

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	DATE FILED: February 18, 2015 1:19 PM CASE NUMBER: 2014CV33187 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) ST OF COLO EX REL JOHN W SUTHERS et al. v. Defendant(s) ACCURATE FNCL PARTNERS INC et al.	
Order: Proposed Consent Judgment (filed on behalf of all parties)	

The motion/proposed order attached hereto: APPROVED.

Issue Date: 2/18/2015



A BRUCE JONES
 District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
STATE OF COLORADO ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL FOR THE STATE OF COLORADO, and JULIE ANN MEADE, ADMINISTRATOR, UNIFORM CONSUMER CREDIT CODE, Plaintiff, v. ACCURATE FINANCIAL PARTNERS INC., and JASON M. BURE, Defendants.	
CONSENT JUDGMENT	
	Case No. 2014CV033187 Courtroom 424

Plaintiffs, State of Colorado, ex rel. John W. Suthers, Attorney General for the State of Colorado, and Julie Ann Meade, Administrator, Colorado Collection Agency Board (collectively the State) and defendants, Accurate Financial Partners Inc. (Accurate) and Jason M. Bure (Jason) (collectively sometimes referred to as Defendants), hereby consent to the entry of final judgment in this matter as embodied in this Consent Judgment, to resolve fully and finally the claims and issues in the above-captioned case, without trial or hearing, and to avoid the additional time and expense associated with continuing litigation.

The Court, having considered this matter and being otherwise fully advised in the premises,

DOES HEREBY FIND, CONCLUDE, ORDER, JUDGMENT, and ADJUDGE, as follows:

I. JURISDICTION AND VENUE

1.1 This Court has jurisdiction over the parties and the subject matter of this action.

1.2 The State's Complaint, dated August 13, 2014 (Complaint), states claims against defendants pursuant to the Colorado Fair Debt Collection Practices Act, §§ 12-14-101, *et seq.*, C.R.S. 2014 (Act), and Consumer Protection Act, §§ 6-1-101, *et seq.*, C.R.S. 2014 (CPA).

1.3 The Court is authorized to issue the relief requested in the Complaint pursuant to Act § 12-14-135 and CPA §§ 6-1-110, 6-1-112, and 6-1-113.

1.4 Venue is proper in the City and County of Denver, Colorado.

II. PARTIES

2.1 Plaintiff John W. Suthers is the duly elected Attorney General of the State of Colorado. He is authorized under CPA § 6-1-103 to enforce the CPA, and may bring a civil action against a person for engaging in deceptive trade practices. In such action, the State may seek injunctive relief to prohibit the person from violating the CPA, obtain consumer restitution, and collect civil penalties for violations of the CPA. *See* CPA §§ 6-1-110, 6-1-112, and 6-1-113.

2.2 Plaintiff Julie Ann Meade is the Administrator, Colorado Collection Agency Board. She is authorized to exercise any powers granted the Colorado Collection Agency Board. *See* Act § 12-14-117(1). In particular, she is authorized to bring a civil action to restrain any person from any violation of the Act. *See* Act § 12-14-135.

2.3 Defendant Accurate is, and at all relevant times was, a Wyoming corporation with its principal place of business in Fort Collins, Colorado. At all relevant times, its principal purpose was the collection of consumer debts. It was regularly engaged in the business of collecting, or attempting to collect, debts owed or due or asserted to be owed or due others.

2.4 Defendant Bure is, and at all relevant times was, Accurate's owner and President. He directed, managed, participated in, supervised, and engaged in Accurate's business and transactions.

ADMISSIONS

Defendants admit the following:

3.1 Accurate at all relevant times was a debt buyer. It bought portfolios of defaulted debt and collected, or attempted to collect, those debts for its own account.

3.2 Beginning in at least April 2012, Accurate collected consumer debts.

3.3 Accurate began its debt collection activity without a Colorado collection agency license.

3.4 On June 11, 2013, Accurate applied for a collection agency license from the Administrator. Accurate was licensed by the Administrator as a collection agency on October 31, 2013.

3.5 Prior to obtaining a collection agency license, Accurate collected more than \$2.7 million from consumers.

3.6 Some of the debt that Accurate collected consisted of loan debt arising from loans that may have been illegal pursuant to applicable law because the loans purported to charge usurious interest rates and/or were made by unlicensed lenders.

3.7 Accurate's collection staff followed scripts when collecting from consumers. Some of the scripts contained misleading representations and collections staff therefore made misleading representations to consumers in connection with their collection of debt.

3.8 By letter dated July 24, 2014, the Administrator denied Accurate's collection agency license renewal application. Accurate did not appeal, timely or otherwise, that denial.

IV. INJUNCTIVE RELIEF

4.1 Defendants and their officers; agents; servants; employees; attorneys; affiliates; subsidiaries; heirs; successors; and assigns; as well as all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with, defendants who have actual or constructive notice of this Consent Judgment; shall be, and hereby are, permanently enjoined from committing, and shall not in the future commit, any violations of the Act or CPA.

4.2 Defendants, and their officers; agents; servants; employees; attorneys; affiliates; subsidiaries; heirs; successors; and assigns; as well as all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with, these defendants who have actual or constructive notice of this Consent Judgment; shall be, and hereby are, permanently enjoined from collecting or attempting to collect, directly or indirectly, consumer debt in Colorado, including, without limitation, collecting or attempting to collect debt from Colorado consumers; provided however that nothing herein shall be deemed to enjoin Jason Bure from collecting or attempting to collect consumer debt in Colorado as a "creditor" as that term is defined in C.R.S. § 12-14-103(5),

provided that Jason Bure is the “creditor” or is an employee or owner of the “creditor.”

4.3 Defendants shall not sell, assign, transfer, or otherwise dispose of any accounts or debt involving Colorado consumers without first determining through the exercise of due diligence that each account or debt was extended by the original creditor in compliance with applicable law, and that each loan in fact was extended to the identified consumer.

4.4 In the event that Defendants sell, assign, transfer, or otherwise dispose of any accounts or debt involving Colorado consumers, Defendants shall provide a written report to the Administrator. The report shall be provided within 14 days of the date on which the transaction has closed. The report shall identify each account involving a Colorado consumer that was included in the transaction and shall set forth the basis for Defendants’ conclusion that each account was extended by the original creditor in compliance with applicable law and was extended to the identified consumer. The report shall identify the individuals or entities to whom Defendants sold, assigned, transferred, or otherwise conveyed the Accounts. With respect to identified accounts, the report shall contain the name of each consumer, all contact information that Defendants possess regarding each consumer, the principal amount owed on each account, the payment history for each account, and the name of the original creditor for each account. With respect to each individual or entity that purchases accounts or debt from Defendants involving Colorado consumers, the report shall provide all contact information that Defendants possess regarding each individual or entity. Finally, the report shall attach a copy of the purchase agreement or equivalent documents for each transaction, although the purchase price may be redacted.

4.5 Within 30 days of the entry of this Consent Judgment by the Court, Defendants shall notify applicable consumer reporting agencies that they should remove any and all adverse information that may have been reported by Defendants regarding any Colorado consumer and shall follow-up with the reporting agencies to verify whether the adverse information has been removed as requested. If the adverse information has not been removed as requested by Defendants within 30 days of Defendants’ request, Defendants shall take all steps reasonably available to them (not including litigation) to compel the consumer reporting agencies to comply with Defendants’ requests.

V. MONETARY RELIEF

5.1 Judgment shall, and hereby is, entered in favor of the State and against defendants, jointly and severally, in the amount of \$200,000.00, as a civil penalty.

5.2 Defendants shall pay \$100,000, payable to the “Colorado Attorney

General,” immediately upon the entry of this Consent Judgment by the Court. Defendants shall pay an additional \$25,000, payable to the “Colorado Attorney General,” within 30 days of the entry of this Consent Judgment by the Court, an additional \$25,000 payable to the “Colorado Attorney General,” within 60 days of the entry of this Consent Judgment by the Court, and shall pay the remaining \$50,000 payable to the “Colorado Attorney General” within 90 days from the entry of this Consent Judgment by the Court. Payment shall be deemed paid upon the State’s receipt of the payment, and only upon such receipt.

VI. MISCELLANEOUS

6.1 It is the intent and purpose of this Consent Judgment to resolve fully and finally the issues between the State and defendants raised and alleged in this action, and only those issues. The omission from the Complaint or this Consent Judgment of other acts, conduct, or transactions, which might constitute other violations of the Act or CPA, shall not be deemed approval by the State of such acts, conduct, or transactions.

6.2 This Consent Judgment shall in no way limit, constrain, abridge, abrogate, waive, release, or otherwise prejudice the right of any consumer to bring any private action under the law.

6.3 All amounts paid or collected pursuant to or under this Consent Judgment, including any interest earned thereon, shall be held in trust by the Attorney General to be used in his sole discretion for reimbursement of the State’s costs and attorney’s fees, consumer restitution (if any), consumer or creditor educational purposes, or consumer credit or consumer protection enforcement efforts.

6.4 This Consent Judgment shall not be modified except in a writing signed by the parties or their authorized representatives and approved and entered by the Court.

6.5 This Consent Judgment shall be governed by Colorado law without regard to choice of law rules. As with the Act and CPA, it shall be liberally construed in the State’s favor and strictly construed against defendants, who shall comply fully, completely, and strictly with all of its terms and provisions.

6.6 Any claims or causes of actions arising out of or based upon this Consent Judgment shall be commenced in the District Court for the City and County of Denver, Colorado, and defendants hereby consent to the jurisdiction, venue, and process of such Court. In the event of any such action or proceeding alleging or asserting a violation of or failure to comply with this Consent Judgment, this Consent Judgment shall be admissible in full.

6.7 This Court shall retain jurisdiction over this matter for the purpose of enabling any party to it to apply to the Court at any time for such further orders as may be necessary or appropriate for the construction, execution, or enforcement of, or compliance with or punishment for violations of, this Consent Judgment.

6.8 Except as otherwise provided herein, each party shall bear its own costs and attorney's fees in connection with this matter.

6.9 Defendants have had the opportunity to be represented by legal counsel, and to consult with counsel for the State to negotiate a resolution of this matter. Defendants knowingly and voluntarily enter into this Consent Judgment and waive any right to a formal hearing on the matters forming the basis of this Consent Judgment and any right to appeal herefrom.

6.10 This Consent Judgment represents the entire agreement between the parties hereto and a complete merger of prior negotiations and agreements, and is binding upon all officers, directors, employees, shareholders, managers, members, principals, heirs, agents, affiliates, successors, or assigns of the parties.

6.11 On the date this Consent Judgment is signed by the Court, it shall be entered as and become a final judgment of the Court and such date shall be the Effective Date of this Consent Judgment for all purposes hereunder.

