
*
IN THE MATTER OF: *
*
SIGUE CORPORATION *
NMLS # 915912 *
*
(“Sigue”) *
*

CONSENT ORDER

WHEREAS, the Banking Commissioner (“Commissioner”) is charged with the administration of Part V of Chapter 668, Sections 36a-595 to 36a-614, inclusive, of the Connecticut General Statutes, known as the “Money Transmission Act”;

WHEREAS, Sigue is a Delaware corporation with a primary business address of 13190 Telfair Ave., Sylmar, California. Sigue has been licensed to engage in the business of money transmission in Connecticut since January 28, 2002;

WHEREAS, at all times relevant hereto Guillermo de la Viña has been the majority owner, Chief Executive Officer and Qualified Individual of Sigue;

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking, has conducted an investigation into the activities of Sigue pursuant to Sections 36a-17 and 36a-608 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 from at least January 1, 2024 to the present, Sigue: (1) failed to maintain permissible investments having a value at least equal to the aggregate amount of its outstanding money transmissions in this state, in violation of Section 36a-603(a) of the Connecticut General Statutes; (2) failed to maintain minimum tangible net

worth of Five Hundred Thousand Dollars (\$500,000), in violation of Section 36a-604(c) of the Connecticut General Statutes; and (3) has engaged, or is likely to engage, in unsafe or unsound practices as defined in Section 36a-608(a) of the Connecticut General Statutes by being unable to remit monies received for transmission on behalf of approximately seventy (70) Connecticut purchasers, as that term is defined in Section 36a-596(17) of the Connecticut General Statutes;

WHEREAS, the Commissioner also alleges that the conduct of Sigue fails to demonstrate that its financial condition is sound and its business will be able to continue to be conducted honestly, fairly, equitably, carefully and efficiently within the purposes and intent of sections 36a-595 to 36a-612, inclusive, of the Connecticut General Statutes, and in a manner commanding the confidence and trust of the community, as required by subdivisions (1) and (2) of Section 36a-600(a) of the Connecticut General Statutes;

WHEREAS, the Commissioner believes that such allegations would support initiation of enforcement proceedings against Sigue, including, without limitation, proceedings to revoke its license to engage in the business of money transmission in Connecticut pursuant to Section 36a-608(b) of the Connecticut General Statutes and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes, to issue an order to cease and desist pursuant to Sections 36a-608(c) 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 pursuant to Sections 36a-608(c) and 36a-50(a) of the Connecticut General Statutes;

WHEREAS, Sigue represents that it currently has significant outstanding liabilities, including outstanding transmission liabilities in excess of \$4.9 million nationwide and has no unencumbered tangible assets available to satisfy all of its liabilities, nor does it believe that it will have any assets in the future to satisfy all of its outstanding transmission liabilities;

WHEREAS, at the time of entry of this Consent Order, Sigue has represented its inability to pay a civil penalty and has submitted, to the Commissioner, financial statements reflecting such financial position;

WHEREAS, at the time of entry of this Consent Order, Mr. de la Viña has represented that he does not intend, on a go forward basis, to, directly or indirectly, control a money transmission business operating within this state.

WHEREAS, initiation of such enforcement proceedings would constitute a “contested case” within the meaning of Section 4-166(4) of the Connecticut General Statutes. 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, the Commissioner, Sigue and Mr. de la Viña acknowledge the possible consequences of formal administrative proceedings, and Sigue and Mr. de la Viña each voluntarily agrees to consent to the entry of the sanctions imposed below without admitting or denying the allegations set forth herein, and solely for the purpose of obviating the need for formal administrative proceedings concerning the allegations set forth herein;

WHEREAS, Sigue and Mr. de la Viña each acknowledges that they have had the opportunity to consult with and be represented by independent counsel in negotiating and reviewing this Consent Order and execute this Consent Order freely;

WHEREAS, the Commissioner, Sigue and Mr. de la Viña now desire to resolve the matters set forth herein;

WHEREAS, Sigue specifically assures the Commissioner that the violations alleged herein shall not occur in the future;

WHEREAS, Sigue and Mr. de la Viña each 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;

