

2 Stan Terrortan molen som fra July Vadas November 1974 i 102-118 (190

1

2

3

4

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY FINANCIAL INSTITUTIONS DIVISION

. Milianian Sang Sia 199 Salam Dig Norma 66799 1994 ang Suiz

- 1		
5		
6	In Re [,]	
7		CETTI FMENT ACREMENT
8	COLLECT PROS. LLC,	SETTLEMENT AGREEMENT
9		
0	Respondent.	
:		
i	1	

This Settlement Agreement is hereby entered into between the State of Nevada, Department of Business and Industry, Financial Institutions Division (Division), through George E. Burns. Commissioner of the Division, and Collect Pros, LLC (Respondent, collectively, the "Parties").

JURISDICTION

- 1. The business of collecting claims for others or of soliciting the right to collect or receive payment for another of any claim in the State of Nevada is governed by Nevada Revised Statutes (NRS) Chapter 649 and Nevada Administrative Code (NAC) Chapter 649.
- 2. The Division has primary jurisdiction for the licensing and regulation of persons operating and/or engaging in collection services. NRS 649.020; NRS 649.045; NRS 649.051 et seq; NRS 649.075 et seq.
- 3. The Division alleged that Respondent engaged in collection agency business in Nevada without first obtaining the required license from the Division.
- 4. Respondent agrees that its collection agency business in Nevada is subject to the provisions of NRS and NAC Chapters 649 and to the jurisdiction of the Division.

28

27

i	5	Pursuant to the authority vested by 14K5 Chapter 649, the Division nereby
2	enters into this Settlement Agreement with Respondent.	
3		<u>FACTS</u>
4	6.	On May 28, 2015, the Division, via certified mail, served Respondent with an
5	Order to Cease and Desist Unlicensed Activities and Notice of Right to Appeal (the *Cease	
6	and Desist Order"). The Cease and Desist Order does not call for monetary sanctions.	
7	7.	The Cease and Desist Order notified Respondent that the Division could seek a
8	\$10,000 administrative fine due in full within 30 days of entry of a final order and that	
9	Respondent had the right to request a hearing in this matter.2	
10	8.	Respondent requested a hearing in this matter.
11	9.	The Division alieged that Collect Pros engaged in collection agency business in
12	Nevada without first obtaining the required license from the Division.	
13	10.	If any Finding of Fact is more properly characterized as a Conclusion of Law, it
	shall be considered as such.	
14	II susii pe cor	isiudicu as sucii.
15	snall be con	LAW
	snail be con	
15		NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall
15 16		NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of
15 16 17		NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or
15 16 17 18		NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim
15 16 17 18 19		NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any
15 16 17 18 19 20		NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a
15 16 17 18 19 20 21	11.	NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license from the Commissioner.
15 16 17 18 19 20 21 22	11.	NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license from the Commissioner. NRS 649.390 provides the Commissioner to take disciplinary action for any
15 16 17 18 19 20 21 22 23	11.	NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license from the Commissioner. NRS 649.390 provides the Commissioner to take disciplinary action for any NRS Chapter 649.
15 16 17 18 19 20 21 22 23	11.	NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license from the Commissioner. NRS 649.390 provides the Commissioner to take disciplinary action for any NRS Chapter 649. NRS 649.390 Investigation of verified complaint concerning unlicensed person; order to cease and desist, administrative fines:
15 16 17 18 19 20 21 22 23 24 25	12. violation of	NRS 649.075(1) reads as follows: 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license from the Commissioner. NRS 649.390 provides the Commissioner to take disciplinary action for any NRS Chapter 649. NRS 649.390 Investigation of verified complaint concerning unlicensed person; order to cease and desist, administrative fines:

1. The Commissioner shall conduct an investigation if he ı receives a verified complaint from any person that sets forth reason to believe that an unlicensed person is engaging in an 2 activity for which a license is required pursuant to this chapter. 2. If the Commissioner determines that an unlicensed person is 3 engaging in an activity for which a license is required pursuant to this chapter, the Commissioner shall issue and serve on the 4 person an order to cease and desist from engaging in the activity until such time as the person obtains a license from the 5 Commissioner. 3. If a person upon whom an order to cease and desist is served 6 does not comply with the order within 30 days after service, the Commissioner shall, after notice and opportunity for a hearing: 7 (a) impose upon the person an administrative fine of \$10,000; or (b) Enter into a written consent agreement with the person 8 pursuant to which the person agrees to cease and desist from all unlicensed activity in this State relating to the collection of debts, 9 and impose upon the person an administrative fine of not less than \$5,000 and not more than \$10,000. 10 -- The imposition of an administrative fine pursuant to this subsection is a final decision for the purposes of judicial review. 1: 4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against a person upon whom an 12 administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine: 13 (a) If no petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for more than 90 days after notice of the imposition of the fine; or (b) If a petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for more than 90 days after exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the 5. A person's liability for an administrative fine is in addition to any other benalty provided in this chapter. 13. Pursuant to NRS 649.440, the Commissioner can impose administrative fines of not more than \$10,000.00 for any violation of this chapter. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$10,000 upon a person who: 1. Without a license or certificate, conducts any business or activity for which a license or certificate is required pursuant to the provisions of this chapter, or Violates any provision of this chapter or any regulation adopted pursuant thereto.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

- t.

!5

14. The Division alleges that Respondent violated NRS 649.075 by engaging in the business of a collection agency in the State of Nevada without first obtaining the required license from the Division.

