

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE,
OFFICE OF THE MONTANA STATE AUDITOR**

IN THE MATTER OF

Lavish Auto Detailing LLC,

Respondents.

Case No. SEC-2023-00271

**FINAL AGENCY ACTION AND
DEFAULT ORDER**

On September 21, 2023, counsel for the Commissioner of Securities and Insurance, Office of the Montana State Auditor (“Commissioner”), served a Notice of Proposed Agency Action and Opportunity for Hearing (“NOPAA”) on Lavish Auto Detailing LLC (“Respondent”) by US Mail with tracking capability.

The NOPAA was delivered September 25, 2023. A copy of the tracking receipt is attached and marked as Exhibit A. A copy of the NOPAA is attached as Exhibit B. The NOPAA provided Respondent an opportunity for an administrative hearing if requested within 21 days of service of the NOPAA. The deadline for Respondent to request an administrative hearing to challenge the NOPAA was October 16, 2023. The NOPAA warned that failure to respond and request a hearing by the deadline would result in a default order. Respondent failed to respond to the NOPAA and request a hearing.

Therefore, a default order will issue. Mont. Admin. R. 1.3.214. The Commissioner considered the evidence and exhibits and makes the following determinations:

FINDINGS OF FACT

1. According to the California Secretary of State’s records, Respondent Lavish Auto Detailing is a California LLC registered with the California Secretary of State’s

Office by Jezreel Ponce on May 25, 2022. Respondent is not registered with the Montana Secretary of State.

2. Respondent's record entry reflects that it is active and in good standing with the California Secretary of State but failed to file its required statements as of August 23, 2022.

3. Respondent's record entry also reflects its principal address, mailing address, and the address of its registered agent, Jezreel Ponce, are all 2420 W. Holt Avenue, El Centro, California, 92243.

4. In May of 2022, 72-year-old Montana resident S.B. noticed two suspicious charges on her checking account from Amazon.com that she did not make. She contacted Amazon, who reversed the charges and helped her remove her saved payment information.

5. Approximately two months later, on July 8, 2022, S.B. received a phone call from an unknown caller who sounded female. This caller identified herself as working for Amazon. The caller told S.B. that Amazon had detected \$9,000 worth of unusual activity on S.B.'s account. S.B. confirmed to the caller that she did not make those purchases.

6. The caller told S.B. that she was aware S.B. had this problem previously, and that the caller once again suspected fraud. The caller said she was going to transfer S.B. to the "Fraud Detection Agency" with the U.S. Federal Trade Commission to file a complaint. The U.S. Federal Trade Commission does not have any such unit by that name.

7. Instead, S.B. was transferred to another operator who claimed that he would need to transfer S.B. to an agent of the U.S. Drug Enforcement Agency named "Randal Jenkins."

8. "Jenkins" told S.B. that he was an agent who investigates the sort of investigations that S.B. had reported.

9. On July 9, 2022, "Jenkins" called S.B. and reported that S.B.'s name had been connected to fraudulent activity across the country and that S.B. was being investigated for money laundering. He instructed S.B. not to speak to anyone about the "investigation."

10. On July 11, 2022, “Jenkins” called S.B. and told her that she was no longer under suspicion of money laundering, but that her accounts were still at risk.

11. “Jenkins” instructed S.B. that to keep her money safe, she needed to transfer \$8,000 from her savings account to a “U.S. Treasury Secure Locker” to keep it safe from the money launderers while the case was still open.

12. “Jenkins” instructed S.B. to wire the money using Money Gram Green Dot Mobile Deposits, using barcodes he provided. S.B. completed the transactions as instructed, wiring \$8,000 to the account he provided.

13. S.B. began to suspect this was not legitimate and accused “Jenkins” of lying to her. “Jenkins” threatened to arrest her for accusing a federal officer of lying, and threatened her with twenty years in prison, bad credit, and large fines. He confronted her with all the information he knew about her, including her social security number, her quilting business, and her retirement account.

14. “Jenkins” accused S.B. of lying to him and trying to hide her retirement account from him. He instructed her to withdraw all of the money from her retirement account to keep it from being frozen by the government.

15. Financial records show that on July 12, 2022, S.B. initiated a withdrawal from her 403(b) retirement account with Lincoln Financial by completing and submitting a Distribution Request for a one-time payment of \$97,000, payable to S.B.’s personal bank account at Southwest Montana Community Federal Credit Union.

16. S.B. texted “Jenkins” to ask him how taxes on her “distribution” from her retirement fund would work. He told her that she did not need to pay taxes on the withdrawal and that the “department it self [sic]” would pay them.

17. Financial records show that on July 18, 2022, Lincoln Financial deposited the money from S.B.’s retirement account into her checking account, in the amount of \$77,600. “Jenkins” instructed S.B. to contact the bank and find out why the total \$97,000 requested was not deposited. The bank told S.B. it withheld 20% for taxes as required by law.

