
IN THE MATTER OF:

**TFC CREDIT CORPORATION
OF CALIFORNIA
d/b/a TFC TUITION FINANCING
NMLS # 1708442**

(“TFC”)

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CONSENT ORDER

WHEREAS, the Banking Commissioner (“Commissioner”) is charged with the administration of Part XIV of Chapter 669, Sections 36a-846 to 36a-854, inclusive, of the Connecticut General Statutes, “Student Loan Servicers”;

WHEREAS, TFC is a California corporation with an office at 2010 Crow Canyon Place, Suite 300, San Ramon, California;

WHEREAS, TFC is not currently nor has it ever been licensed to act as a student loan servicer in Connecticut;

WHEREAS, on June 25, 2018, TFC filed an application with the Commissioner on the Nationwide Multistate Licensing System and Registry (“NMLS”) to obtain a student loan servicer license in Connecticut, which application is currently pending;

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking, has investigated the activities of TFC pursuant to Section 36a-17 of the Connecticut General Statutes to determine if it had violated, was violating or was about to violate the provisions of the Connecticut General Statutes within the jurisdiction of the Commissioner;

WHEREAS, as a result of such investigation, the Commissioner alleges that between October 1, 2016 and September 28, 2018, TFC acted as a student loan servicer in Connecticut without a student loan servicing license, in violation of Section 36a-847(a) of the Connecticut General Statutes, in effect prior to October 1, 2018;

WHEREAS, the Commissioner believes that such allegation would support the initiation of enforcement proceedings against TFC, including, without limitation, proceedings to issue a cease and desist order against TFC pursuant to Sections 36a-852(b) and 36a-52(a) of the Connecticut General Statutes, and to impose a civil penalty of up to One Hundred Thousand Dollars (\$100,000) per violation upon TFC pursuant to Sections 36a-852(b) and 36a-50(a) of the Connecticut General Statutes;

WHEREAS, initiation of such enforcement proceedings would constitute a “contested case” within the meaning of Section 4-166(4) of the Connecticut General Statutes;

WHEREAS, Section 4-177(c) of the Connecticut General Statutes and Section 36a-1-55(a) of the Regulations of Connecticut State Agencies provide that a contested case may be resolved by consent order, unless precluded by law;

WHEREAS, both the Commissioner and TFC acknowledge the possible consequences of formal administrative proceedings, and TFC voluntarily agrees to consent to the entry of the sanctions imposed below solely for the purpose of obviating the need for formal administrative proceedings concerning the allegation set forth herein;

WHEREAS, the Commissioner and TFC now desire to resolve the matters set forth herein;

WHEREAS, TFC represents to the Commissioner that it has reviewed and updated its internal policies, procedures and controls for timely and accurately applying for a license and renewal licenses on NMLS;

WHEREAS, TFC specifically assures the Commissioner that the violation alleged herein shall not occur in the future;

WHEREAS, TFC acknowledges that this Consent Order is a public record and is a reportable event for purposes of the regulatory disclosure questions on NMLS, as applicable;

AND WHEREAS, TFC, through its execution of this Consent Order, voluntarily agrees to waive its procedural rights, including a right to a notice and an opportunity for a hearing as it pertains to the allegation set forth herein, and voluntarily waives its right to seek judicial review or otherwise challenge or contest the validity of this Consent Order.

CONSENT TO ENTRY OF SANCTIONS

WHEREAS, TFC, through its execution of this Consent Order, consents to the Commissioner's entry of a Consent Order imposing the following sanctions:

1. No later than the date this Consent Order is executed by TFC, it shall remit to the Department of Banking by wire transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Ten Thousand Dollars (\$10,000) as a civil penalty;
2. No later than the date this Consent Order is executed by TFC, it shall remit to the Department of Banking by wire transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Four Hundred Dollars (\$400) for back licensing fees; and
3. TFC shall cease and desist from acting as a student loan servicer in Connecticut without a license, in violation of Section 36a-847(a) of the Connecticut General Statutes.

CONSENT ORDER

NOW THEREFORE, the Commissioner enters the following:

1. The Sanctions set forth above be and are hereby entered;
2. Upon issuance of this Consent Order by the Commissioner, this matter will be resolved and the Commissioner will not take any future enforcement action against TFC based upon the allegation set forth herein; provided that issuance of this Consent Order is without prejudice to the right of the Commissioner to take enforcement action against TFC based upon a violation of this Consent Order or the matter underlying its entry, if the Commissioner determines that compliance with the terms herein is not being observed or if any representation made by TFC and reflected herein is subsequently discovered to be untrue;
3. TFC shall not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any allegation referenced in this Consent Order or create the impression that this Consent Order is without factual basis;
4. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by TFC and its control persons on NMLS, as applicable, nothing in the issuance of this Consent Order shall

adversely affect the ability of TFC to apply for or obtain licenses or renewal licenses under Part XIV of Chapter 669, Sections 36a-846 to 36a-854, inclusive, of the Connecticut General Statutes, provided that all legal requirements for such licenses are satisfied and the terms of this Consent Order are being followed;

5. This Consent Order shall be binding upon TFC and its successor and assigns; and
6. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut
this 28th day of May 2019.

/s/

Jorge L. Perez
Banking Commissioner

I, Benjamin Breitbart state on behalf of TFC Credit Corporation of California d/b/a TFC Tuition Financing, that I have read the foregoing Consent Order; that I know and fully understand its contents; that I am authorized to execute this Consent Order on behalf of TFC Credit Corporation of California d/b/a TFC Tuition Financing; that TFC Credit Corporation of California d/b/a TFC Tuition Financing agrees freely and without threat or coercion of any kind to comply with the sanctions entered and terms and conditions ordered herein; and that TFC Credit Corporation of California d/b/a TFC Tuition Financing voluntarily agrees to enter into this Consent Order, expressly waiving the procedural rights set forth herein as to the matters described herein.

By: /s/
Name: Benjamin Breitbart
Title: Vice President
TFC Credit Corporation of California d/b/a
TFC Tuition Financing

State of: California

County of: Contra Costa

On this the 9th day of May, 2019, before me, David Tadevich, the undersigned officer, personally appeared Benjamin Breitbart, who acknowledged himself/herself to be the representative of TFC Credit Corporation of California d/b/a TFC Tuition Financing, a corporation, and that he/she, as such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself /herself as Benjamin Breitbart.

In witness whereof I hereunto set my hand.

/s/
Notary Public
Date Commission Expires: 05-27-21