections 23050 and 23058, TIGS Enterprises, LLC doing business as Cash Plus,  
22 Cash Plus, Inc., Cash Plus Office No. 96 and as Payday Advance is hereby ordered to desist and  
23 refrain from violating California Financial Code section 23036(b). This Order shall remain in full  
24 force and effect until further order of the Commissioner.

#### 25 **B. Order Voiding California Deferred Deposit Transactions and to Disgorge All 26 Charges and Fees**

27 California Financial Code section 23060, subdivision (a), states:

28 If any amount other than, or in excess of, the charges or fees permitted by this  
division is willfully charged, contracted for, or received, a deferred deposit

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

transaction contract shall be void, and no person shall have any right to collect or receive the principal amount provided in the deferred deposit transaction, any charges, or fees in connection with the transaction.

TIGS willfully violated section 23036(b) by repeatedly charging 19 different customers additional fees or charges for extension or payment plans in at least 49 transactions. Because TIGS willfully charged its customers the unauthorized fees or charges, pursuant to section 23060, TIGS is not entitled to collect or receive the principal amount provided in the 49 deferred deposit transactions, nor is it entitled to any of the charges or fees associated with the transactions.

Pursuant to California Financial Code sections 23060, the 49 deferred deposit transactions are therefore void. TIGS Enterprises, LLC, doing business as Cash Plus, Cash Plus, Inc., Cash Plus Office No. 96 and as Payday Advance, is hereby ordered to immediately return to its customers, the principal amount provided in the 49 deferred deposit transactions totaling \$11,645, and to disgorge any and all charges or fees received in conjunction with the 49 deferred deposit transactions, totaling \$2,880, which includes \$870 in unauthorized fees or charges.

Dated: February 19, 2009  
Sacramento, California

PRESTON DuFAUCHARD  
California Corporations Commissioner

By: \_\_\_\_\_  
ALAN S. WEINGER  
Lead Corporations Counsel  
Enforcement Division