SO ORDERED, ADJUDGED, and JUDGMENTD this ____ day of _____, 2014.

By the Court:

District Court Judge

AGREED AND CONSENTED TO:

ACCURATE FINANCIAL PARTNERS
INC.,
Defendant

By: S/ Jason Bure
Name: JASON BURE
Title: President

S/ Julie Ann Meade
JULIE ANN MEADE,
Administrator, Uniform Consumer
Credit Code

S/ Jason Bure

JASON BURE,
Defendant

BARRON & NEWBURGER, PC

S/ Manuel H. Newburger

MANUEL H. NEWBURGER

Barron & Newburger, PC
1212 Guadalupe Street, Suite 104
Austin, TX 78701
Telephone: (512) 476-9103

JOHN W. SUTHERS,
Attorney General

S/ Nikolai Frant

NIKOLAI FRANT

Assistant Attorney General
Consumer Credit Unit
Consumer Protection Section
Attorneys for Plaintiffs
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: (720) 508-6012
*Counsel of Record

Attachment to Order - 2018 CV 33187

6.7 This Court shall retain jurisdiction over this matter for the purpose of enabling any party to it to apply to the Court at any time for such further orders as may be necessary or appropriate for the construction, execution, or enforcement of, or compliance with or punishment for violations of, this Consent Judgment.

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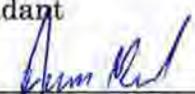
SO ORDERED, ADJUDGED, and JUDGMENTD this ____ day of _____, 2014.

By the Court:

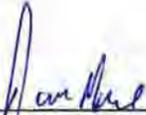
District Court Judge

AGREED AND CONSENTED TO:

ACCURATE FINANCIAL PARTNERS
INC.,
Defendant

By: 
Name: Jason Bure
Title: President


JULIE ANN MEADE,
Administrator, Uniform Consumer
Credit Code



JASON BURE,
Defendant

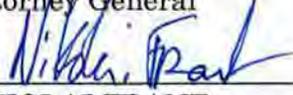
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JOHN W. SUTHERS,
Attorney General



NIKOLAI FRANT

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Consumer Credit Unit
Consumer Protection Section
Attorneys for Plaintiffs
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: (720) 508-6012
*Counsel of Record

BEFORE THE ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

FINAL AGENCY ORDER

In the Matter of:

ACE ADJUSTMENT COMPANY, INC.,

License No. 992177

On June 16, 2015, the Administrative Law Judge issued her Initial Decision Upon Default Against Respondent Ace Adjustment Co., Inc. No party has filed exceptions to review the Initial Decision, and it has automatically become the Administrator's Final Agency Order.

The Final Agency Order incorporates all the Initial Decision's Findings of Fact and Conclusions of Law, including the allegations made in the Notice of Charges, which are incorporated herein and attached hereto.

The Initial Decision is amended only in the following respects:

1. Ace Adjustment's collection agency license, No. 992177, is permanently revoked as of July 17, 2015.
2. The civil penalties of \$93,000 (\$1,500 for each of 62 violations) imposed against Ace Adjustment are due to the Administrator as of July 17, 2015.
3. C.R.S. § 24-4-106 provides for judicial review of this Final Agency Order.

Dated this 17th day of July, 2015.


JULIE ANN MEADE
Administrator

CERTIFICATE OF SERVICE

This is to certify that the foregoing Final Agency Order was duly served upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this July 17, 2015, addressed as follows:

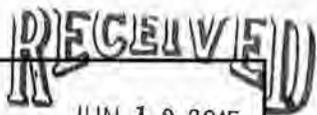
Ace Adjustment Co., Inc.
Attn: Richard O. Mills, Jr., President
1520 N. Union Boulevard, Suite 103
Colorado Springs, CO 80909

Richard O. Mills, Jr.
7326 Milner Drive
Colorado Springs, CO 80920

Jacqueline Mills
7326 Milner Drive
Colorado Springs, CO 80920



Michele A. Kendall, Legal Assistant

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman Street, 4 th Floor, Denver, Colorado 80203	<div style="text-align: right;">  JUN 19 2015 OFFICE OF THE ATTORNEY GENERAL </div>
THE ADMINISTRATOR, UNIFORM CONSUMER CREDIT CODE, Petitioner, vs. ACE ADJUSTMENT CO., INC., RICHARD O. MILLS, JR., and JACQUELINE MILLS, Respondents.	
INITIAL DECISION UPON DEFAULT AGAINST RESPONDENT ACE ADJUSTMENT CO., INC.	

This case is a proceeding before the Administrator of the Colorado Uniform Consumer Credit Code ("Administrator") alleging violations of the Colorado Fair Debt Collection Practices Act ("FDCPA"). The Administrator is represented by Jeanine M. Anderson, Senior Assistant Attorney General. Respondents Richard O. Mills, Jr. and Jacqueline Mills have appeared *pro se* and have answered the Administrator's Notice of Charges on their own behalf. Respondent Ace Adjustment Co., Inc. (Ace Adjustment) has not appeared in this proceeding. Based upon Respondent Ace Adjustment's failure to file a timely Answer to the Administrator's Notice of Charges, an Entry of Default Against Respondent Ace Adjustment was issued on May 6, 2015. Respondent Ace Adjustment then had ten days to show good cause why the default should be set aside. Section 24-4-105(2)(b), C.R.S. (2014). No motion to set aside the default was filed, and this matter became ready for issuance of an Initial Decision Upon Default against Respondent Ace Adjustment only on May 19, 2015.

FINDINGS OF FACT

1. The last address furnished by Respondent Ace Adjustment to the Administrator is 1520 North Union Boulevard, Suite 103, Colorado Springs, Colorado 80909.
2. Notice of the nature of this proceeding, the legal authority and jurisdiction under which it was held and the matters of fact and law asserted was mailed by first class mail to Respondent Ace Adjustment at the above address on February 19, 2015.
3. The Notice of Duty to Answer alerted Respondent Ace Adjustment that failure to respond to the Notice of Charges within 30 days could result in a default decision issued against Respondent Ace Adjustment for the relief requested in the Notice of Charges.
4. No written answer to the Notice of Charges has been filed by Respondent

Ace Adjustment.

5. The Administrator's Motion for Default Judgment Against Defendant Ace Adjustment was mailed by first class mail to Respondent Ace Adjustment at the above address on April 16, 2015. Respondent Ace Adjustment did not file a response to the motion.

6. The Administrative Law Judge's Entry of Default was mailed to Respondent Ace Adjustment by first class mail at the above address on May 6, 2015. Respondent Ace Adjustment did not file a motion to set aside the Entry of Default.

7. Respondent Ace Adjustment is deemed to have admitted the allegations of the Notice of Charges, which are incorporated herein as Findings of Fact.

CONCLUSIONS OF LAW

1. Respondent Ace Adjustment has received timely notice of the time, place and nature of this hearing; of all matters of fact and law asserted; and of all matters required by Section 24-4-105(2)(a), C.R.S. (2014), in the manner required by that section.

2. The Administrator has jurisdiction over Respondent Ace Adjustment and over Respondent Ace Adjustment's collection agency license.

3. By virtue of Respondent Ace Adjustment's default, the Administrator is entitled to the relief requested in the Notice of Charges and Motion for Default Judgment. See Section 24-4-105(2)(b), C.R.S. (2014).

4. The deemed allegations constitute violations of law as set out in the Notice of Charges.

INITIAL DECISION

When the Administrator has proven violations of the FDCPA, the Administrator may impose discipline pursuant to Section 12-14-130, C.R.S. (2014). The Administrator seeks revocation of Respondent Ace Adjustment's collection agency license as well as other relief. Respondent Ace Adjustment did not appear in this matter to present any mitigating factors. There is no information before the Administrative Law Judge indicating that some sanction other than revocation of Respondent Ace Adjustment's collection agency license, as well as the other relief requested, is appropriate in this case. Respondent Ace Adjustment's failure to appear demonstrates a lack of interest in maintaining its Colorado licensure.

It is therefore the Initial Decision of the Administrative Law Judge that:

1. Respondent Ace Adjustment's collection agency license is revoked.
2. Administrative fines in the amount of \$93,000.00 (ninety-three thousand dollars) are imposed against Respondent Ace Adjustment.
3. Respondent Ace Adjustment shall pay the administrative fines imposed against it to the Administrator within 30 (thirty) days of the date of the entry of the final agency order in this matter.

DONE AND SIGNED

June 16th, 2015



TANYA T. LIGHT
Administrative Law Judge

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BEFORE THE ADMINISTRATOR, UNIFORM CONSUMER CREDIT CODE

STATE OF COLORADO

Case No.

OFFICE OF
ADMINISTRATIVE COURTS

**NOTICE OF DUTY TO ANSWER, NOTICE TO SET, NOTICE OF HEARING,
AND NOTICE OF CHARGES**

IN THE MATTER OF ACE ADJUSTMENT CO., INC., RICHARD O. MILLS, JR.,
AND JACQUELINE MILLS,

Respondents.

TO: Ace Adjustment Co., Inc.
Attn: Richard O. Mills, Jr., President
1520 N. Union Boulevard, Suite 103
Colorado Springs, CO 80909

Richard O. Mills, Jr.
7326 Milner Drive
Colorado Springs, CO 80920

Jacqueline Mills
7326 Milner Drive
Colorado Springs, CO 80920

NOTICE OF DUTY TO ANSWER

YOU ARE HEREBY NOTIFIED that, pursuant to § 24-4-105(2)(b), C.R.S. 2014, you are hereby required to file a written answer to the within Notice of Charges with the Office of Administrative Courts, 1525 Sherman Street, 4th Floor, Denver, Colorado 80203, within 30 days after the mailing date of this Notice of Duty to Answer, Notice to Set, Notice of Hearing, and Notice of Charges. You must also mail a copy of such answer to the undersigned senior assistant attorney general for the Administrator, Uniform Consumer Credit Code, within the same 30-day period.

If you fail to file your written answer within said 30 days, an order entering a default decision may be issued without further notice against Ace Adjustment Co., Inc. ("Ace"), Richard O. Mills, Jr., and Jacqueline Mills (collectively, the "Ace Parties") for the relief requested in the Notice of Charges or such other penalties as may be provided by law.

NOTICE TO SET

YOU ARE HEREBY NOTIFIED that, at **9:30 a.m. on March 27, 2015**, the undersigned attorney for the Administrator, Uniform Consumer Credit Code, State of Colorado, will appear at or telephone the Office of the Chief Administrative Law Judge, Office of Administrative Courts, 1525 Sherman Street, 4th Floor, Denver, Colorado 80203, in order to set a date and obtain a location for a hearing regarding the within Notice of Hearing and Notice of Charges. You may be present in person or by counsel, or you may make prior arrangements to be reached by telephone at the time and date specified above by contacting the undersigned attorney *prior* to the day of setting.

