

**STATE OF CALIFORNIA
BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION**

To: Afriex Inc.
10814 Poolman Pl.
Richmond, TX 77407

**CEASE AND DESIST ORDER
(For violations of Financial Code section 2030)**

The Commissioner of Financial Protection and Innovation (Commissioner) finds that:

1. The Commissioner has jurisdiction over the licensing and regulation of persons and entities engaged in the business of money transmission in California under the Money Transmission Act (Fin. Code, § 2000 *et seq.*).

2. The Money Transmission Act provides, “A person shall not engage in the business of money transmission in this state, or advertise, solicit, or hold itself out as providing money transmission in this state, unless the person is licensed or exempt from licensure . . . or is an agent of a person licensed or exempted from licensure.” (Fin. Code, § 2030, subd. (a); see Cal. Code Regs., Tit. 10, § 80.125.10.)

3. An “agent” of a licensee is a “person that is not itself licensed as a money transmitter in California and provides money transmission in California on behalf of the licensee, provided that the licensee becomes liable for the money transmission from the time money or monetary value is received by that person.” (Fin. Code, § 2003, subd. (b); see Cal. Code Regs., Tit. 10, § 80.126.)

4. “Money transmission” includes “[r]eceiving money for transmission.” (Fin. Code, § 2003, subd. (q).) “Receiving money for transmission,” as defined by Financial Code section 2003, subdivision (u), means actually or constructively receiving money “within or outside the United States by electronic or other means.” (See Cal. Code Regs., Tit., 10 § 80.129.)

5. At all relevant times, Afriex, Inc. (Afriex) is or was a Delaware corporation with a primary address of 10814 Poolman Pl., Richmond, TX 77407, operating the website www.afriexapp.com.

1 6. Afriex is a FinCEN-registered Money Services Business (MSB) with registration
2 number 31000270188891 as of April 22, 2024. On its MSB Registration Status Information page,
3 the company lists “dealer in foreign exchange” and “money transmitter” as its MSB activities, and
4 “California” among its States of MSB activities.

5 7. On its website, Afriex advertises money transmission products and services, and
6 describes itself as a “quick, reliable and trusted app to send and receive money anywhere in the
7 world” and “a money-transfer platform that allows you to make instant and affordable money
8 transfers at home and abroad.” To send and receive money, customers are directed to download the
9 Afriex app, sign up with an email address and verify their identity by uploading an ID.

10 8. From February to March 2024, a California consumer accessed the Afriex platform
11 and used Afriex’s money transmission services to send money from California to Nigeria on eight
12 (8) separate occasions.

13 9. Afriex has not been issued a license by the Commissioner under the Money
14 Transmission Act and is not authorized to engage in business as a money transmitter in California.
15 Afriex is not exempt from the licensing requirement of Financial Code section 2030, subdivision
16 (a).

17 10. Financial Code section 567 provides, “If the Commissioner finds that a person has
18 conducted, or that there is reasonable cause to believe that a person is about to conduct, business
19 that requires a license issued by the commissioner and that person has not been issued the required
20 license, the commissioner may, without any prior notice or hearing, order the person to cease and
21 desist from conducting any unauthorized business unless and until the person is issued a license to
22 engage in appropriate license business.”

23 Based on the foregoing findings, the Commissioner is of the opinion that Afriex has engaged
24 in the business of money transmission in California and advertised, solicited, or held itself out as
25 providing money transmission in California without first obtaining a license or being an agent of a
26 person licensed or exempted from licensure in violation of Financial Code section 2030, subdivision
27 (a).

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Accordingly, pursuant to Financial Code section 567, Afriex is hereby ordered to cease and desist from engaging in the business of money transmission in California, and advertising, soliciting or holding itself out as providing money transmission in California, unless and until it obtains a license from the Commissioner or is an agent of a person licensed or exempt from licensure.

This Order is necessary, in the public interest, for the protection of consumers and consistent with the purposes, policies and provisions of the Money Transmission Act. This Order shall remain in full force and effect until further order of the Commissioner.

Dated: September 18, 2024
Sacramento, CA

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

By _____
Mary Ann Smith
Deputy Commissioner
Enforcement Division