

1 PRESTON DUFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER (CA BAR NO. 86717)
Acting Deputy Commissioner
3 Department of Corporations
320 West 4th Street, Ste. 750
4 Los Angeles, California 90013-2344
Telephone: (213) 576-6205 Fax: (213) 576-7181

5 Attorneys for Complainant

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7 BEFORE THE DEPARTMENT OF CORPORATIONS
8 OF THE STATE OF CALIFORNIA

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10 In the Matter of the Accusation of THE) Case No.: 100-3811
CALIFORNIA CORPORATIONS)
11 COMMISSIONER,) ACCUSATION
12)
Complainant,)
13)
14 vs.)
15 CABRERA & NOACK INC. DBA DR. FAST)
CASH & CHECK CASHING)
16)
17 Respondent.)
18

19 The Complainant is informed and believes, and based upon such information and belief,
20 alleges and charges Respondent as follows:

21 I

22 Respondent Cabrera & Noack Inc. dba Dr. Fast Cash & Check Cashing (“Fast Cash”) is a
23 deferred deposit transaction originator licensed by the California Corporations Commissioner
24 (“Commissioner”) pursuant to the California Deferred Deposit Transaction Law (California
25 Financial Code § 23000 et seq.) (“CDDTL”). Fast Cash is licensed as a corporation that is authorized
26 to conduct business in the State of California. Fast Cash has its principal place of business at 2027
27 W. Marine Ave., Gardena, CA 90249.
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II

Pursuant to California Financial Code section 23013, all CDDTL licensees are required to maintain a surety bond in the minimum amount of \$25,000.00. The surety bond of Fast Check expired on March 11, 2009. On or about February 11, 2009, the Commissioner notified Fast Check by certified mail, return receipt requested that a replacement surety bond had to be filed immediately, but no later than the expiration date to avoid suspension or revocation of its CDDTL license. The notification was delivered to Fast Check on or about February 12, 2009.

Fast Check has not obtained a replacement surety bond in violation of California Financial Code section 23013.

III

California Financial Code section 23013 provides in pertinent part:

A licensee shall maintain a surety bond in accordance with this subdivision in the amount of twenty-five thousand dollars (\$25,000). The bond shall be payable to the commissioner and issued by an insurer authorized to do business in this state. A copy of the bond, including any and all riders and endorsements executed subsequent to the effective date of the bond, shall be filed with the commissioner for review and approval within 10 days of execution. For licensees with multiple licensed locations, only one surety bond in the amount of twenty-five thousand dollars (\$25,000) is required. The bond shall be used for the recovery of expenses, fines, and fees levied by the commissioner in accordance with this division or for losses or damages incurred by consumers as the result of a licensee's noncompliance with the requirements of this division.

California Financial Code section 23052 provides in pertinent part:

The commissioner may suspend or revoke any license, upon notice and reasonable opportunity to be heard, if the commissioner finds any of the following:

- (a) The licensee has failed to comply with any demand, ruling, or requirement of the commissioner made pursuant to and within the authority of this division.
- (b) The licensee has violated any provision of this division or any rule or regulation made by the commissioner under and within the authority of this division.
- (c) A fact or condition exists that, if it had existed at the time of the original

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application for the license, reasonably would have warranted the commissioner in refusing to issue the license originally.

IV

The Commissioner finds that, by reason of the foregoing, Fast Check has violated California Financial Code section 23013, and based thereon, grounds exist to revoke the deferred deposit transaction license of Fast Check.

WHEREFORE, IT IS PRAYED that the deferred deposit transaction license of Fast Check be revoked.

Dated: March 25, 2009
Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
Steven C. Thompson
Special Administrator