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that pursuant to C.R.S. § 12-14-130, a hearing will be held before an authorized administrative law judge at a time and location to be determined pursuant to the above Notice to Set. The purpose of this hearing will be to determine whether the Ace Parties have violated C.R.S. § 12-14-123 of the Colorado Fair Debt Collection Practices Act ("FDCPA").

YOU ARE FURTHER NOTIFIED that at the hearing in this matter you shall have the right to appear in person or by legal counsel; to present evidence in your own behalf; to cross-examine any witnesses presented by the Administrator; and to rebut any evidence presented by the Administrator. You may also have subpoenas issued on your behalf upon request to the administrative law judge.

NOTICE OF CHARGES

NATURE OF THE CLAIMS

1. Respondent Ace is a collection agency licensed in Colorado. In violation of the FDCPA, Ace has failed to maintain a trust account for the benefit of its clients that contains sufficient funds to pay all sums due or owing to all of its clients. Ace also has failed to remit to its clients moneys owed to them in accordance with the agreements between Ace and its clients. Accordingly, the Administrator brings this action to revoke Ace's collection agency license and to obtain administrative fines.

PARTIES AND JURISDICTION

2. Julie Ann Meade is the duly appointed Administrator of the Uniform Consumer Credit Code ("Administrator"). C.R.S. § 12-14-103(1). She is authorized under C.R.S. § 12-14-130 to appoint an administrative law judge to conduct a hearing to determine whether a licensee has violated the FDCPA. If the

Administrator or administrative law judge finds that the licensee has violated the FDCPA, the Administrator may revoke the license of the licensee and impose administrative fines in an amount up to \$1,500.00 per violation.

3. Ace is a licensed Colorado collection agency with its office and principal place of business located at 1520 N. Union Boulevard, Suite 103, Colorado Springs, Colorado 80909.

4. Respondent Richard O. Mills, Jr. is the President and owner of Ace and, acting alone or in concert with others, has aided and abetted, formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Ace, including the acts and practices alleged in this Notice of Charges.

5. Respondent Jacqueline Mills, acting alone or in concert with others, has aided and abetted, formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Ace, including the acts and practices alleged in this Notice of Charges.

GENERAL ALLEGATIONS

6. Ace became licensed with the Administrator as a collection agency on August 29, 2014. Ace's license number is 992177.

7. In December 2014, the Administrator became concerned that Ace may be mismanaging the trust account in which it maintained its clients' funds.

8. On December 16, 2014, the Administrator received a complaint from Ace client, the Law Office of Gordon N. Shayne, P.C. ("Shayne"). Shayne entered into a collection services agreement with Ace in April 2011.

9. Shayne assigned two collection accounts to Ace: the accounts of Anthony Liddle ("Liddle") and Lionel Martinez ("Martinez").

10. Ace's collection activity notes show that on August 13, 2014, Ace received a \$2,957.21 payment from Liddle; and on September 4, 2014, it received a \$999.52 payment from Martinez.

11. Despite receiving these payments on Shayne's accounts, Ace did not timely remit the sums collected (minus the commission due to Ace) to Shayne, in violation of C.R.S. § 12-14-123(1)(d).

12. Shortly thereafter, on January 14, 2015, the Administrator received a claim from another Ace client, Swint Realty Company, LLC ("Swint"), against Ace's surety bond. This claim alleged that Ace had failed to remit to Swint sums Ace

collected on behalf of Swint.

13. Ace's collection activity notes reveal that on October 15, 2014, Ace received a payment on a Swint account in the amount of \$3,500.00. Ace failed to remit the amount owed to Swint on or before November 30, 2014, in violation of C.R.S. § 12-14-123(1)(d).

14. On January 23, 2015, yet another Ace client, Blue Skies Exploration Academy ("Blue Skies"), filed a claim against Ace's surety bond. Blue Skies claims that Ace has failed to remit to it sums Ace collected on its behalf.

15. Ace's client ledger shows that Ace received four payments in the amounts of \$235.00, \$205.00, \$849.00, and \$432.80 from Blue Skies' clients. Ace received these four payments on September 5, 2014; October 3, 2014; November 6, 2014, and November 20, 2014, respectively.

16. Ace failed to timely remit the amounts owed to Blue Skies, in violation of C.R.S. § 12-14-123(1)(d).

17. As a result of the complaint and bond claims, the Administrator initiated an investigation into Ace's business practices, particularly those involving the maintenance and operation of its trust account.

18. As a part of the investigation, the Administrator's staff reviewed Ace's client ledger. The client ledger revealed that as of January 21, 2015, Ace owes and has failed to remit at least \$64,116.80 to its clients.

19. As part of the investigation, the Administrator's staff also reviewed bank statements from Ace's trust account. Between May 2014 and December 2014, Ace made four payments out of its trust account to Respondent Richard Mills in the total amount of \$2,308.20, and eight payments to Respondent Jacqueline Mills in the total amount of \$8,502.00.

20. The back statements further revealed that from May 2014 through December 2014, Ace paid its insurance premiums to Humana, Inc. out of the trust account.

COUNT ONE
VIOLATIONS OF THE FDCPA (C.R.S. § 12-14-123(1)(c))

21. The Administrator incorporates by reference the allegations of paragraphs 1 through 20 above as if fully set forth herein.

22. Under the FDCPA, a licensee shall "[m]aintain, at all times, a trust

account for the benefit of its clients that contains, at all times, sufficient funds to pay all sums due or owing to all of its clients. . . . The account must be clearly designated as a trust account and shall be used only for such purposes and not as an operating account.” C.R.S. § 12-14-123(1)(c).

23. A licensee’s failure to comply with C.R.S. § 12-14-123(1)(c) is unlawful and a violation of the FDCPA. C.R.S. § 12-14-128(1)(a).

24. Ace has failed to maintain its trust account in compliance with the requirements of C.R.S. § 12-14-123(1)(c).

25. Richard Mills and Jacqueline Mills have aided and abetted Ace in its violations of C.R.S. § 12-14-123(1)(c) and therefore have themselves violated the FDCPA. *See* C.R.S. § 12-14-128(1)(b).

26. As a result of the Ace Parties’ violations of the FDCPA, the Administrator is entitled to revocation of Ace’s license and administrative fines. C.R.S. § 12-14-130(10)(a).

COUNT TWO
VIOLATIONS OF THE FDCPA (C.R.S. § 12-14-123(1)(d))

27. The Administrator incorporates by reference the allegations of paragraphs 1 through 26 above as if fully set forth herein.

28. Under the FDCPA, a licensee shall “[w]ithin thirty days after the last day of the month in which any collections are made for a client, account to the client for all collections made during that month and remit to the client all moneys owed to the client pursuant to the agreement between the client and the collection agency.” C.R.S. § 12-14-123(1)(d).

29. A licensee’s failure to comply with C.R.S. § 12-14-123(1)(d) is unlawful and a violation of the FDCPA. C.R.S. § 12-14-128(1)(a).

30. Ace has failed to remit to its clients all moneys owed to the clients in accordance with the requirements of C.R.S. § 12-14-123(1)(d).

31. Richard Mills and Jacqueline Mills have aided and abetted Ace in its violations of C.R.S. § 12-14-123(1)(d) and therefore have themselves violated the FDCPA. *See* C.R.S. § 12-14-128(1)(b).

32. As a result of the Ace Parties’ violations of the FDCPA, the Administrator is entitled to revocation of Ace’s license and administrative fines. C.R.S. § 12-14-130(10)(a).

PRAYER FOR RELIEF

ACCORDINGLY, the Administrator prays for entry of judgment in her favor and against the Ace Parties, and requests the Court provide the following relief:

- A. Revoke Ace's collection agency license; and
- B. Impose administrative fines in the amount of \$1,500.00 per violation.

DATED: Denver, Colorado
February 19, 2015

CYNTHIA H. COFFMAN
Attorney General



JEANINE M. ANDERSON, 28206*
Senior Assistant Attorney General
Consumer Credit Unit
Consumer Protection Section
Attorneys for the Administrator
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203
Telephone: 720-508-6113
FAX: 720-508-6033
Email: jeanine.anderson@state.co.us

*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that the foregoing Notice of Duty to Answer, Notice to Set, Notice of Hearing, and Notice of Charges was duly served upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this February 19, 2015, addressed as follows:

Ace Adjustment Co., Inc.
Attn: Richard O. Mills, Jr., President
1520 N. Union Boulevard, Suite 103
Colorado Springs, CO 80909

Richard O. Mills, Jr.
7326 Milner Drive
Colorado Springs, CO 80920

Jacqueline Mills
7326 Milner Drive
Colorado Springs, CO 80920


Michele A. Kendall

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

ALPHA RECOVERY CORP.,

Respondent.

This Stipulation and Final Agency Order ("Order") is entered into by and between Alpha Recovery Corp. ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve issues raised in the Administrator's investigation of Respondent for violations regarding multiple consumer complaints.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act ("CFDCPA") is authorized to license collection agencies and enforce the CFDCPA pursuant to Sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. On August 10, 2010, Respondent was issued a Colorado collection agency license and currently holds license number 991127.

Previous Discipline

3. Respondent entered into a Stipulation and Final Agency Order on September 25, 2013 for violation of Section 12-14-105(3)(c) and (e), C.R.S. (defective collection notices).
4. The Administrator issued a Letter of Admonition on January 30, 2013 for violations of Sections 12-14-105(2), 12-14-128(4)(a) and Rule 1.03(2) of the Rules of the Administrator (disclosure of a debt to a third-party, contact with a third-party after having knowledge of a consumer's contact information and for a collector's use of a first name only).

Complaint of Y.F./636650

5. On March 11, 2014, the Administrator received a complaint from the above consumer who complained that Respondent provided information regarding the consumer's debt to a third-

party, despite having contact information for the consumer, and despite the consumer's return phone call on March 10, 2014 confirming her contact information.

6. Respondent's records revealed that it received an account for the consumer on January 25, 2014, and a validation notice was mailed to the consumer on January 27, 2014.

7. Respondent's collectors made several telephone calls to various numbers and left messages between March 7 and 11, 2014.

8. Additionally, Respondent's collectors contacted the consumer's place of employment which was answered, "The Law Office of (consumer's name)." Despite having a good contact number for the consumer, Respondent's collector Michener left at least four voice mail messages at other numbers that allegedly belonged to the consumer. In his messages, collector Michener stated that the call was "regarding a debt." None of the numbers that collector Michener called identified the consumer via voice mail, yet collector Michener disclosed that the consumer owed a debt.