18. S.B. continued to suspect “Jenkins” was not who he said he was. To reassure her, “Jenkins” texted S.B. a copy of a purported badge and ID card, as well as a copy of a purported \$97,000 check from the U.S. treasury that would be sent to S.B. upon the completion of the “investigation.”

19. CSI investigator Jennifer Adkins conducted a search of the image of the ID and Badge using Google Lens, a search feature that allows for reverse image searching. She discovered several similar images of the “badge” online for sale as a costume accessory. Adkins also found a blank U.S. Treasury Check Template that contains many of the same details as the purported \$97,000 check that was shown to S.B.

20. “Jenkins” instructed S.B. to wire the money she had liquidated from her retirement account to a Bank of America account in California held in the name of Respondent Lavish Auto Detailing, LLC, account number *****196.

21. “Jenkins” told S.B. that Lavish Auto Detailing LLC, was a bogus account name set up by the government to protect her money from being tracked by the criminals who were using S.B.’s identity.

22. S.B. did as instructed and wired \$71,500 to Respondent Lavish Auto Detailing LLC, on July 19, 2022.

23. On July 22, 2022, “Jenkins” told S.B. that she needed to secure the rest of her finances. He instructed S.B. to liquidate the remaining \$10,000 in her 403(b) retirement account with Lincoln Financial. S.B. asked “Jenkins” if she could only take out \$9,000 so she could cover the next automatic deposit from Lincoln Financial to her personal bank account for living expenses.

24. “Jenkins” instructed S.B. to contact Lincoln Financial to request the \$9,000 withdrawal and to tell them that she needed it for financial hardship. “Jenkins” also instructed her to wire the remaining \$4,500 from her savings account by way of the Money Gram bar codes he provided.

25. On July 25, 2022, “Jenkins” told S.B. that he was just waiting for the completed final distribution from her account so he could complete his investigation and clear S.B.’s name from any involvement in money laundering.

26. On July 28, 2022, “Jenkins” instructed S.B. to contact Lincoln Financial to inquire why she had not received the requested distribution yet. When S.B. called, she learned that Lincoln Financial had been waiting for her to confirm whether she wanted to close the account after taking the final distribution. She told them she did not.

27. On August 4, 2022, S.B. received a distribution of \$7,411.09, with the remainder withheld for taxes.

28. “Jenkins” instructed S.B. to send the last \$7,400 liquidated from her account to “the department” in multiple Money Gram transactions as before, which she did.

29. Through the month of August 2022, “Jenkins” continued to tell S.B. that she would receive a check for the full amount of the money she transferred to “Jenkins” and his co-conspirators.

30. “Jenkins” texted S.B. from a different phone number on September 8, 2022, telling S.B. that he had to change numbers for “security reasons” and continuing to tell S.B. that the money would be sent. He also attempted to convince her to send additional funds to him at that time.

31. S.B. has not heard from “Jenkins” since then, and none of her money has been returned.

CONCLUSIONS OF LAW

32. The Commissioner has jurisdiction over this matter pursuant to § 30-10-101 *et seq.*, MCA.

33. It is unlawful for any person, in connection with the offer, sale, or purchase of any security, whether directly or indirectly, to employ any device, scheme, or artifice to defraud, make any untrue statement of material fact (or omit a material fact necessary to prevent other statements from being misleading), or engage in any act, practice, or course of business that operates or would operate as a fraud or deceit on any person. § 30-10-301(1), MCA.

34. A “person” is, among other things, an individual, corporation, partnership, or association. § 30-10-103(17), MCA.

35. A “security” includes, among other things, any “note,” “bond,” “evidence of indebtedness,” or “privilege ... on any security or group of securities.” § 30-10-103(24), MCA.

36. S.B.’s retirement account was a security, and the investments it held were also securities.

37. “Jenkins” and unknown co-conspirators employed a device, scheme, or artifice to defraud S.B. in connection with the sale of her 403(b) account at Lincoln Financial and the securities held therein by falsely telling her that “Jenkins” was a federal agent and that by liquidating her retirement account, S.B. could protect her retirement investment.

38. It is unlawful for any person who receives, directly or indirectly, any consideration from another person for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analysis or reports or otherwise to employ any device, scheme, or artifice to defraud the other person; or to engage in any act, practice, or course of business that operates or would operate as a fraud or deceit upon the other person. § 30-10-301(2), MCA.

39. “Jenkins” and unknown co-conspirators employed a device, scheme, or artifice to defraud S.B. in advising S.B. on the sale of her 403(b) account at Lincoln Financial and the securities held therein by falsely telling her that “Jenkins” was a federal agent and that by liquidating her retirement account, S.B. could protect her retirement investment. “Jenkins” and unknown co-conspirators received consideration from S.B. in the form of the proceeds of her account sale.

