ADMINISTRATIVE COMPLAINT FOR DISCIPLINARY ACTION

MARY YOUNG, Acting Deputy Commissioner of the NEVADA FINANCIAL INSTITUTIONS DIVISION of the DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA (the “Division”), complains for disciplinary action against Bryant, Inc., dba: Nevada Professional Collections Services, Inc., (hereinafter “NPCS”) and Larry D. Bryant (hereinafter, “Bryant”), (collectively, “Respondents”), as follows:

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

FACTORIAL ALLEGATIONS

GENERAL FACTS

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. Respondent’s 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.
DISCIPLINE AUTHORIZED

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 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.

14. NRS 649.390 provides the Commissioner to take disciplinary action for any violation of NRS Chapter 649.

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.

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.

16. Respondents have violated NRS 649.075 by engaging in the business of a collection agency in the State of Nevada without having maintained proper licensing from the Division.

17. Pursuant to NRS 649.390, the Division hereby orders Respondent to cease and desist all activity covered under NRS Chapter 649.
RELIEF SOUGHT

18. Based upon the allegations contained herein which constitute sufficient cause for disciplinary action against the licensee pursuant to the provisions of NRS Chapter 649 and NAC Chapter 649, the Commissioner prays for relief as follows:

A. Respondent be fined a monetary sum pursuant to the parameters defined at NRS 649.390;
B. That action be taken against Bryant's manager license pursuant to the parameters defined at NRS 649.215;
C. That Respondent be ordered to desist and refrain from any and all violations of NRS Chapter 649 and NAC Chapter 649;
D. For such other and further relief as the Administrative Law Judge may deem just and proper.

DATED this ___ day of August 2017.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

By: MARY YOUNG
Acting Deputy Commissioner
RESPONSE

THEREFORE, Respondent is directed to answer in writing the Administrative Complaint for Disciplinary Action within thirty (30) calendar days from service and to serve the same upon the undersigned Deputy Attorney General.

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 Administrative Complaint 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, 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, Office of the Attorney General, and that on this 9th 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 ADMINISTRATIVE COMPLAINT FOR DISCIPLINARY ACTION AND NOTICE OF HEARING, addressed as follows:

Bryant, Inc.
dba Nevada Professional Collections Services, Inc.
Attention: Larry D. Bryant
122 North Holderrieth Blvd, #77
Tomball, Texas 77375
Certified Mail: 7014 2870 0001 8495 1256

Bryant, Inc.
dba Nevada Professional Collections Services, Inc.
Attention: Larry D. Bryant
P.O. Box 77
Tomball, Texas 77377
Certified Mail: 7014 2870 0001 8495 1263

DATED this 9th day of August 2017.

By: [Signature]