- 15. Pursuant to NRS 649.390, the Division ordered Respondent to cease and desist all activity covered under NRS Chapter 649 and Respondent has agreed to enter into this Settlement Agreement to resolve this matter.
- 16. Any Conclusion of Law which is more properly characterized as a Finding of Fact shall be considered as such.

SETTLEMENT

- 17. The Division's counsel was prepared to prosecute this matter at a hearing and the Respondent was prepared to defend itself.
- 18. The Parties desire to compromise and settle this matter pursuant to the following terms and conditions.
- 19. The Parties understand and agree that no person can solicit or engage in collection business in Nevada without first obtaining a Nevada license from the Division, and that Respondent cannot act as a collection agency as defined in NRS and NAC Chapters 649., by demanding payment from Nevada residents and *i* or demanding payment be made to an address in Nevada.
- 20. Respondent shall pay an administrative fine of \$10,000, payable in full to the "Nevada Financial Institutions Division, State of Nevada" by October 20, 2015. Payment shall be made by cashier's check and delivered to the Division's Las Vegas office.
- 21. Respondent shall pay an additional administrative fine of \$10,000 for each violation of the Cease and Desist Order and/or this Agreement after the date upon which Respondent signs this Settlement Agreement.
- 22. Respondent shall remove from its website and any other advertising, any references to Nevada, except the statements provided in paragraph 23

- a. "Collect Pros is not presently licensed as a collection agency in Nevada."
- b. "All claims regarding Nevada residents are null and void."
- 24. Respondent shall refund all payments received from Nevada residents.
- 25. Respondent authorizes and shall fully cooperate with the Division's representative to verify to the Division's satisfaction that the terms of this Settlement Agreement have been completed. Thus, Respondent shall permit the Division's representative to inspect and/or copy Respondent's business records that are necessary for the Division to verify that Respondent has fully complied with all provisions of this Settlement Agreement.
- 26. Additionally, if Respondent fails to fully comply with this Settlement Agreement, Respondent may, at the Division's discretion, be subject to administrative disciplinary action including summary suspension, if applicable, and/or any other civil and / or criminal action allowed by law.
- 27. Further, the Division shall place Respondent's application for a collection agency license in abeyance until January 15, 2016, by which time it shall determine whether Respondent has fully complied with the terms of this Agreement and all applicable Nevada laws. The Division shall thereby request any additional documentation necessary to continue processing said license application.
- 28. Respondent agrees and understands that by entering into this Settlement Agreement, Respondent is waiving his / her right to a hearing at which Respondent may present evidence in his/her defense, his / her right to a written decision on the merits of the Complaint, his/her rights to reconsideration and/or rehearing, his / her right to an appeal and/or judicial review, and all other rights which may be accorded by the Nevada Administrative Procedure Act the Nevada Collection Agencies statutes and accompanying regulations, and the federal and state constitutions. Respondent fully understands that he/she

h

j

4

3

11 12

13 14

16

17

15

18

19 20

22

21

23 24

25 26

28

27

has the right to be represented by legal counsel in this matter at his / her own expense and has been so represented by the undersigned.

- 29. Each party shall bear its own attorneys' fees and costs.
- 30. Release. In consideration of execution of this Settlement Agreement, the Parties hereby release each other and their respective members, agents, employees and counsel in their individual and representative capacities, from any actions, causes of action, suits, debts, judgments, executions, claims, and demands known in law or equity that the Parties had or now have relating to the alleged violations that are the subject of this Settlement Agreement, against any or ail of the persons and/or entities named in this section, arising out of or by reason of the Division's investigation, the Division's Cease and Desist Order, the Complaint for Disciplinary Action (if any) and this Settlement Agreement, and all matters relating thereto. The Division's release of Respondent is only effective if Respondent fully complies with this Settlement Agreement and does not violate Nevada's collection agency laws subsequent to the alleged violations that are the subject of this Settlement Agreement. The Division's release is limited by its jurisdiction.
- 31. Indemnification. Respondent hereby indemnifies and holds harmless the Division, and each of its respective members, agents, employees and counsel in their individual and representative capacities against any and all claims, suits, and actions brought. against any or all of the persons and/or entities named in this section by reason of the Division's investigation, the Division's Cease and Desist Order, the Complaint for Disciplinary Action (if any) and this Settlement Agreement and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees. which may be sustained by the persons and/or entities as a result of said claims, suits, and actions arising out of the Respondent's actions taken during the time that they are working toward meeting the ferms of this Settlement Agreement.
- Respondent and / or the principals and / or representative thereof have signed and dated this Settlement Agreement only after reading and understanding all terms herein.

1	33. IN WITNESS WHEREOF, we have each executed this Settlement Agreement
2	as of the date set forth below.
3	
4	SO STIPULATED on this day of, 2015.
5	
6	STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY
7	FINANCIAL INSTITUTIONS DIVISION
8	By: Fenral / Eate /
9	Leonard J. Esterly
10	Deputy Commissioner
11	
12	SO STIPULATED on this 1212 day of 0ctober 2015.
13	10110
14	By: Mill 4 Here
15	
16	So 1 mg ()
17 18	Joseph Levy, Esq.
19	Attorney for Respondent
20	Approved as to form by:
21	ADAM PAUL LAXALT
22	Nevada Attorney General
23	dilas 160
24	Christopher A. Eccles
25	Deputy Attorney General
26	
27	
28	

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on <a href="https://doi.org/10.1016/j.com/10.

Joseph Levy, Esq. 12924 Pierce Street #101 Pacoima, CA 91331

Attorney for Respondent: Collect Pros. LLC

Certified Mail. 7012, 1010 6000 1177 1157

An Employee of the State of Nevada, Office of the Attorney General

-8-