

3300 W. Sahara Avenue, Suite 250 Las Vegas, Nevada 89102 (702) 486-4120

# STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY FINANCIAL INSTITUTIONS DIVISION

1179 Fairview Drive, Ste 201 Carson City, Nevada 89701 (775) 687-5522

n	Re:			

Bryant, Inc. dba: Nevada Professional Collections Services, Inc.

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Larry D. Bryant

Respondents.

ORDER TO CEASE AND DESIST UNLICENSED ACTIVITIES UNDER NRS 649 AND NAC 649; AND NOTICE OF RIGHT TO APPEAL

The State of Nevada Department of Business and Industry, Financial Institutions Division (hereinafter "Division") hereby orders Bryant, Inc., dba: Nevada Professional Collections Services, Inc., (hereinafter "NPCS") and Larry D. Bryant (hereinafter, "Bryant"), (collectively, "Respondents") to cease and desist from any and all activities which are in violation of Chapter 649 of the Nevada Revised Statutes ("NRS") and Nevada Administrative Code ("NAC").

## **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 NRS Chapter 649 and 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.

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3. Pursuant to the authority vested by NRS Chapter 649, the Division hereby makes the following Findings of Fact, Conclusions of Law, and Order.

## FINDINGS OF FACT

- 4. Bryant, Inc. was registered with the State of Nevada Secretary of State from March 2, 2001, until March 31, 2015. However, its business status is now revoked.
- 5. Respondents' business address is 122 North Holderrieth Blvd. #77, Tomball, Texas 77375.
- 6. NPCS was a licensed collection agency with the Division from May 1, 2001, until June 30, 2014, at which time the license was not renewed.
  - 7. Bryant owns NPCS.
- 8. Bryant holds a manager certificate, CM10425. However, the manager's certificate does not permit Bryant to conduct collection activity through NPCS because the manager must be associated with, or employed by, a *licensed* collection agency pursuant to NRS 649.035; NRS 649.196; NRS 649.245(3); and NAC 649.210(2).
- 9. On or about October 25, 2016, a complaint from a Nevada resident was received with evidence of unlicensed activity being conducted by Respondents.
- 10. Through the course of its investigation, the Division discovered that Respondents engaged in and/or is engaging in the business of a collection agency in the State of Nevada without a license.
  - 11. Respondents were notified by written communication of the unlicensed activity.
- 12. If any Finding of Fact is more properly characterized as a Conclusion of Law, it shall be considered as such.

## **CONCLUSIONS OF LAW**

- 13. 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

violation of NRS Chapter 649.

NRS 649.390 Investigation of verified complaint

NRS 649.390 Investigation of verified complaint concerning unlicensed person; order to cease and desist; administrative fines; suit to recover fine; cumulative penalties.

1. The Commissioner shall conduct an investigation if he receives a verified complaint from any person that sets forth reason to believe that an unlicensed person is engaging in an activity for which a license is required pursuant to this chapter.

2. If the Commissioner determines that an unlicensed person is engaging in an activity for which a license is required pursuant to this chapter, the Commissioner shall issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains a license from the Commissioner.

3. If a person upon whom an order to cease and desist is served does not comply with the order within 30 days after service, the Commissioner shall, after notice and opportunity for a hearing:

(a) Impose upon the person an administrative fine of \$10,000; or (b) Enter into a written consent agreement with the person pursuant to which the person agrees to cease and desist from all unlicensed activity in this State relating to the collection of debts, and impose upon the person an administrative fine of not less than

\$5,000 and not more than \$10,000.

-- The imposition of an administrative fine pursuant to this subsection is a final decision for the purposes of judicial review.

4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against a person upon whom an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine:

(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 fine

5. A person's liability for an administrative fine is in addition to any other penalty provided in this chapter.

15. Pursuant to NRS 649.440, the Commissioner can impose administrative fines of not more than \$10,000.00 for any violation of this chapter.

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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

2. Violates any provision of this chapter or any regulation adopted pursuant thereto.

- Respondent has violated NRS 649.075 by engaging in the business of a 16. collection agency in the State of Nevada without having maintained proper licensing from the Division.
- Pursuant to NRS 649.390, the Division hereby orders Respondent to cease and 17. desist all activity covered under NRS Chapter 649.

## **ORDER**

IT IS HEREBY ORDERED that Respondent shall **CEASE AND DESIST** from operating and/or engaging in the business of collection within the State of Nevada until such time Respondent becomes licensed by the Division pursuant to NRS Chapter 649.

IT IS FURTHER ORDERED that the Respondent:

- a. Pursuant to NRS 649.440, Respondent shall pay an administrative fine in the amount of \$10,000, which is due and owing within thirty (30) days of entry of a final order. The Respondent has the right to request a hearing within thirty (30) days of the date of receipt of the order. If a hearing is requested, the payment of any administrative fine and penalty must be made pursuant to any order by the designated Administrative Law Judge ("ALJ").
- b. Respondent shall also comply with any additional disciplinary measures the ALJ may deem necessary, should the matter proceed to a hearing.

DATED this \_\_\_\_\_day of August 2017.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

By:

Mary Young

Acting Deputy Commissioner

## **APPEAL RIGHTS**

RESPONDENT HAS THE RIGHT TO REQUEST A HEARING IN THIS MATTER. If

you wish to request a hearing you must file a request within thirty (30) days after this Order to Cease and Desist was served on the Respondent.

Your request for a hearing must be delivered to:

STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY FINANCIAL INSTITUTIONS DIVISION 3300 W. Sahara Ave., Suite 250 Las Vegas, Nevada 89102

Other important rights you have are listed in Nevada Revised Statutes Chapters 649 and 233B and the Nevada Administrative Code Chapter 649.

DATED this \_\_\_\_\_day of August 2017.

STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY FINANCIAL INSTITUTIONS DIVISION

By:

Mary Young

Acting Deputy Commissioner

#### **CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Financial Institutions Division, and that on this 9<sup>th</sup> day of August 2017, I deposited in the U.S. mail, postage prepaid, via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing ORDER TO CEASE AND DESIST UNLICENSED ACTIVITIES AND NOTICE OF RIGHT TO APPEAL, addressed as follows:

Bryant, Inc.

dba Nevada Professional Collections Services, Inc.

9 | Attention: Larry D. Bryant

122 North Holderrieth Blvd, #77

Tomball, Texas 77375

Certified Mail: 7014 2870 0001 8495 1232

Bryant, Inc.

dba Nevada Professional Collections Services, Inc.

Attention: Larry D. Bryant

P.O. Box 77

Tomball, Texas 77377

<sup>16</sup> Certified Mail: 7014 2870 0001 8495 1249

An Employee of the State of Nevada
Department of Business and Industry
Financial Institutions Division