9. Respondent's actions violated Sections 12-14-104(1)(b) and 12-14-105(2), C.R.S.

Complaint of W.K./789400

10. The Administrator received a complaint from the above consumer on December 22, 2014. The consumer complained that Respondent refused to provide information regarding his account.

11. Respondent's records revealed it received an account regarding the consumer on October 2, 2014, and mailed its initial validation notice to the consumer on the same date. Respondent's records did not reflect receipt of a written request from the consumer for verification of the debt.

12. On December 22, 2014, Respondent's collector spoke with the consumer and made the following statements: "...need to make a decision today," "...I do need to make a decision today" and ..."final step in the collection process." Respondent's statements could have led the least sophisticated consumer to reasonably believe that a lawsuit was imminent. Respondent has never filed any lawsuits in Colorado.

13. Respondent's actions violated Section 12-14-107(1)(I)(e), C.R.S.

Complaint of MIS/851318

14. The Administrator received the above complaint on January 7, 2015. The complainant is a public school which complained that Respondent contacted it in an attempt to locate an employee, and that Respondent's collector was "angry, rude and threatening."

15. Respondent's records revealed that it contacted the complainant on January 7, 2015 in an attempt to locate its debtor. Respondent's collector stated his name was "John," was rude, unprofessional and threatening, and told the complainant he would make her "eat her words."

16. Additionally, the complainant did not obtain Respondent's name during the January 7, 2015 phone call as it was not stated by the collector. The Administrator's Administrative Assistant ("the Assistant") called the telephone number provided by the complainant to obtain the name of the collection agency for the record. The Assistant spoke with Respondent's collector "John" who accused the Assistant of making a "prank" phone call to Respondent.

17. Respondent stated in its January 20, 2015 response that its collector received a written warning regarding this matter.

18. Respondent's actions violated Section 12-14-106(1)(a), C.R.S.

SECTION II
Order

19. Respondent agrees to, and the Administrator hereby orders the following:

a. Upon its execution of this Order, Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, six thousand dollars (\$6,000.00) for the violations listed above. Of this amount, one-half shall be an administrative fine and the remaining one-half shall be held, along with any interest thereon, in trust by the Attorney General to be used in the Attorney General's sole discretion for attorney fees and costs, restitution, if any, and for future consumer or creditor education or Colorado Fair Debt Collection Practices Act enforcement efforts.

b. Respondent, and its officers, directors, agents, servants, employees, managers, members, and any and all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with Respondent, shall immediately cease and desist from engaging in or committing, any of the acts, conduct, or practices described in this Order, or any other acts, conduct, or practices in violation of the Act.

20. This Order must be disclosed in any subsequent new or renewal application to the Administrator in response to any question regarding state disciplinary or administrative action.

21. It is the intent and purpose of this Order to resolve fully the particular issues, allegations, or charges raised by the Administrator's investigation of Respondent's activities as set forth above, and only those issues. Further, the omission from this Stipulation of other acts, conduct, or practices which might constitute violations of the Act shall not be deemed or construed to be approval by the Administrator of such acts, conduct, or practices.

22. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

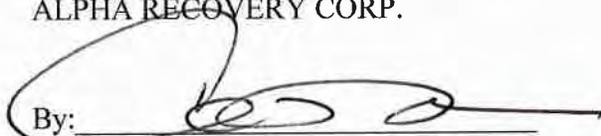
23. Colorado law governs this Order. Any claims or causes of action arising out of or based upon this Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court.

24. This Order represents the entire agreement and a complete merger of any prior negotiations and agreements between the parties, and is binding upon all the heirs, agents and successors-in-interest of the Respondent.

25. This Order shall be effective on the date it is signed by the Administrator.

Date: 5/5/15

ALPHA RECOVERY CORP.

By: 
CHRISTOPHER DELLA RATTA
President
5660 Greenwood Plaza Blvd. #101
Greenwood Village, CO 80111

Date: May 8, 2015

COLORADO FAIR DEBT
COLLECTION PRACTICES ACT

By: 
JULIE ANN MEADE
Administrator
Ralph L. Carr Colorado Judicial Center
Consumer Credit Unit
1300 Broadway, 6th Floor
Denver, CO 80203

BEFORE THE ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

ATLANTIC RECOVERY SOLUTIONS, LLC,

Respondent.

This Stipulation and Final Agency Order is entered into by and between Atlantic Recovery Solutions, LLC ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve all of the issues arising out of Respondent's unlicensed debt collection activity in Colorado and for other violations of the Colorado Fair Debt Collection Practices Act.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act is authorized to license collection agencies and enforce the Colorado Fair Debt Collection Practices Act pursuant to sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. Respondent has been engaged in the business of taking assignments or purchasing debts in default for the purpose of collection.
3. Respondent meets the definition of a "collection agency" under section 12-14-103 (2), C.R.S., and is required to first obtain and possess a valid collection agency license prior to engaging in any debt collection activity as required by sections 12-14-115 (1)(a) and 12-14-118, C.R.S.

Part I

Unlicensed Debt Collection

4. On August 18, 2014, after investigation of the complaint of Consumer C.G., the Administrator sent Respondent a cease and desist advisory notice due to its unlicensed debt collection activity in Colorado and for other alleged violations of the Colorado Fair Debt Collection Practices Act.

5. On September 4, 2014, Respondent in response to the cease and desist advisory notice submitted an affidavit that it would apply for a Colorado collection agency license and would immediately cease and desist all unlicensed collection activity. Respondent closed the collection account of consumer C.G. and returned it to the creditor.

6. On October 7, 2014, Respondent filed its application for a collection agency license.

7. After investigation, the administrator learned that Respondent has approximately 240 accounts, including the account of consumer C.G., which it collected or attempted to collect from Colorado consumers without a valid collection agency license since April 1, 2013 when it commenced its debt collection activities in Colorado.

8. Respondent violated sections 12-14-115 (1)(a) and 12-14-118, C.R.S., for engaging in debt collection activity in Colorado without a valid license.

Part II
Complaint of Consumer C.G.

9. On June 2, 2014, Respondent sent a validation letter to consumer to collect a \$4,159.36 debt allegedly owed to a Citibank/Home Depot credit card which was assigned to it for collection.

10. On June 16, 2014, consumer called Respondent and proposed a \$50.00 monthly payment which was refused by Respondent's debt collector, Jenna Jacobs (alias for Sarene Nastevski), who impliedly suggested that Respondent will sue the consumer which would result in her salary being garnished up to seventy five per cent (75%) and told consumer that she would give the account to the attorneys. Consumer asked Jenna Jacobs to talk to the attorneys but she (Jenna) told consumer that the attorneys would not talk to her (consumer). Jenna Jacobs placed consumer on hold.

Jack Mitchell (alias for Zachariah Aga – Respondent's owner/president) then took over the phone conversation and introduced himself as the paralegal with our firm. He told consumer that there is a Pre-Trial Bill, which meant that court costs and attorney's fees in the amount of \$5,322.36 would be filed in El Paso County Court. Jack Mitchell also told consumer that Respondent intended to pursue the account legally through judgment, liens, garnishment of wages and freezing of bank accounts, unless the matter was resolved voluntarily. Mr. Mitchell further told consumer that Respondent did not have to honor any arrangements that consumer had with any prior collection agencies because they purchased the account, and in Colorado they can garnish up to 75% of consumers wages which would take priority over any garnishments because whoever got the highest percentage of garnishment would collect over others, and that Respondent usually got 58% of its Colorado judgments.

(Court records indicate that Respondent has never filed any lawsuit in Colorado to collect on any debt.)

11. Respondent's conduct and debt collection tactics were false, deceptive and misleading representations; misrepresentation as to the character, amount or legal status of the debt; misrepresentation that the communication was from an attorney/law firm; misrepresentation about garnishment of consumer's salary; threatened to take legal action not intended to be taken; and added fees or charges not authorized in the original agreement or permitted by law. Respondent violated sections 1212-14-107(1), 12-14-107(1)(b), 12-14-107 (1)(c), 12-14-107 (1)(d), 12-14-107 (1)(e) and 12-14-108 (1)(a), C.R.S.

SECTION II
Order

In full settlement of the issues raised in this matter, the parties agree as follows:

12. This Stipulation and Final Agency Order is intended to fully resolve all of the issues arising out of Respondent's unlicensed debt collection activity in Colorado and for other violations the Colorado Fair Debt Collection Practices Act.

13. Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, the amount of ten thousand dollars (\$10,000.00). Of this amount, one-half shall be an administrative fine and one half shall be held in trust by the Attorney General, including any interest earned thereon, to be used in her sole discretion, for consumer and collection agency educational purposes or Colorado Fair Debt Collection Practices Act enforcement efforts.

14. Upon receipt of the payment required in paragraph 13, and completion of Respondent's application for licensure, the Administrator will issue a collection agency license to Respondent.

15. Respondent will comply all of the provisions of the Colorado Fair Debt Collection Practices Act.

16. This Stipulation and Final Agency Order must be disclosed in any subsequent new or renewal application to the Administrator, and in response to any question regarding legal, disciplinary or administrative action by any state, federal or law enforcement authority in any governmental jurisdiction.

17. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

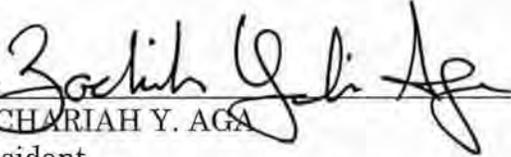
18. Colorado law governs this Stipulation and Final Agency Order. Any claims, disputes or causes of action arising out of this Stipulation and Final Agency Order shall be commenced before the courts of proper jurisdiction within the State of Colorado.

19. This Stipulation and Final Agency Order is binding upon all the heirs, agents and successors-in-interest of the Respondent

20. This Stipulation and Final Agency Order shall be effective on the date it is signed by the Administrator.

ATLANTIC RECOVERY SOLUTIONS,
LLC

COLORADO FAIR DEBT COLLECTION
PRACTICES ACT

By: 
ZACHARIAH Y. AGA
President
275 Northpointe Parkway, Suite 80
Amherst, NY 14228

By: 
JULIE ANN MEADE
Administrator
Consumer Credit Unit
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203

Date: 09/24/2015

Date: September 29, 2015

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

CAVALRY PORTFOLIO SERVICES, LLC,

Respondent.

This Stipulation and Final Agency Order ("Order") is entered into by and between Cavalry Portfolio Services, LLC ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve issues raised in the Administrator's investigation of Respondent for violations regarding a consumer complaint and other collection practices.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act ("CFDCPA") is authorized to license collection agencies and enforce the CFDCPA pursuant to Sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. On November 22, 2002, Respondent was issued a Colorado collection agency license and currently holds license number 990300.