40. “[A]ny person that knowingly provides substantial assistance to another person in violation of a provision of [Title 30, Chapter 10, Part 3] must be considered to be in violation of that provision to the same extent as the person to whom the assistance is provided.” § 30-10-321, MCA.

41. Respondent Lavish Auto Detailing LLC knowingly provided substantial assistance to “Jenkins” and other unknown co-conspirators by opening an account at Bank

of America and using it to receive the proceeds of the fraud described above in Paragraphs 33-40. By doing so, Respondent violated §§ § 30-10-301(1) and (2), MCA.

42. In all, Respondent aided “Jenkins” and unknown co-conspirators in convincing S.B. to liquidate a total of \$106,264.67 from her retirement account, \$85,011.09 of which was transmitted, and \$21,252.77 of which was withheld for taxes.

43. The Commissioner may impose a fine not to exceed \$5,000 per violation on a person found to have violated a rule or order of the Commissioner, including a cease-and-desist order. § 30-10-305, MCA.

44. The Commissioner may also impose an order of restitution on any person found to have violated § 30-10-301, MCA. § 30-10-309(1), MCA.

ORDER

THEREFORE, based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED that:

1. Respondent shall pay a fine of \$10,000 to the State of Montana.
2. Respondent shall pay restitution to S.B. in the amount of \$106,264.67. This amount shall be made payable to the State of Montana, which will facilitate the payment to S.B.
3. Payments shall be made within 30 days of the date of this Order. Payment must be made by check or money order payable to the State of Montana. Payments shall be sent to the Commissioner of Securities and Insurance, Office of the Montana State Auditor, Attn: Brandy Morrison, Paralegal, 840 Helena Avenue, Helena, MT 59601.

DATED this 26th day of October 2023.




TROY DOWNING
Commissioner of Securities & Insurance,
Office of the Montana State Auditor

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2023 I caused a copy of the foregoing *Final Agency Action and Default Order* to be served on the following persons via U.S. Mail with tracking.

Lavish Auto Detailing LLC
c/o Registered Agent Jezreel Ponce
2420 W Holt Ave.
El Centro, CA 92243



Brandy Morrison
Paralegal

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9114901496451299472302

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered in or at the mailbox at 4:57 pm on September 25, 2023 in EL CENTRO, CA 92243.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered

Delivered, In/At Mailbox

EL CENTRO, CA 92243
September 25, 2023, 4:57 pm

Out for Delivery

EL CENTRO, CA 92243
September 25, 2023, 8:24 am

Arrived at Post Office

EL CENTRO, CA 92243
September 25, 2023, 8:13 am

Arrived at USPS Facility

EL CENTRO, CA 92243
September 25, 2023, 8:05 am

Departed USPS Regional Facility

SAN BERNARDINO CA DISTRIBUTION CENTER
September 25, 2023, 4:29 am

Arrived at USPS Regional Facility



SAN BERNARDINO CA DISTRIBUTION CENTER
September 24, 2023, 1:47 am

In Transit to Next Facility

September 23, 2023

Arrived at USPS Regional Facility

GREAT FALLS MT DISTRIBUTION CENTER
September 22, 2023, 10:25 pm

Hide Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

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Office of the Montana State Auditor
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Helena, MT 59601
Phone: (406) 444-2040
Email: acziok@mt.gov
E-Service: CSI.LegalService@mt.gov

Counsel for the Commissioner of Securities and Insurance

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IN THE MATTER OF

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**NOTICE OF PROPOSED AGENCY
ACTION AND OPPORTUNITY FOR
HEARING**

TO: Lavish Auto Detailing LLC
c/o Registered Agent
2420 W Holt Ave.
El Centro, CA 92243

The Commissioner of Securities and Insurance, Office of the Montana State Auditor (Commissioner), has cause to believe that Lavish Auto Detailing LLC (Respondent) has violated the Securities Act of Montana, § 30-10-101, *et seq.*, MCA. The Commissioner proposes to order Respondent to pay a fine and make full restitution to the Montana victims of its financial fraud scheme. The Commissioner has the authority to undertake this action pursuant to the Securities Act of Montana, including § 30-10-101 *et seq.*

Failure to timely respond to this Notice will result in entry of a Default Order, and the Proposed Agency Action below will be deemed a Final Agency Action based on the facts and law set out below. If Respondent wishes to contest the Proposed Agency Action, an administrative hearing may be demanded. That demand must be in writing and received



by the Commissioner within 21 days of service of this Notice, as described in the Statement of Rights below.

FACTUAL ALLEGATIONS

There is reasonable cause to believe that the following facts, if true, justify and support administrative action against Respondent.

