



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

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

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

In Re:)
Thunderbird Collection Specialists Inc.)
a/k/a TCS Inc.,)
Respondent.)

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

**ORDER TO CEASE AND DESIST
VIOLATIONS OF NRS 649 AND NAC 649 ACTIVITIES**

The State of Nevada Department of Business and Industry, Financial Institutions Division (hereinafter, "Division") hereby orders Thunderbird Collection Specialists Inc. a/k/a TCS Inc. (hereinafter, "Respondent") to cease and desist from any and all activities that 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.*

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

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2 4. Respondent is not currently nor has ever been registered with the State of
3 Nevada Secretary of State as a foreign or domestic corporation.

4 5. Respondent's business address is 3200 N. Hayden Road, Suite 110,
5 Scottsdale, Arizona 85251.

6 6. On or about June 20, 2017, a complaint from a Nevada resident was received
7 with evidence of unlicensed activity being conducted by Respondent.

8 7. On or about June 20, 2017, the Division notified Respondent of the alleged
9 complaint and requested validation of the alleged debt, collection logs, and proof of any other
10 action taken against the complainant's account.

11 8. On or about June 26, 2017, Respondent filed a response with the Division and
12 provided a validation of the debt and collection logs regarding the account.

13 9. Through the course of its investigation, the Division discovered that Respondent
14 engaged in and/or is engaging in the business of a collection agency in the State of Nevada
15 without a license. Specifically, the Division discovered that Respondent, without first obtaining
16 a license, contacted and communicated with a Nevada resident regarding the payment of a
17 debt on behalf of a third party, provided the same Nevada resident with a demand letter for
18 the collection of a debt on behalf of a third party, validated the subject debt, and collected
19 payment of said debt.

20 10. On or about June 30, 2017, the Division notified the Respondent in writing that a
21 license was required to conduct the business of a collection agency in the State of Nevada.
22 The Division allowed the Respondent thirty (30) days to comply. Respondent failed to comply;
23 it did not submit an application for the collection agency nor the designated qualified
24 manager.

25 11. If any Finding of Fact is more properly characterized as a Conclusion of Law, it
26 shall be considered as such.

1 CONCLUSIONS OF LAW

2 12. NRS 649.075(1) reads as follows:

3 Except as otherwise provided in this section, a person shall not
4 conduct within this State a collection agency or engage within this
5 State in the business of collecting claims for others, or of soliciting
6 the right to collect or receive payment for another of any claim, or
7 advertise, or solicit, either in print, by letter, in person or otherwise,
8 the right to collect or receive payment for another of any claim, or
9 seek to make collection or obtain payment of any claim on behalf
10 of another without having first applied for and obtained a license
11 from the Commissioner.

12 13. NRS 649.020 defines a "collection agency" as:

13 all persons engaging, directly or indirectly, and as a primary or a
14 secondary object, business or pursuit, in the collection of or in
15 soliciting or obtaining in any manner the payment of a claim owed
16 or due or asserted to be owed or due to another.

17 14. NRS 649.390 allows the Commissioner to take disciplinary action against a
18 person¹ for conducting unlicensed activity in violation of NRS Chapter 649:

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

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

26 2. If the Commissioner determines that an unlicensed person is
27 engaging in an activity for which a license is required pursuant to
28 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.

¹ Pursuant to NRS 0.039, person is defined as "a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization."

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

5 (a) If no petition for judicial review is filed pursuant to NRS
6 233B.130 and the fine remains unpaid for more than 90 days after
7 notice of the imposition of the fine; or

8 (b) If a petition for judicial review is filed pursuant to NRS
9 233B.130 and the fine remains unpaid for more than 90 days after
10 exhaustion of any right of appeal in the courts of this State
11 resulting in a final determination that upholds the imposition of the
12 fine.

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

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

17 In addition to any other remedy or penalty, the Commissioner may
18 impose an administrative fine of not more than \$10,000 upon a
19 person who:

20 1. Without a license or certificate, conducts any business or
21 activity for which a license or certificate is required pursuant to the
22 provisions of this chapter; or

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

25 16. Respondent has violated NRS 649.075 by engaging in the business of a
26 collection agency in the State of Nevada without having first obtained proper licensure from
27 the Division.

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

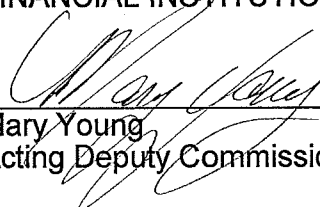
 18. Failure to comply with this Order and failure to submit proof to the Division that a
violation(s) has not been committed within (30) days from the date of this Order may subject
Respondent to an administrative fine of \$10,000 pursuant to NRS 649.390(3)(a) and/or NRS
649.440, any additional penalties under NRS Chapter 649, NAC Chapter 649, and any other
applicable statute or regulation.

ORDER

IT IS HEREBY ORDERED that Respondent shall **CEASE AND DESIST** from operating and/or engaging in the business of a collection agency within the State of Nevada until such time Respondent becomes licensed by the Division pursuant to NRS Chapter 649. Respondent shall also comply with any additional disciplinary measures the ALJ may deem necessary, should the matter proceed to a hearing.

DATED this 22nd day of December 2017.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

By: 
Mary Young
Acting Deputy Commissioner

1 **APPEAL RIGHTS**

2 **RESPONDENT HAS THE RIGHT TO REQUEST A HEARING IN THIS MATTER.** If
3 you wish to request a hearing, you must file a request **within thirty (30) days** after this Order
4 to Cease and Desist was served on the Respondent.

5 Your request for a hearing must be delivered to:

6 STATE OF NEVADA
7 DEPARTMENT OF BUSINESS AND INDUSTRY
8 FINANCIAL INSTITUTIONS DIVISION
9 3300 W. Sahara Ave., Suite 250
10 Las Vegas, Nevada 89102

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

13 DATED this 22nd day of December 2017.

14
15 STATE OF NEVADA
16 DEPARTMENT OF BUSINESS AND INDUSTRY
17 FINANCIAL INSTITUTIONS DIVISION

18 By: _____

19 
20 Mary Young
21 Acting Deputy Commissioner
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Department of Business and
3 Industry, Financial Institutions Division, and that on 22nd day of December 2017, I
4 deposited in the U.S. mail, postage prepaid, via First Class Mail and Certified Return Receipt
5 Requested, a true and correct copy of the foregoing **ORDER TO CEASE AND DESIST**
6 **UNLICENSED ACTIVITIES AND NOTICE OF RIGHT TO APPEAL**, addressed as follows:

7
8 Thunderbird Collection Specialists Inc. a/k/a TCS Inc.
9 Attention: Steve Kaminskas
10 3200 N. Hayden Road, Suite 110
11 Scottsdale, Arizona 85251

12 Certified Mail: 7012 1010 0000 1164 7261

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15 A.E.
16 An Employee of the State of Nevada
17 Department of Business and Industry
18 Financial Institutions Division
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