Complaint of C.H./17415304

3. On or about December 18, 2014, the Administrator received a complaint from the above consumer who complained that Respondent did not provide verification of a debt despite a written request and of credit reporting. The Administrator made no finding regarding the issue related to verification of debt.
4. The Administrator's review of Respondent's records revealed that Respondent credit reported the consumer's account to the credit reporting agencies on April 14, 2012, without first mailing its initial validation notice. The Administrator deems such actions a violation of Sections 12-14-108(1)(j) and 12-14-109, C.R.S. Respondent denies same.

Additional Findings

5. Upon request, Respondent provided that its credit reported other accounts related to Colorado consumers without first mailing its initial validation notice.
6. The Administrator deems such actions as described above a violation of Sections 12-14-108(1)(j) and 12-14-109, C.R.S. Respondent denies same.

SECTION II **Order**

Respondent agrees to, and the Administrator hereby orders the following:

7. Upon its execution of this Order, Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, seventeen thousand, three hundred eight-five dollars (\$17,385.00) for the violations described above. Of this amount, one-half shall be an administrative fine and the remaining one-half shall be held, along with any interest thereon, in trust by the Attorney General to be used in the Attorney General's sole discretion for attorney fees and costs, restitution, if any, and for future consumer or creditor education or Colorado Fair Debt Collection Practices Act enforcement efforts.
8. Respondent, and its officers, directors, agents, servants, employees, managers, members, and any and all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with Respondent, shall immediately cease and desist from engaging in or committing, any of the acts, conduct, or practices described in this Order, or any other acts, conduct, or practices in violation of the Act.
9. This Order must be disclosed in any subsequent new or renewal application to the Administrator, and in response to any question regarding legal, disciplinary or administrative action, by any state, federal or law enforcement authority in any government jurisdiction.
10. It is the intent and purpose of this Order to resolve fully the particular issues, allegations, or charges raised by the Administrator's investigation of Respondent's activities as set forth above, and only those issues. Further, the omission from this Stipulation of other acts, conduct, or practices which might constitute violations of the Act shall not be deemed or construed to be approval by the Administrator of such acts, conduct, or practices.

11. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

12. Colorado law governs this Order. Any claims or causes of action arising out of or based upon this Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court.

13. This Order represents the entire agreement and a complete merger of any prior negotiations and agreements between the parties, and is binding upon all the heirs, agents and successors-in-interest of the Respondent.

14. This Order shall be effective on the date it is signed by the Administrator.

Date: 9-28-15

Date: October 5, 2015

CAVALRY PORTFOLIO SERVICES
LLC

By: 
STEPHEN ANDERSON,
Chief Operating Officer
500 Summit Lake Dr., Suite 400
Valhalla, NY 10595

ADMINISTRATOR COLORADO FAIR
DEBT COLLECTION PRACTICES ACT

By: 
JULIE ANN MEADE
Consumer Protection Section
Consumer Credit Unit
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	DATE FILED: March 31, 2015 9:17 AM CASE NUMBER: 2014CV33251 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) STATE OF COLO EX REL JOHN SUTHERS ATTOR et al. v. Defendant(s) EMERALD CANYON CAPITAL LLC et al.	
<p style="text-align: center;">Order: Proposed Consent Judgment (filed on behalf of successor State of Colo Ex Rel Cynthia H. Coffman) (also filed on behalf of defs, Emeral Canyon Capital LLC, Jaosn Cohencious, Charles R. Joy Jr.)</p>	

The motion/proposed order attached hereto: SO ORDERED.

The below Consent Judgment is made an order of the Court. The findings therein are entered by consent of the parties, judgment enters as set forth in the Consent Judgment, and the action is closed.

Issue Date: 3/31/2015



JOHN WILLIAM MADDEN IV
 District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	
STATE OF COLORADO ex rel. CYNTHIA H. COFFMAN, ATTORNEY GENERAL FOR THE STATE OF COLORADO, and JULIE ANN MEADE, ADMINISTRATOR, UNIFORM CONSUMER CREDIT CODE, Plaintiffs, v. EMERALD CANYON CAPITAL, LLC, JASON COHENCIOUS, and CHARLES R. JOY, JR., Defendants.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
	Case No. 2014CV33251 Courtroom 203
CONSENT JUDGMENT	

Plaintiffs, State of Colorado, ex rel. Cynthia H. Coffman, Attorney General for the State of Colorado, and Julie Ann Meade, Administrator, Colorado Collection Agency Board (collectively, the “State”) and Defendants, Emerald Canyon Capital, LLC (“Emerald”), Jason Cohencious (“Cohencious”), and Charles R. Joy, Jr. (“Joy”) (collectively, “Defendants”) (collectively, the State and Defendants are the “Parties”), hereby consent to the entry of final judgment in this matter as embodied in this Consent Judgment, to resolve fully and finally the claims and issues in the above-captioned case, without trial or hearing, and to avoid the additional time and expense associated with continuing litigation.

The Court, having considered this matter and being otherwise fully advised in the premises,

DOES HEREBY FIND, CONCLUDE, ORDER, DECREE, and ADJUDGE, as follows:

I. JURISDICTION AND VENUE

1.1 This Court has jurisdiction over the parties and the subject matter of this

action.

1.2 The State's Complaint, dated August 20, 2014 (Complaint), states claims against defendants pursuant to the Colorado Fair Debt Collection Practices Act, §§ 12-14-101, *et seq.*, C.R.S. 2014 (Act), and Consumer Protection Act, §§ 6-1-101, *et seq.*, C.R.S. 2014 (CPA).

1.3 The Court is authorized to issue the relief requested in the Complaint pursuant to Act § 12-14-135 and CPA §§ 6-1-110, 6-1-112, and 6-1-113.

1.4 Venue is proper in the City and County of Denver, Colorado.

II. PARTIES

2.1 Plaintiff Cynthia H. Coffman is the duly elected Attorney General of the State of Colorado. She is authorized under CPA § 6-1-103 to enforce the CPA, and may bring a civil action against a person for engaging in deceptive trade practices. In such action, the State may seek injunctive relief to prohibit the person from violating the CPA, obtain consumer restitution, and collect civil penalties for violations of the CPA. *See* CPA §§ 6-1-110, 6-1-112, and 6-1-113.

2.2 Plaintiff Julie Ann Meade is the Administrator, Colorado Collection Agency Board. She is authorized to exercise any powers granted the Colorado Collection Agency Board. *See* Act § 12-14-117(1). In particular, she is authorized to bring a civil action to restrain any person from any violation of the Act. *See* Act § 12-14-135.

2.3 Defendant Emerald is, and at all relevant times was, a Colorado limited liability company with its principal place of business in Fort Collins, Colorado. At all relevant times, its principal purpose was the collection of consumer debts. It was regularly engaged in the business of collecting, or attempting to collect, debts owed or due or asserted to be owed or due others. It was never licensed by the Administrator in Colorado as a collection agency authorized to collect consumer debt.

2.4 Defendant Cohencious is, and at all relevant times was: one of Emerald's two primary officers; one of Emerald's two managers and members; and a fifty percent owner of Emerald. He directed, managed, participated in, supervised, and engaged in Emerald's business and transactions.

2.5 Defendant Joy is, and at all relevant times was: the other of Emerald's two primary officers; the other of Emerald's two managers and members; and the other fifty percent owner of Emerald.

ADMISSIONS

Defendants admit the following:

3.1 Emerald at all relevant times was a debt buyer. It bought portfolios of defaulted debt and collected, or attempted to collect, those debts for its own account.

3.2 Beginning some time in June 2012 and continuing thereafter, Emerald began collecting consumer debts.

3.3 Emerald began its debt collection activity without a Colorado collection agency license.

3.4 In April 2014, Emerald submitted to the Administrator an application for a Colorado collection agency license.

3.5 By letter, dated July 30, 2014, the Administrator denied Emerald's collection agency license application. Emerald did not appeal that denial.

IV. INJUNCTIVE RELIEF

4.1 Defendants and their officers; managers; agents; affiliates; subsidiaries; successors; and assigns; as well as all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with, defendants who have actual or constructive notice of this Consent Judgment; shall be, and hereby are, permanently enjoined from committing, and shall not in the future commit, any violations of the Act or CPA.

4.2 Defendants, and their officers; managers; agents; affiliates; subsidiaries; successors; and assigns; as well as all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with, these Defendants who have actual or constructive notice of this Consent Judgment; shall be, and hereby are, permanently enjoined from collecting or attempting to collect, directly or indirectly, consumer debt in Colorado, including, without limitation, collecting or attempting to collect debt from Colorado consumers.

4.3 Defendants shall not sell, assign, transfer, or otherwise dispose of any accounts or debt involving Colorado consumers without first determining through the exercise of due diligence that each account or debt was extended by the original creditor in compliance with applicable law, and that each account or debt in fact was extended to the identified consumer.

4.4 In the event that Defendants sell, assign, transfer, or otherwise dispose

of any accounts or debt involving Colorado consumers, Defendants shall provide a written report to the Administrator. The report shall be provided within 14 days of the date on which the transaction has closed. The report shall identify each account involving a Colorado consumer that was included in the transaction and shall set forth the basis for Defendants' conclusion that each account was extended by the original creditor in compliance with applicable law and was extended to the identified consumer. The report shall identify the individuals or entities to whom defendants sold, assigned, transferred, or otherwise conveyed the accounts. With respect to identified accounts, the report shall contain the name of each consumer, all contact information that Defendants possess regarding each consumer, the principal amount owed on each account, the payment history for each account, and the name of the original creditor for each account. With respect to each individual or entity that purchases accounts or debt from defendants involving Colorado consumers, the report shall provide all contact information that defendants possess regarding each individual or entity. Finally, the report shall attach a copy of the purchase agreement or equivalent documents for each transaction, although the purchase price may be redacted.

4.5 Defendants, as soon as reasonably possible, shall remove, or shall cause to be removed, any and all adverse information that they may have reported to consumer reporting agencies regarding any known Colorado consumer.

V. MONETARY RELIEF

5.1 Judgment shall, and hereby is, entered in favor of the State and against Defendants, jointly and severally, in the amount of \$100,000.00, as a civil penalty.

5.2 Defendants shall pay this amount, payable to the "Colorado Attorney General," immediately upon entry of this Consent Judgment. Payment shall be deemed paid upon the State's receipt of the payment, and only upon such receipt.

VI. MISCELLANEOUS

6.1 It is the intent and purpose of this Consent Judgment to resolve fully and finally the issues between the State and Defendants raised and alleged in this action, and only those issues. The omission from the Complaint or this Consent Judgment of other acts, conduct, or transactions, which might constitute other violations of the Act or CPA, shall not be deemed approval by the State of such acts, conduct, or transactions.

6.2 All amounts paid or collected pursuant to or under this Consent Judgment, including any interest earned thereon, shall be held in trust by the Attorney General to be used in his sole discretion for reimbursement of the State's costs and attorney's fees, consumer restitution (if any), consumer or creditor

educational purposes, or consumer credit or consumer protection enforcement efforts. To the extent the State provides any consumer restitution related to any Emerald accounts, the State shall inform Defendants in writing of the amount paid to each debtor.

6.3 This Consent Judgment shall not be modified except in a writing signed by the parties or their authorized representatives and approved and entered by the Court.

6.4 The State shall treat all consumer account information obtained in this action as confidential commercial information not subject to the Colorado Open Records Act, pursuant to C.R.S. § 27-72-204(3)(a)(IV).

6.5 This Consent Judgment shall be governed by Colorado law without regard to choice of law rules.

6.6 Any claims or causes of actions arising out of or based upon this Consent Judgment shall be commenced in the District Court for the City and County of Denver, Colorado, and Defendants hereby consent to the jurisdiction, venue, and process of such Court. In the event of any such action or proceeding alleging or asserting a violation of or failure to comply with this Consent Judgment, this Consent Judgment shall be admissible in full.

6.7 This Court shall retain jurisdiction over this matter for the purpose of enabling any party to it to apply to the Court at any time for such further orders as may be necessary or appropriate for the construction, execution, or enforcement of, or compliance with or punishment for violations of, this Consent Judgment.

6.8 Except as otherwise provided herein, each party shall bear its own costs and attorney's fees in connection with this matter.

6.9 Defendants have had the opportunity to be represented by legal counsel in negotiating a resolution of this matter. Defendants knowingly and voluntarily enter into this Consent Judgment and waive any right to a formal hearing on the matters forming the basis of this Consent Judgment and any right to appeal herefrom.

6.10 This Consent Judgment represents the entire agreement between the parties hereto and a complete merger of prior negotiations and agreements, and is binding upon all officers, directors, shareholders, managers, members, principals, agents, affiliates, successors, or assigns of the parties.

6.11 On the date this Consent Judgment is signed by the Court, it shall be entered as and become a final judgment of the Court and such date shall be the Effective Date of

this Consent Judgment for all purposes hereunder.

SO ORDERED, ADJUDGED, and DECREED this ____ day of _____, 2015.

By the Court:

District Court Judge

AGREED AND CONSENTED TO:

EMERALD CANYON CAPITAL, LLC,
Defendant

By: s/ Jason Cohencious
Name: Jason Cohencious
Title: Manager

s/ Julie Ann Meade
JULIE ANN MEADE,
Administrator, Uniform Consumer
Credit Code

s/ Jason Cohencious
JASON COHENCIOUS,
Defendant

s/ Charles R. Joy, Jr.
CHARLES R. JOY, JR.,
Defendant

BERG HILL GREENLIEAF &
RUSCITTI LLP

s/ Jon N. Banashek
JON N. BANASHEK, 25950
ANN M. RHODES, 390959
Attorneys for Defendants
1712 Pearl Street
Boulder, Colorado 80302
Telephone: (303) 402-1600

CYNTHIA H. COFFMAN,
Attorney General

s/ Jeanine M. Anderson
JEANINE M. ANDERSON, 28206*
Senior Assistant Attorney General
Consumer Credit Unit
Consumer Protection Section
Attorneys for Plaintiffs
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: (720) 508-6012
*Counsel of Record

BEFORE THE ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

FINAL AGENCY ORDER

In the Matter of:

GEORGIA RECEIVABLES, INC.,
License No. 991123

The Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") having examined all substantial evidence, adopts the following findings of fact, reaches the following conclusions of law, and renders this order.

Findings of Fact

1. The Administrator of the Colorado Fair Debt Collection Practices Act ("CFDCPA") is authorized to license collection agencies and enforce the CFDCPA pursuant to §12-14-117, C.R.S.
2. Pursuant to CFDCPA §12-14-119 (2), the Administrator has the authority to require any applicant for a collection agency license to submit an application providing all information in the form and manner designated by her.
3. On August 10, 2010, Georgia Receivables, Inc. ("GRI") was issued collection agency license number 991123. Frederick J. Hanna is the Chief Executive Officer, Secretary and the collections manager for GRI.
4. On July 1, 2015, GRI filed its 2015-2016 collection agency license renewal application which did not disclose the lawsuit filed by the Consumer Financial Protection Bureau against Frederick J. Hanna, as one of the defendants, for alleged false, misleading and deceptive acts and practices in violation of the Fair Debt Collection Practices Act. Page 2, paragraph 12, of the license renewal application required the disclosure of the above referenced information.

Conclusions of Law

5. Pursuant to §12-14-120 (2), C.R.S., the administrator may deny any application for a license or its renewal if any grounds exist that would justify disciplinary action under section 12-14-130, for failure to meet the requirements of section

12-14-119, or if the applicant, the applicant's principals, or the applicant's collections manager have fraudulently obtained or attempted to obtain a license.

6. §24-4-106, C.R.S., provides for judicial review of agency actions.

ORDER

Based on the authority of the Administrator pursuant to §12-14-117 and §12-14-120, C.R.S., and based on all known facts and circumstances and substantial evidence presented,

IT IS ORDERED that:

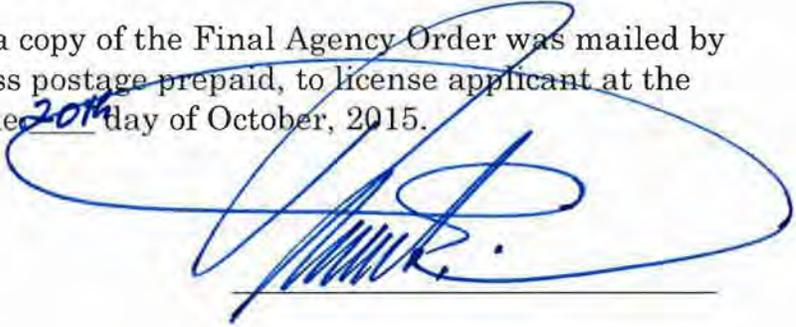
The 2015-2016 collection license renewal application for Georgia Receivables, Inc. is hereby DENIED.

Dated this 20th day of October 2015.


JULIE ANN MEADE
Administrator

Certificate of Service

This is to certify that a copy of the Final Agency Order was mailed by United States mail, first-class postage prepaid, to license applicant at the addresses listed below, on the ~~20th~~ day of October, 2015.

A large, stylized handwritten signature in blue ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but appears to be a name with a period at the end.

Georgia Receivables, Inc.
Attn: Frederick J. Hanna, CEO/Secretary
2253 Northwest Parkway
Marietta, GA 30067

Georgia Receivables, Inc.
c/o Machol & Johannes, LLC, Registered Agent
700 17th Street, Suite 200
Denver, CO 80202

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

GLASS MOUNTAIN CAPITAL, LLC,

Respondent.

This Stipulation and Final Agency Order ("Order") is entered into by and between Glass Mountain Capital, LLC. ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve certain issues as more particularly described herein, arising out of the Administrator's investigation of Respondent for violations regarding consumer complaints and for the findings from an examination conducted by the Administrator.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act ("CFDCPA") is authorized to license collection agencies and enforce the CFDCPA pursuant to Sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. On October 7, 2008, Respondent was issued a Colorado collection agency license and currently holds license number 991819.

Complaint of F.P./5527740

3. On or about July 29, 2013, the Administrator received a complaint from the consumer who complained that he was receiving harassing phone calls from Respondent.
4. Respondent's records indicate that it received the consumer's account on July 9, 2013, and spoke with the consumer on July 23, 2013. Respondent did not mail its initial validation notice within five (5) days of its initial communication with the consumer. In fact, Respondent did not mail a validation letter to the consumer at any time.

5. Respondent's actions violated Section 12-14-109, C.R.S.

Previous Discipline

6. On April 2, 2013, Respondent entered into a Stipulation and Final Agency Order for unlicensed collection activity. The Administrator received complaints during the time that Respondent was unlicensed that indicated a pattern of violations.

Other Accounts Examined

7. Based on the pattern of complaints described above, the Administrator initiated an examination of Respondent's records on November 15, 2013. Respondent records indicate a total of 8,000 Colorado consumer accounts. Of that amount, the Administrator selected a random number of accounts to review. The examination revealed that 44% of the accounts contained violations as set forth below:

- 28% - an initial validation notice was never mailed to consumer.
- 10% - an initial validation notice was mailed to consumer, but not timely.
- 1% - notice of intent to deposit letters not sent to consumer.
- 1% - dialer/collector continued to call a wrong number after notification.

8. Respondent's actions violated Sections 12-14-104(1)(c), 12-14-106 and 12-14-109, C.R.S.

SECTION II
Order

Respondent agrees to, and the Administrator orders the following:

9. Within 60 days of its execution of this Order, Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, thirty nine thousand dollars (\$39,000.00) for the above violations of the CFDCPA. Of this amount, one-half shall be an administrative fine and the remaining one-half shall be held, along with any interest thereon, in trust by the Attorney General to be used in the Attorney General's sole discretion for attorney fees and costs, restitution, if any, and for future consumer or creditor education or Colorado Fair Debt Collection Practices Act enforcement efforts.

10. Respondent will send a notice to each consumer that sets up a payment plan, whether by ACH transaction or credit/debit card, which contains the amount of the payment to be made and the date the transaction will occur in compliance with

Section 12-14-108(1)(b), C.R.S.

11. Within 30 days of the execution of this Order, Respondent shall send validation letters on all current Colorado consumer accounts. Respondent may exclude accounts wherein Respondent has previously mailed a validation letter, or accounts that have been closed and returned. Respondent shall provide the Administrator with a spreadsheet listing each account by account number, consumer name and date the letter was mailed.
12. Respondent, and its officers, directors, agents, servants, employees, managers, members, and any and all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with Respondent, shall immediately cease and desist from engaging in or committing, any of the acts, conduct, or practices described in this Stipulation and Final Agency Order, or any other acts, conduct, or practices that are in violation of the Act.
13. It is the intent and purpose of this Stipulation and Final Agency Order to resolve fully the particular issues, allegations, or charges raised by the Administrator's investigation of Respondent's activities as set forth above, and only those issues. Further, the omission from this Stipulation of other acts, conduct, or practices which might constitute other violations of the Act shall not be deemed or construed to be approval by the Administrator of such acts, conduct, or practices.
14. This Order must be disclosed in any subsequent new or renewal application to the Administrator in response to any question regarding state disciplinary or administrative action.
15. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.
16. Colorado law governs Order. Any claims or causes of action arising out of or based upon this Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court.
17. This Order is binding upon all the heirs, agents and successors-in-interest of the Respondent.
18. This Order shall be effective on the date it is signed by the Administrator.

