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Acting California Corporations Commissioner
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6 Attorneys for Complainant

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

10
11 In the Matter of the Accusation of THE) Case No.: 100-2174
CALIFORNIA CORPORATIONS)
12 COMMISSIONER,) ACCUSATION
13)
Complainant,)
14)
vs.)
15)
16 ROBERT SOLTERO III doing business as)
FASTBUCK\$ OF MORENO VALLEY,)
17)
Respondent.)
18)
19

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

22 I

23 Respondent Robert Soltero III doing business as Fastbuck\$ of Moreno Valley ("Fastbuck\$")
24 is a deferred deposit transaction originator licensed by the California Corporations Commissioner
25 ("Commissioner") pursuant to the California Deferred Deposit Transaction Law (California
26 Financial Code § 23000 et seq.) ("CDDTL"). Fastbuck\$ is a general partnership, whose general
27 partners are Roberto Soltero III ("Soltero") and Marlette Ann Harris ("Harris"). Fastbuck\$ has its
28

1 principal place of business located at 16420 Perris Boulevard, Suite K, Moreno Valley, California
2 92551.

3 II

4 On or about October 27, 2005, the Commissioner commenced a regulatory examination of
5 the books and records of Fastback\$. The regulatory examination disclosed that Fastback\$ had taken
6 extension fees in violation of California Financial Code section 23036(b) in at least twenty-eight
7 (28) transactions. The extension fees ranged from \$35.30 to \$45.00. The regulatory examination
8 further disclosed that Fastback\$ permitted at least twenty-one (21) customers to pay off all or a
9 portion of their deferred deposit transaction with the proceeds of another deferred deposit transaction
10 in violation of California Financial Code section 23037(a), and had also taken checks from at least
11 three (3) customers wherein blanks remained to be filled in after execution in violation of California
12 Financial Code section 23037(h).

13 III

14 During the course of the regulatory examination, the Commissioner also discovered that the
15 CDDTL license application filed by Fastback\$ with the Commissioner contained false statements of
16 material fact as further described below.

17 The November 21, 2004 deferred deposit transaction license application filed with the
18 Commissioner by Fastback\$ pursuant to California Financial Code section 23005, which application
19 resulted in the issuance of the deferred deposit transaction originator license that is the subject of this
20 action (license number 100-2174, hereinafter "application"), stated that the applicant was Robert
21 Soltero III ("Soltero") and Marlette Ann Harris ("Harris"), a general partnership doing business as
22 Fastback\$ of Moreno Valley. There were no other persons and/or partners listed. The application
23 was for 16240 Perris Boulevard, Suite K, Moreno Valley, California 92551 and was signed under
24 penalty of perjury by Soltero. The issuance of the CDDTL license to Fastback\$ was based upon all
25 the information submitted with the application, including the financial statements of, and
26 Department of Justice background checks on, Soltero and Harris.

27 Pursuant to California Financial Code section 23005(b) and California Code of Regulations,
28 title 10, sections 2020 and 2021, an application for a CDDTL license, initial and subsequent

1 locations, is required to contain a completed statement of identity and questionnaire (“SIQ”) for all
2 individual applicants, partners, stockholders, directors, officers, trustees, and other persons owning
3 or controlling 10% or more of the applicant. The Fastback\$ application contained SIQ’s for Soltero
4 and Harris. Soltero’s SIQ specifically stated that he would manage the location. Soltero executed
5 the SIQ under penalty of perjury that all of the information submitted in his SIQ was true and
6 correct.

7 The October 27, 2005 regulatory examination disclosed that Timothy Paul Mason (“Mason”)
8 was operating and managing Fastback\$. Mason is a lawyer who resigned from the California State
9 Bar on July 17, 2004 after an administrative law judge found that he had “flagrantly breached his
10 fiduciary duties to his clients and abused their trust as an attorney.” Documents obtained during the
11 regulatory examination further revealed that Mason was the lessee and intended tenant for the
12 CDDTL licensed premises pursuant to a lease dated September 15, 2004. The documents also
13 revealed that Mason was the franchisee of the Fastback\$ franchise for the CDDTL licensed premises
14 pursuant to a July 27, 2004 franchise agreement with Fastback\$ Franchise Corporation, which
15 authorized Mason to operate a payday lending business under the name Fastback\$ at that location.

16 Accordingly, the application submitted by Fastback\$ was false as neither Soltero nor Harris
17 would be managing the business and there had been no disclosure of Mason’s interest in the business
18 in the application.

19 IV

20 Pursuant to California Financial Code section 23016, all CDDTL licensees are required to
21 pay their pro rata share of all costs and expenses reasonably incurred in the administration of the
22 CDDTL. On or about May 20, 2005, an invoice in the amount of \$500.00 was sent to Fastback\$
23 with a notice that the invoice was due June 20, 2005. Fastback\$ failed to pay the assessment by the
24 June 20, 2005 deadline.

25 On or about October 4, 2005, a follow up letter was sent to Fastback\$ demanding the
26 assessment be paid no later than October 17, 2005 and assessing Fastback\$ a penalty of 1% per
27 month or partial month that the assessment was not paid after June 20, 2005. Fastback\$ was notified
28 in the letter that failure to pay the assessment and/or pay the penalty by October 17, 2005 could

1 result in an action to revoke its license. A further letter was sent to Fastback\$ on or about December
2 19, 2005 demanding the assessment be paid and penalty be paid no later than December 16, 2005.

3 Fastback\$ has yet to pay the assessment or the penalty as required by California Financial
4 Code section 23016.

5 V

6 Pursuant to California Financial Code section 23013, all CDDTL licensees are required to
7 maintain a surety bond in the minimum amount of \$25,000.00. The surety bond of Fastback\$
8 expired on January 8, 2006. On or about December 9, 2005, the Commissioner notified Fastback\$
9 that a replacement surety bond had to be filed immediately, but no later than the expiration date to
10 avoid suspension or revocation of its CDDTL license.

11 Fastback\$ has yet to obtain a replacement surety bond in violation of California Financial
12 Code section 23013.

13 VI

14 California Financial Code section 23052 provides in pertinent part:

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

18 (a) The licensee has failed to comply with any demand, ruling, or
19 requirement of the commissioner made pursuant to and within the authority
20 of this division.

21 (b) The licensee has violated any provision of this division or any rule or
22 regulation made by the commissioner under and within the authority of this
23 division.

24 (c) A fact or condition exists that, if it had existed at the time of the original
25 application for the license, reasonably would have warranted the commissioner
26 in refusing to issue the license originally.

27 California Financial Code section 23011 provides in pertinent part:

28 (a) Upon reasonable notice and the opportunity to be heard, the
commissioner may deny the application for any of the following reasons:

(1) Any false statement of a material fact has been made in an application.

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VII

The Commissioner finds that, by reason of the foregoing, Fastbuck\$ has violated California Financial Code sections 23013, 23016, 23036 subdivision (b), and 23037 subdivisions (a) and (h), and made false statements of material fact in its application, which are grounds for the commissioner to refuse to issue the license originally, and based thereon, grounds exist to revoke the deferred deposit transactions license of Fastbuck\$.

WHEREFORE, IT IS PRAYED that the deferred deposit transactions license of Fastbuck\$ be revoked.

Dated: March 17, 2006
Los Angeles, California

WAYNE STRUMPFER
Acting California Corporations Commissioner

By _____
Judy L. Hartley
Senior Corporations Counsel