PRESTON DUFAUCHARD
California Corporations Commissioner
ALAN S. WEINGER (CA BAR NO. 86717)
Deputy Commissioner
Department of Corporations
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Attorneys for Complainant

BEFORE THE DEPARTMENT OF CORPORATIONS

OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of THE CALIFORNIA CORPORATIONS COMMISSIONER, Complainant, vs. GRAHAM J. WILKIE dba PAYDAYNOW Respondent.	Case No.: 100-2345 ACCUSATION

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

I

Respondent Graham J. Wilkie dba Paydaynow ("Paydaynow") is a deferred deposit transaction originator licensed by the California Corporations Commissioner ("Commissioner") pursuant to the California Deferred Deposit Transaction Law (California Financial Code § 23000 et seq.) ("CDDTL"). Graham J. Wilkie dba Paydaynow is conducting business as an individual with his principal place of business at 2029 W. Ashland Ave., Visalia, CA 93277.

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 Paydaynow

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expired on February 8, 2010. On or about February 3, 2010, the Commissioner notified Paydaynow 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 Paydaynow on or about February 5, 2010.

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

IV

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

WHEREFORE, IT IS PRAYED that the deferred deposit transaction license of Graham J. Wilkie dba Paydaynow be revoked.

Los Angeles, California
Dated: February 23, 2010

PRESTON DuFAUCHARD
California Corporations Commissioner

By_____
Steven C. Thompson
Special Administrator

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