Date: 06/17/2015

GLASS MOUNTAIN CAPITAL, LLC.

By: 
ANTHONY NUZZO, JR.
Chief Executive Officer
1930 Thoreau Drive, Suite 100-
Schaumburg, IL 60173

Date: June 18, 2015

ADMINISTRATOR, COLORADO FAIR
DEBT COLLECTION PRACTICES ACT

By: 
JULIE ANN MEADE
Consumer Protection Section
Consumer Credit Unit
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

MIDLAND CREDIT MANAGEMENT, INC.,

Respondent.

This Stipulation and Final Agency Order ("Order") is entered into by and between Midland Credit Management, Inc. ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve issues raised in the Administrator's investigation of Respondent for violations regarding a consumer complaint.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act ("CFDCPA") is authorized to license collection agencies and enforce the CFDCPA pursuant to Sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. On July 1, 1998, Respondent was issued a Colorado collection agency license and currently holds license number 987164.

Complaint of C.D./8546751573 and 8546590473

3. On or about October 29, 2013, the Administrator received a complaint from a consumer who complained that Respondent contacted her despite written notification to cease contact.
4. The consumer faxed a cease and desist letter to Respondent on October 25, 2013, to a "non-public" fax number belonging to Respondent. This non-public fax number was not provided in any correspondence sent by the Respondent to the consumer for the purpose of contacting Respondent, and was not otherwise set forth on Respondent's website. The consumer provided a copy of the fax transmittal

indicating that Respondent received the fax transmission on the same date. Respondent has no record of receiving this fax.

5. The consumer stated that despite the action taken above, Respondent continued to call her telephone number which ended in 4682.

6. The Administrator forwarded the complaint to Respondent on October 31, 2013. In its November 20, 2013 response, Respondent stated that it would mark the consumer's phone number as "Do Not Call." Respondent did not call the consumer after receipt of the complaint forwarded by the Administrator.

7. The consumer provided a copy of her inbound telephone calls which indicated that Respondent had called the consumer's telephone number five to seven times a day between October 20, 2013 and October 29, 2013. Twenty-three calls were made after the consumer faxed the cease and desist letter to Respondent's non-public fax number. Notwithstanding the fact that the consumer sent the cease and desist letter to a non-public fax number, it is the Administrator's position that Respondent's actions violated Sections 12-14-104(1)(c), and 12-14-106(1)(e), C.R.S.

8. A review of Respondent's records revealed that Respondent did not record all of the above call attempts to the consumer's telephone number. Respondent stated in its subsequent response dated January 30, 2014 that the calls did not appear in its collection activity notes because "the calls were too short" to be handled by a collector and because "no contact was made." Additionally, Respondent's collection notes do not reflect receipt of the consumer's faxed cease and desist letter. It is the Administrator's position that Respondent's actions violated Section 12-14-128(4)(a), C.R.S. and Rule 2.07 of the Rules of the Administrator.

9. Respondent's prior disciplinary history includes seven Letters of Admonition issued on May 11, 1999 for failure to cease communication; September 6, 2006 for failure to cease communication; July 10, 2007 for failure to cease communication; September 5, 2007 for failure to cease communication; June 24, 2008 for false or misleading misrepresentations; February 10, 2009 for credit reporting; and May 31, 2013 for failure to send a timely paid-in-full letter.

SECTION II
Order

In full settlement of the issues raised in this matter, the parties agree as follows:

10. This Order is intended to fully resolve the issues related to the above violations, and only those violations discussed above, between the Administrator and Respondent arising out of Respondent's violations of the CFDCPA.

11. Upon its execution of this Order, Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, twenty-three thousand dollars (\$23,000.00) for the above violations of the CFDCPA. Of this amount, one-half shall be an administrative fine and the remaining one-half shall be held, along with any interest thereon, in trust by the Attorney General to be used in the Attorney General's sole discretion for attorney fees and costs, restitution, if any, and for future consumer or creditor education or Colorado Fair Debt Collection Practices Act enforcement efforts.

12. This Order must be disclosed in any subsequent new or renewal application to the Administrator in response to any question regarding state disciplinary or administrative action.

13. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights. By signing this Order, Respondent acknowledges the Administrator's position, and neither admits or denies the violations set forth in Section 1, Administrator's Findings of Fact and Conclusions of Law.

14. Colorado law governs this Order. Any claims or causes of action arising out of or based upon this Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court for any claims or causes of action arising out of or based on this Order.

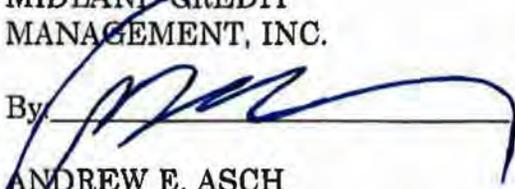
15. This Order represents the entire agreement and a complete merger of any prior negotiations and agreements between the parties, and is binding upon all the heirs, agents and successors-in-interest of the Respondent.

16. This Order shall be effective on the date it is signed by the Administrator.

Date: 2-2-15

Date: February 5, 2015

MIDLAND CREDIT
MANAGEMENT, INC.

By: 

ANDREW E. ASCH
Vice President, Legal & Business Affairs
Midland Credit Management, Inc.
8875 Aero Drive, Suite 200
San Diego, CA 92123

ADMINISTRATOR, COLORADO FAIR
DEBT COLLECTION PRACTICES ACT

By: 

JULIE ANN MEADE
Consumer Protection Section
Consumer Credit Unit
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	DATE FILED: April 29, 2015 8:29 AM CASE NUMBER: 2014CV33252 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) STATE OF COLO EX REL JOHN SUTHERS ATTORN et al. v. Defendant(s) OAKWOOD FNCL AFFILIATES LLC et al.	
<p style="text-align: center;">Order: Proposed Consent Judgment (filed on behalf of successor State of Colo ex rel Cynthia H. Coffman) (also filed on behalf of Defs, Oakwood Financial Affiliates LLC, Richard Shatzel, and Jode W. Duval)</p>	

Case Number: 2014CV33252
 Division: 203 Courtroom:

The motion/proposed order attached hereto: SO ORDERED.

Issue Date: 4/29/2015



JOHN WILLIAM MADDEN IV
 District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	Case No. 2014CV33252 Courtroom 203 ▲ COURT USE ONLY ▲
STATE OF COLORADO ex rel. CYNTHIA H. COFFMAN, ATTORNEY GENERAL FOR THE STATE OF COLORADO, and JULIE ANN MEADE, ADMINISTRATOR, UNIFORM CONSUMER CREDIT CODE, Plaintiffs, v. OAKWOOD FINANCIAL AFFILIATES, LLC, RICHARD SHATZEL, and JODE W. DUVAL, Defendants.	
CONSENT JUDGMENT	

Plaintiffs, State of Colorado ex rel. Cynthia H. Coffman, Attorney General for the State of Colorado, and Julie Ann Meade, Administrator, Colorado Collection Agency Board (collectively, the “State”), and Defendants, Oakwood Financial Affiliates, LLC (“Oakwood”), Richard Shatzel (“Shatzel”), and Jode W. Duval (“Duval”) (collectively, “Defendants”), hereby consent to the entry of final judgment in this matter as embodied in this Consent Judgment, to resolve fully and finally the claims and issues in the above-captioned case, without trial or hearing, and to avoid the additional time and expense associated with continuing litigation.

The Court, having considered this matter and being otherwise fully advised in the premises,

DOES HEREBY FIND, CONCLUDE, ORDER, DECREE, and ADJUDGE as follows:

I. JURISDICTION AND VENUE

1.1 This Court has jurisdiction over the parties and the subject matter of this action.

1.2 The State’s Complaint, dated August 20, 2014 (“Complaint”), states

claims against Defendants pursuant to the Colorado Fair Debt Collection Practices Act, § 12-14-101 *et seq.*, C.R.S. 2014 (“Act”), and Colorado Consumer Protection Act, § 6-1-101 *et seq.*, C.R.S. 2014 (“CCPA”).

1.3 The Court is authorized to issue the relief requested in the Complaint pursuant to Act § 12-14-135 and CCPA §§ 6-1-110, 6-1-112, and 6-1-113.

1.4 Venue is proper in the City and County of Denver, Colorado.

II. PARTIES

2.1 Plaintiff Cynthia H. Coffman is the duly elected Attorney General of the State of Colorado. She is authorized under CCPA § 6-1-103 to enforce the CCPA, and may bring a civil action against a person for engaging in deceptive trade practices. In such action, the State may seek injunctive relief to prohibit the person from violating the CCPA, obtain consumer restitution, and collect civil penalties for violations of the CCPA. *See* CCPA §§ 6-1-110, 6-1-112, and 6-1-113.

2.2 Plaintiff Julie Ann Meade is the Administrator, Colorado Collection Agency Board. She is authorized to exercise any powers granted the Colorado Collection Agency Board. *See* Act § 12-14-117(1). In particular, she is authorized to bring a civil action to restrain any person from any violation of the Act. *See* Act § 12-14-135.

2.3 Defendant Oakwood is, and at all relevant times was, a Colorado limited liability company with its principal place of business in Fort Collins, Colorado. At all relevant times, its principal purpose was the collection of consumer debts. It was regularly engaged in the business of collecting, or attempting to collect, debts owed or due or asserted to be owed or due others. It was never licensed by the Administrator in Colorado as a collection agency authorized to collect consumer debt.

2.4 Defendant Shatzel is, and at all relevant times was, one of Oakwood’s two primary officers; one of Oakwood’s two managers and members; and a fifty percent owner of Oakwood. He directed, managed, participated in, supervised, and engaged in Oakwood’s business and transactions.

2.5 Defendant Duval is, and at all relevant times was, the other of Oakwood’s two primary officers; the other of Oakwood’s two managers and members; and the other fifty percent owner of Oakwood. He directed, managed, participated in, supervised, and engaged in Oakwood’s business and transactions.

III. ADMISSIONS

Defendants admit the following:

3.1 Oakwood at all relevant times was a debt buyer. It bought portfolios of defaulted debt and collected, or attempted to collect, those debts for its own account.

3.2 Beginning in May 2012 and continuing thereafter, Oakwood began collecting consumer debts. Its debt collection portfolio included over 5,000 consumer accounts. From these accounts, it collected over \$2.3 million.

3.3. Oakwood began its debt collection activity without a Colorado collection agency license.

3.4 In June 2014, Oakwood submitted to the Administrator an application for a Colorado collection agency license.

3.5 By letter, dated July 31, 2014, the Administrator denied Oakwood's collection agency license application. Oakwood did not appeal that denial.