WHEREAS, Mr. de la Viña, through his execution of this Consent Order, voluntarily agrees to waive his 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 his right to seek judicial review or otherwise challenge or contest the validity of this Consent Order;

AND WHEREAS, Sigue, 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 allegations 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, Sigue and Mr. de la Viña through their respective execution of this Consent Order, consent to the Commissioner's entry of a Consent Order imposing the following sanctions:

1. Sigue shall cease and desist from failing to maintain permissible investments having a value at least equal to the aggregate amount of its outstanding money transmissions in Connecticut, in violation of Section 36a-603(a) of the Connecticut General Statutes, failing to maintain the minimum tangible net worth required of money transmission licensees, in violation of Section 36a-604(c) of the Connecticut General Statutes, and engaging in an unsafe or unsound practice as defined in Section 36a-608(a) of the Connecticut General Statutes;
2. Issuance of a civil penalty against Sigue pursuant to Section 36a-50(a) of the Connecticut General Statutes in the amount of Three Hundred Thousand Dollars (\$300,000). Such civil penalty shall be remitted immediately to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order made payable to "Treasurer State of Connecticut". Sigue may apply for waiver of any remaining civil penalty amount after three (3) years from the date of issuance of this Consent Order if no proceeds remain on its Connecticut bond and Sigue demonstrates to the satisfaction of the Commissioner its inability to pay any remaining civil penalty amount. As it pertains to Mr. de la Viña, nothing in this paragraph shall be interpreted to imply personal or joint liability related to the civil penalty provided herein;
3. Mr. de la Viña agrees not to act, directly or indirectly, as a director, manager, owner, control person or qualified individual of any entity engaged in money transmission activity subject to licensure or regulation by the Commissioner, until such time the Commissioner determines, in his sole discretion, that Mr. de la Viña demonstrates the requisite financial responsibility, qualification and character to participate in such money transmission activity in Connecticut;
4. Sigue shall cooperate with the Commissioner and promptly provide all information requested to effectuate the winddown of Sigue's money transmission business in Connecticut and ensure compliance with the terms of this Consent Order, including, but not limited to, customer transaction information, complaints and financial statements and records; and
5. Mr. de la Viña shall cooperate with the Commissioner and promptly provide any information requested to ensure compliance with the terms of this Consent Order.

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 Sigue or Mr. de la Viña based upon the allegations set forth herein; provided that issuance of this Consent Order is without prejudice to the right of the Commissioner to take enforcement action against Sigue or Mr. de la Viña based upon a violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms herein is not being observed or if any representation made by Sigue or Mr. de la Viña and reflected herein is subsequently discovered to be untrue. So long as Sigue satisfactorily demonstrates to the Commissioner its inability to pay, Sigue's failure to immediately pay the civil penalty set forth herein shall not be deemed a violation of this Consent Order;
3. Sigue and Mr. de la Viña shall not take any action or make or permit to be made any public statement, including in regulatory filings, any proceedings in any forum 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. Except as specifically provided herein, Sigue and Mr. de la Viña shall not take any position in any proceeding brought by or on behalf of the Commissioner, or to which the Commissioner is a party, that is inconsistent with any part of this Consent Order. Nothing in this provision affects Sigue's and Mr. de la Viña's (i) testimonial obligations, or (ii) right to take legal or factual positions that may contradict the allegations in this Content Order in litigation or other legal proceedings in which the Commissioner is not a party;
4. This Consent Order shall be binding upon Sigue and its successors and assigns; and
5. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut
this 25th day of April 2024.

/s/

Jorge L. Perez
Banking Commissioner

I, Guillermo de la Viña, state on behalf of Sigue Corporation 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 Sigue Corporation; that Sigue Corporation agrees freely and without threat or coercion of any kind to comply with the sanctions entered and terms and conditions ordered herein; and that Sigue Corporation 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: Guillermo de la Viña
Title: CEO
Sigue Corporation

State of: _____

County of: _____

On this the ____ day of _____ 2024, before me, _____, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be the _____ of Sigue Corporation, a corporation, and that he/she as such _____, 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 _____.

In witness whereof I hereunto set my hand.

Notary Public
Date Commission Expires:

