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8  
9 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
10 OF THE STATE OF CALIFORNIA

11 In the Matter of: ) CFL LICENSE NO.: 603K381  
12 THE COMMISSIONER OF BUSINESS ) ACCUSATION  
OVERSIGHT, )  
13 )  
14 Complainant, )  
15 v. )  
16 VIRTUA FUNDING, LLC, )  
17 Respondent. )  
18 \_\_\_\_\_ )

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20 The Complainant, the Commissioner of Business Oversight (Commissioner), files this  
21 Accusation to revoke the California Financing Law (CFL) license of Respondent, Virtua Funding,  
22 LLC (Respondent), pursuant to Financial Code section 22714. The Commissioner alleges, and  
23 charges as follows:

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I.

**Statement of Facts**

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3 1. The Commissioner has jurisdiction over the licensing and regulation of persons and  
4 entities engaged in the business of finance lending or brokering under the California Financing Law  
5 (CFL) (Fin. Code, § 22000 et seq.).

6 2. Respondent is a limited liability company, with a principal place of business at 9730  
7 South 700 East, Suite 111, Sandy, UT 84070.

8 3. Respondent is licensed as a finance lender and broker under the CFL with main  
9 license number 603K381.

10 4. Financial Code section 22159 requires CFL licensees to file an annual report with the  
11 Commissioner by March 15 of each year reflecting the licensee's previous calendar year's business  
12 and operations (Annual Report).

13 5. Financial Code section 22715, subdivision (b) authorizes the Commissioner to issue  
14 an order assessing a monetary penalty against licensees for filing the Annual Report after the March  
15 deadline. (Penalty Order)

16 6. Pursuant to Financial Code section 22715, subdivision (d), if a licensee does not file a  
17 written request for a hearing within 30 days of the date of service of the Penalty Order, the Penalty  
18 Order becomes a final order of the Commissioner, and the licensee must pay the penalty within five  
19 business days of the date the Penalty Order becomes final.

20 7. On April 2, 2018, Respondent filed its 2017 Annual Report, 12 business days after  
21 the March 15, 2018 deadline.

22 8. On May 25, 2018, the Commissioner issued and served an Order imposing a penalty  
23 (Penalty Order) on Respondent, license number 603K381, imposing a \$4,000.00 penalty.

24 9. No written request for a hearing was received within 30 days of service of the Penalty  
25 Order assessed against Respondent, making the order final.

26 10. Respondent has not paid the Penalty Order within five business days of the order  
27 being deemed a final order of the Commissioner.

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**II.**

**Authority to Revoke Respondent’s CFL License**

Financial Code section 22714, subdivision (a), provides:

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

(1) 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 ....

**III.**

**Prayer**

11. The Commissioner finds that by failing to pay the Penalty Order assessed against Respondent within five business days of the order being deemed a final order of the Commissioner, the Respondent has failed to comply with a demand, ruling, or requirement of the Commissioner made pursuant to and within the authority of the CFL, and it is in the best interests of the public to revoke the CFL license of Respondent.

WHEREFORE, IT IS PRAYED that the CFL license of Respondent Virtua Funding, LLC be revoked.

Dated: January 29, 2019

JAN LYNN OWEN  
Commissioner of Business Oversight

By \_\_\_\_\_  
UCHE L. ENENWALI  
Senior Counsel  
Enforcement Division