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STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS

TO: James C. Jacobson
Tremont Financial, LLC
101 North Main Avenue, Suite 220
Sioux Falls, South Dakota 57104

DESIST AND REFRAIN ORDER
(For violations of California Financial Code sections 22100 and 23005)

The California Corporations Commissioner (“Commissioner”) finds that:

1. The California Corporations Commissioner (“Commissioner”) is informed and believes and based upon such information and belief alleges that Tremont Financial, LLC (“Tremont”) is, and was at all relevant times herein, a limited liability corporation, with its principal place of business located at 101 North Main Avenue, Suite 220, Sioux Falls, South Dakota 57104.
2. James Jacobson, at all relevant times, was the President and registered agent for service of process for Tremont Financial, LLC.
3. Tremont has engaged in the business of deferred deposit transactions in California by originating deferred deposit transactions in this state as described below.
4. Tremont has transacted business by means of the internet with a resident of California. Tremont is an online payday lender located and licensed in South Dakota conducting business in California. Tremont is deemed to be conducting business in the State of California and is subject to the laws and courts of California.
5. A deferred deposit transaction is a written transaction whereby one person gives funds to another person upon receipt of a personal check and it is agreed that the personal check shall not be deposited until a later date.
6. Tremont has not been issued a license by the Commissioner authorizing it to engage in the business of deferred deposit transactions under the California Deferred Deposit Transaction

1 Law (“CDDTL”) in violation of California Financial Code section 23005. Tremont has also not
2 been issued a license by the Commissioner to engage in the business of a finance lender under the
3 California Finance Lenders Law (“CFLL”), in violation of California Financial Code section 22100.

4 7. Tremont is not exempt from the licensing requirements of California Financial Code
5 section 23005, or the requirements of California Financial Code section 22100.

6 8. On November 16, 2009, Tremont gave a California resident a credit advance of \$500.
7 In return, the resident would pay a finance charge of \$150 (an annual rate of 912.50%).
8 Subsequently, Tremont attempted to attach the wages of the California resident in California to
9 satisfy the unpaid credit advance. By conducting business in California without a license, Tremont
10 and James Jacobson are subject to California Financial Code sections 23050 and 22712.

11 California Financial Code section 23050 provides in pertinent part:

12
13 Whenever, in the opinion of the commissioner, any person is engaged in the
14 business of deferred deposit transactions, as defined in this division, without a
15 license from the commissioner . . . the commissioner may order that person or
16 licensee to desist and to refrain from engaging in the business . . . If, within 30
17 days, after the order is served, a written request for a hearing is filed and no hearing
18 is held within 30 days thereafter, the order is rescinded.

19 California Financial Code section 22712 provides:

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21 Whenever, in the opinion of the commissioner, any person is engaged in
22 business as a broker or finance lender, as defined in this division, without
23 a license from the commissioner, or any licensee is violating any provision
24 of this division, the commissioner may order that person or licensee to desist
25 and to refrain from engaging in the business or further violating this division.
26 If, within 30 days after the order is served, a written request for a hearing is filed
27 and no hearing is held within 30 days thereafter, the order is rescinded.

28 By reason of the foregoing, the California Corporations Commissioner is of the opinion that
Tremont Financial, LLC and James Jacobson have engaged in the business of deferred deposit
transactions without having first obtained a license from the Commissioner in violation of California
Financial Code section 23005.

Further, by reason of the foregoing, the California Corporations Commissioner is of the
opinion that Tremont Financial, LLC and James Jacobson have engaged in the business of a finance

1 lender without having first obtained a license from the Commissioner in violation of California
2 Financial Code section 22100.

3 Pursuant to California Financial Code section 23050, Tremont Financial, LLC and James
4 Jacobson are hereby ordered to desist and refrain from engaging in the business of deferred deposit
5 transactions in the State of California without first obtaining a license from the Commissioner, or
6 otherwise being exempt. Further, pursuant to California Financial Code section 22712, Tremont
7 Financial, LLC and James Jacobson are hereby ordered to desist and refrain from engaging in the
8 business of a finance lender, without first obtaining a license from the Commissioner, or otherwise
9 being exempt. This Order is necessary, in the public interest, for the protection of consumers and is
10 consistent with the purposes, policies and provisions of the California Deferred Deposit Transaction
11 Law and the California Finance Lenders Law. This order shall remain in full force and effect until
12 further order of the Commissioner.

13 Dated: June 29, 2010
14 Los Angeles, California

PRESTON DUFAUCHARD
California Corporations Commissioner

16 By _____
17 ALAN S. WEINGER
18 Deputy Commissioner

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