1. Respondent Lavish Auto Detailing is a California LLC registered with the California Secretary of State's Office by Jezreel Ponce on May 25, 2022. Respondent is not registered with the Montana Secretary of State.

2. Respondent is active and in good standing with the California Secretary of State, but failed to file its required statements as of August 23, 2022.

3. Respondent's principal address, mailing address, and the address of its registered agent, Jezreel Ponce, are all 2420 W. Holt Avenue, El Centro, California, 92243.

4. In May of 2022, 72-year-old Montana resident S.B., noticed two suspicious charges on her checking account from Amazon.com that she did not make. She contacted Amazon, who reversed the charges and helped her remove her saved payment information.

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ASSERTIONS OF LAW

32. The Commissioner has jurisdiction over this matter pursuant to § 30-10-101 *et seq.*, MCA.

33. It is unlawful for any person, in connection with the offer, sale, or purchase of any security, whether directly or indirectly, to employ any device, scheme, or artifice to defraud, make any untrue statement of material fact (or omit a material fact necessary to prevent other statements from being misleading), or engage in any act, practice, or course of business that operates or would operate as a fraud or deceit on any person. § 30-10-301(1), MCA.

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38. It is unlawful for any person who receives, directly or indirectly, any consideration from another person for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analysis or reports or otherwise to employ any device, scheme, or artifice to defraud the other person; or to engage in any act, practice, or course of business that operates or would operate as a fraud or deceit upon the other person. § 30-10-301(2), MCA.

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41. Respondent Lavish Auto Detailing LLC knowingly provided substantial assistance to “Jenkins” and other unknown co-conspirators by opening an account at Bank of America and using it to receive the proceeds of the fraud described above in Paragraphs 33-40.

42. In all, Respondent aided “Jenkins” and unknown co-conspirators in convincing S.B. to liquidate a total of \$106,264.67 from her retirement account, \$85,011.09 of which was transmitted, and \$21,252.77 of which was withheld for taxes.

43. The Commissioner may impose a fine not to exceed \$5,000 per violation on a person found to have violated a rule or order of the Commissioner, including a cease-and-desist order. § 30-10-305, MCA.

44. The Commissioner may also impose an order of restitution on any person found to have violated § 30-10-301, MCA. § 30-10-309(1), MCA.

PROPOSED AGENCY ACTION

WHEREFORE, the Commissioner proposes to order the following:

1. Pursuant to § 30-10-305(3)(a), an order imposing a fine of \$10,000 on Respondent for violations of the Securities Act of Montana. Such fine shall be subordinate to the restitution in the event Respondent is unable to pay the full amount of the fines and restitution.

2. Pursuant to § 30-10-309, MCA, an order imposing restitution for the total losses to S.B. in the amount of \$106,264.67.

STATEMENT OF RIGHTS

Respondent is entitled to contest the Commissioner’s proposed action by requesting an administrative hearing. To do so, within 21 days of service of this Notice, Respondents must submit a hearing request in writing to Andrew Cziok, 840 Helena Avenue, Helena, MT 59601 or CSI.LegalService@mt.gov. A hearing request may also include a response to the allegations set forth above. If a hearing is requested, Respondent will be provided notice of the time, place, and nature of the hearing. Respondent will be entitled to attend this hearing and respond and present evidence and arguments on all issues in this action.

Administrative hearings are conducted by an impartial hearing examiner appointed by the Commissioner under the provisions of the Montana Administrative Procedures Act. Formal proceedings may be waived pursuant to § 2-4-603, MCA. Respondent will have the right to be represented by an attorney at any and all stages of this proceeding.

CONTACT WITH COMMISSIONER'S OFFICE

Please contact Andrew Cziok at 406-444-2040 or CSI.LegalService@mt.gov with any questions or concerns. If represented by an attorney, please ensure this contact is made by the attorney. A non-human entity such as a corporation or partnership must be represented by an attorney in all administrative proceedings. *See Weaver v. Law Firm of Graybill, Ostrem, Warner & Crotty*, 246 Mont. 175, 178, 803 P.2d 1089 (1990).

POSSIBILITY OF DEFAULT

Failure to timely provide a written hearing request shall result in the entry of a default order imposing the Commissioner's proposed action, without additional notice, pursuant to Admin. R. Mont. 1.3.214.

DATED this ^{21st} 19th day of September 2023.



ANDREW J. CZIOK
Legal Counsel
Office of the Montana State Auditor

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2023 I caused a copy of the foregoing *Notice of Proposed Agency Action and Opportunity for Hearing* to be served on the following persons via U.S. Mail with tracking.

Lavish Auto Detailing LLC
c/o Registered Agent Jezreel Ponce
2420 W Holt Ave.
El Centro, CA 92243



Brandy Morrison
Paralegal