State of California - Department of Business Oversight

STATE OF CALIFORNIA
BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF BUSINESS OVERSIGHT

TO: Pacific Capital Finance, LLC
5176 Corsa Avenue, Suite 110
Westlake Village, CA 91362

15333 Culver Drive, Suite 340-744
Irvine, CA 92604

DESIST AND REFRAIN ORDER

(For violations of sections 22100 and 22161 of the Financial Code)

The Commissioner of Business Oversight finds that:

1. At all relevant times, Pacific Capital Finance, LLC (Pacific Capital) was a California limited liability company formed on or about July 17, 2014 and maintained addresses at: 5176 Corsa Avenue, Suite 110, Westlake Village, California 91362 and 15333 Culver Drive, Suite 340-744, Irvine, California 92604. Pacific Capital operated and maintained an internet website at www.pacificcapitalfinance.com.

2. Pacific Capital advertised on its website that it was "one of America's leading providers of working capital and equipment leasing solutions." Pacific Capital also represented it could finance and secure loans "up to $500,000 . . . quickly with minimal documentation and $500,000-$1,000,0000 with additional financials."

3. Beginning on or about November 17, 2017, Pacific Capital sent an Alabama resident an advertisement via fax offering to finance business loans. The Alabama resident entered into a loan agreement with Pacific Capital and sent an advance fee of $3,840.00 to Pacific Capital. Pacific Capital promised the Alabama resident it would fund a business loan of $150,000.00 after receiving its advance fee and executed loan agreement.

4. Despite repeated assurances from Pacific Capital that financing would be provided, the Alabama resident never received the promised funding and the advanced fees were never returned.

5. Pacific Capital engaged in an act that constitutes fraud or dishonest dealings in violation of Financial Code section 22161, subdivision (a)(6), by falsely representing to the Alabama resident he would receive a $150,000.00 business loan after sending Pacific Capital an advance fee of $3,840.00 and an executed loan agreement.

6. Pacific Capital has not have been issued a license by the Commissioner under the California Financing Law (CFL) (Fin. Code, § 22000 et seq.) and is not authorized to engage in the business of a finance lender or broker. Pacific Capital is not exempt from the licensing requirement of Financial Code section 22100.

Based on the foregoing findings, the Commissioner of Business Oversight is of the opinion that Pacific Capital Finance, LLC has engaged in the business of a finance lender and/or broker in violation of California Financial Code Section 22100. Furthermore, Pacific Capital Finance, LLC has violated Financial Code section 22161, subdivision (a)(6), engaging in an act that constitutes fraud or dishonest dealings.

Pursuant to California Financial Code Section 22712, Pacific Capital Finance, LLC is hereby ordered to desist and refrain from engaging in the business of a finance lender and/or broker in the State of California without first obtaining a license from the Commissioner, or otherwise being exempt. Furthermore, Pacific Capital Finance, LLC is hereby ordered to desist and refrain from engaging in an act that constitutes fraud or dishonest dealings.

This Order is necessary, in the public interest, for the protection of consumers and is consistent with the purposes, policies, and provisions of the California Financing Law.

Date: December 18, 2018
Sacramento, CA

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division

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