

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

STATE OF CALIFORNIA  
BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
DEPARTMENT OF CORPORATIONS

TO: Credit Counseling Bureau of San Diego, Inc.  
Sunny Onovughe Enyoghwerho  
3435 Camino Del Rio South, Suite 110  
San Diego, California 92108

**DESIST AND REFRAIN ORDER**  
**(For violations of section 12200 of the California Financial Code)**

The California Corporations Commissioner (“Commissioner”) finds that:

1. At all relevant times, Credit Counseling Bureau of San Diego, Inc. (“Credit Counseling Bureau”) is or was a California corporation formed in January 2001. Credit Counseling Bureau’s last principal place of business was located at 3435 Camino Del Rio South, Suite 110, San Diego, California, 92108.
2. At all relevant times, Sunny Onovughe Enyoghwerho (“Enyoghwerho”) was the President and a control person of Credit Counseling Bureau.
3. Beginning as early as January 2008, Credit Counseling Bureau and Enyoghwerho engaged in the business of receiving money from consumers in California for the purpose of providing debt management services that included negotiation of payment plans to creditors. Specifically, Credit Counseling Bureau would agree to pay the bills of a consumer from the funds a consumer forwarded to them for that purpose by arranging for periodic electronic funds transferred through the Automated Clearing House. Consumers paid “management fees” of up to \$35.00 per month to Credit Counseling Bureau as compensation for these services.
4. On or about February 1, 2008, Credit Counseling Bureau filed a notice with the Commissioner claiming it was a nonprofit community service organization exempt from licensure under section 12104 of the Check Sellers, Bill Payers and Proraters Law (“CSBPPL”) (California Financial Code section 12000 *et seq.*).

1           5. On August 4, 2008, the Commissioner informed Credit Counseling Bureau in writing that  
2 because it had failed to file its annual audited financial statements, as required by section 12104(i) of  
3 the CSBPPL, it was no longer exempt and must immediately cease doing business in California until  
4 the company met the requirements for the exemption or obtained a license.

5           6. In September 2010, the Internal Revenue Service revoked its determination that Credit  
6 Counseling Bureau qualified as an organization described in sections 501(c)(3) and 170(c)(2) of the  
7 Internal Revenue Code of 1986.

8           7. In December 2011, Credit Counseling Bureau's corporate status was suspended by the  
9 California Secretary of State.

10          8. The Commissioner has jurisdiction over and regulates bill payers and proraters under the  
11 CSBPPL. Financial Code section 12200 states:

12                   No person shall engage in the business, for compensation, of selling  
13 checks, drafts, money orders, or other commercial paper serving the  
14 same purpose, or of receiving money as agent of an obligor for the  
15 purpose of paying bills, invoices, or accounts of such obligor, or  
16 acting as a prorater, nor shall any person, without direct  
17 compensation and not as an authorized agent for a utility company,  
18 accept money for the purpose of forwarding it to others in payment  
19 of utility bills, without first obtaining a license from the  
20 commissioner.

21          9. Financial Code section 12002.1 defines a "prorater" as follows:

22                   A prorater is a person who, for compensation, engages in whole or in part  
23 in the business of receiving money or evidences thereof for the purpose of  
24 distributing the money or evidences thereof among creditors in payment or  
25 partial payment of the obligations of the debtor.

26          10. During the period of August 2008 through at least December 2011, Credit Counseling  
27 Bureau and Enyoghwerho continued to act as proraters within the meaning of Financial Code section  
28 12002.1.

          11. Credit Counseling Bureau and Enyoghwerho have never had a license to perform  
prorater services in the State of California, as required by Financial Code section 12200, and are not  
exempt under Financial Code section 12104.

///

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

12. Financial Code section 12103 provides in relevant part:

Whenever in the opinion of the commissioner . . . any person or licensee is violating any provision of this division, the commissioner may order the person or licensee to desist and to refrain from engaging in such business or further violating this division.

Based on the foregoing findings, the California Corporations Commissioner is of the opinion that Credit Counseling Bureau of San Diego, Inc. and Sunny Onovughe Enyoghwerho have engaged in prorater services in this state without a license in violation of California Financial Code section 12200. Pursuant to California Financial Code section 12103, Credit Counseling Bureau of San Diego, Inc. and Sunny Onovughe Enyoghwerho are hereby ordered to desist and refrain from engaging in prorater services unless and until duly licensed under the Check Sellers, Bill Payers and Proraters Law or unless exempt.

This Order is necessary, in the public interest, for the protection of investors and consistent with the purposes, policies and provisions of the Check Sellers, Bill Payers and Proraters Law.

Dated: August 1, 2012

JAN LYNN OWEN  
California Corporations Commissioner

By \_\_\_\_\_  
ALAN S. WEINGER  
Deputy Commissioner  
Enforcement Division