IV. INJUNCTIVE RELIEF

4.1 Defendants, and their officers, agents, servants, employees, attorneys, affiliates, subsidiaries, heirs, successors, and assigns; as well as all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with Defendants, who have actual or constructive notice of this Consent Judgment; shall be, and hereby are, permanently enjoined from committing, and shall not in the future commit, any violations of the Act or CCPA.

4.2 Defendants, and their officers, agents, servants, employees, attorneys, affiliates, subsidiaries, heirs, successors, and assigns; as well as all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with these Defendants, who have actual or constructive notice of this Consent Judgment; shall be, and hereby are, permanently enjoined from collecting or attempting to collect, directly or indirectly, consumer debt in Colorado, including, without limitation, collecting or attempting to collect debt from Colorado consumers.

4.3 Defendants shall not sell, assign, transfer, or otherwise dispose of any accounts or debt involving Colorado consumers without first determining through the exercise of due diligence that each account or debt was extended by the original creditor in compliance with applicable law, and that each account or debt in fact was extended to the identified consumer.

4.4 In the event that Defendants sell, assign, transfer, or otherwise dispose of any accounts or debt involving Colorado consumers, Defendants shall provide a written report to the Administrator. The report shall be provided within 14 days of the date on which the transaction has closed. The report shall identify each account involving a Colorado consumer that was included in the transaction and shall set forth the basis for Defendants' conclusion that each account was extended by the original creditor in compliance with applicable law and was extended to the identified consumer. The report shall identify the individuals or entities to whom Defendants sold, assigned, transferred, or otherwise conveyed the accounts. With respect to identified accounts, the report shall contain the name of each consumer, all contact information that Defendants possess regarding each consumer, the principal amount owed on each account, the payment history for each account, and the name of the original creditor for each account. With respect to each individual or entity that purchases accounts or debt from Defendants involving Colorado consumers, the report shall provide all contact information that Defendants possess regarding each individual or entity. Finally, the report shall attach a copy of the purchase agreement or equivalent documents for each transaction, although the purchase price may be redacted.

4.5 Defendants immediately shall remove, or shall cause to be removed, any and all adverse information that they may have reported to consumer reporting agencies regarding any Colorado consumer.

V. MONETARY RELIEF

5.1 Judgment shall, and hereby is, entered in favor of the State and against Defendants, jointly and severally, in the amount of \$125,000, as a civil penalty.

5.2 Defendants shall pay \$90,000 of this amount, payable to the "Colorado Attorney General," within 30 days of execution of this Consent Judgment. Defendants shall pay the remaining \$35,000 within four months of execution of this Consent Judgment. Payment shall be deemed paid upon the State's receipt of the payment, and only upon such receipt.

VI. MISCELLANEOUS

6.1 It is the intent and purpose of this Consent Judgment to resolve fully and finally the issues between the State and Defendants raised and alleged in this action, and only those issues. The omission from the Complaint or this Consent Judgment of other acts, conduct, or transactions, which might constitute other violations of the Act or CCPA, shall not be deemed approval by the State of such acts, conduct, or transactions.

6.2 This Consent Judgment shall in no way limit, constrain, abridge,

abrogate, waive, release, or otherwise prejudice the right of any consumer to bring any private action under the law.

6.3 All amounts paid or collected pursuant to or under this Consent Judgment, including any interest earned thereon, shall be held in trust by the Attorney General to be used in her sole discretion for reimbursement of the State's costs and attorney's fees, consumer restitution (if any), consumer or creditor educational purposes, or consumer credit or consumer protection enforcement efforts.

6.4 This Consent Judgment shall not be modified except in a writing signed by the parties or their authorized representatives and approved and entered by the Court.

6.5 This Consent Judgment shall be governed by Colorado law without regard to choice of law rules. As with the Act and CCPA, it shall be liberally construed in the State's favor and strictly construed against Defendants, who shall comply fully, completely, and strictly with all of its terms and provisions.

6.6 Any claims or causes of actions arising out of or based upon this Consent Judgment shall be commenced in the District Court for the City and County of Denver, Colorado, and Defendants hereby consent to the jurisdiction, venue, and process of such Court. In the event of any such action or proceeding alleging or asserting a violation of or failure to comply with this Consent Judgment, this Consent Judgment shall be admissible in full.

6.7 This Court shall retain jurisdiction over this matter for the purpose of enabling any party to it to apply to the Court at any time for such further orders as may be necessary or appropriate for the construction, execution, or enforcement of, or compliance with or punishment for violations of, this Consent Judgment.

6.8 Except as otherwise provided herein, each party shall bear its own costs and attorney's fees in connection with this matter.

6.9 Defendants have had the opportunity to be represented by legal counsel and to consult with counsel for the State to negotiate a resolution of this matter. Defendants knowingly and voluntarily enter into this Consent Judgment and waive any right to a formal hearing on the matters forming the basis of this Consent Judgment and any right to appeal herefrom.

6.10 This Consent Judgment represents the entire agreement between the parties hereto and a complete merger of prior negotiations and agreements, and is binding upon all officers, directors, employees, shareholders, managers, members, principals, heirs, agents, affiliates, successors, or assigns of the parties.

6.11 On the date this Consent Judgment is signed by the Court, it shall be entered as and become a final judgment of the Court, and such date shall be the Effective Date of this Consent Judgment for all purposes hereunder.

SO ORDERED, ADJUDGED, and DECREED this ___ day of _____, 2015.

By the Court:

District Court Judge

AGREED AND CONSENTED TO:

OAKWOOD FINANCIAL AFFILIATES, LLC
Defendant

By: S/ Richard Shatzel
Name: Richard Shatzel
Title: Manager

S/ Richard Shatzel
RICHARD SHATZEL
Defendant

S/ Jode W. Duval
JODE W. DUVAL
Defendant

DILL DILL CARR STONEBRAKER
& HUTCHINGS, P.C.

S/ Frank W. Suyat
KEVIN M. COATES, 25995
FRANK W. SUYAT, 27514
Attorneys for Defendants
455 Sherman Street, Suite 300
Denver, Colorado 80203
Telephone: (303) 777-3737

S/ Julie Ann Meade
JULIE ANN MEADE
Administrator, Uniform Consumer
Credit Code

CYNTHIA H. COFFMAN
Attorney General

S/ Jeanine M. Anderson
JEANINE M. ANDERSON, 28206*
Senior Assistant Attorney General
Consumer Credit Unit
Consumer Protection Section
Attorneys for Plaintiffs
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: (720) 508-6013
*Counsel of Record

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	DATE FILED: October 13, 2015 9:45 AM CASE NUMBER: 2015CV31036 <p style="text-align: center;">△ COURT USE ONLY △</p>
Plaintiff(s) JULIE ANN MEADE ADMINISTRATOR CFDCPA v. Defendant(s) PC LEGAL SERVICES LLC et al.	
Order (to Plaintiff's Amended Motion for Sanctions Pursuant to CRCP 37(d))	

The motion/proposed order attached hereto: GRANTED WITH AMENDMENTS.

Plaintiff's first Motion for Sanctions also requested entry of default judgment. The Court rejected that request at a hearing held on September 4, 2015. Instead, the Court gave Defendant Harden another opportunity to comply with the discovery requests. The Court warned Defendant Harden that it would entertain another motion for sanctions if he did not comply with the discovery requests. Defendant Harden has not complied and has not provided any justification for his noncompliance. Indeed, he also failed to respond to the instant motion, and thereby confesses it.

Accordingly, the Court enters default against Defendant Harden.

The Court vacates the 2-day court trial scheduled to commence on February 4, 2016.

Plaintiff shall, within 14 days of the date of this Order, set the matter for a hearing on the issue of remedies and damages, or file an appropriate motion.

Issue Date: 10/13/2015



SHELLEY ILENE GILMAN
 District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	▲ COURT USE ONLY ▲ Case No. 15CV31036 Courtroom 269
JULIE ANN MEADE, ADMINISTRATOR, COLORADO FAIR DEBT COLLECTION PRACTICES ACT, Plaintiff, v. P.C. LEGAL SERVICES, LLC and MIKE HARDEN, Defendants.	
ORDER	

THIS MATTER comes before the Court on Plaintiff's Amended Motion for Sanctions Pursuant to C.R.C.P. 37(d), dated September 18, 2015 ("Amended Motion"). The Court having read and considered the Amended Motion, and being otherwise advised in the premises,

DOES HEREBY ORDER as follows:

1. The Amended Motion is GRANTED.
2. Judgment by default is hereby rendered against Defendant Mike Harden.

DATED: Denver, Colorado

BY THE COURT:

 District Court Judge

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202</p> <hr/> <p>JULIE ANN MEADE, ADMINISTRATOR, COLORADO FAIR DEBT COLLECTION PRACTICES ACT,</p> <p>Plaintiff,</p> <p>v.</p> <p>P.C. LEGAL SERVICES, LLC and MIKE HARDEN,</p> <p>Defendants.</p>	<p>DATE FILED: September 18, 2015 4:03 PM FILING ID: 49499280A95D9 CASE NUMBER: 2015CV31036</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>CYNTHIA H. COFFMAN, Attorney General JEANINE M. ANDERSON, Atty. Reg. No. 28206* Senior Assistant Attorney General Ralph L. Carr Colorado Judicial Center 1300 Broadway, 6th Floor Denver, Colorado 80203 Phone Number: 720-508-6113 FAX Number: 720-508-6033 Email: jeanine.anderson@state.co.us</p> <p>*Counsel of Record</p>	<p>Case No. 15CV31036</p> <p>Courtroom 269</p>
<p>PLAINTIFF'S AMENDED MOTION FOR SANCTIONS PURSUANT TO C.R.C.P. 37(d)</p>	

This matter is set for a two-day trial to the Court, commencing February 4, 2016.

Plaintiff, Julie Ann Meade, Administrator of the Colorado Fair Debt Collection Practices Act (“Administrator”), by and through the undersigned senior assistant attorney general, respectfully submits this Amended Motion for Sanctions Pursuant to C.R.C.P. 37(d) (“Amended Motion”).

In support of this Amended Motion, the Administrator states as follows:

CERTIFICATE OF CONFERRAL

1. Pursuant to C.R.C.P. 121 § 1-15(8), counsel for the Administrator attempted to confer with pro se Defendant Mike Harden (“Harden”) regarding this Amended Motion. He, however, failed to respond to counsel’s email. (See September 17, 2015 email to Mike Harden, attached as **Exhibit 1**.)

BACKGROUND

2. On March 23, 2015, the Administrator commenced this action against Defendants P.C. Legal Services, LLC and Harden, alleging that Defendants were collecting debts without being licensed to do so, in violation of the Colorado Fair Debt Collection Practices Act (“FDCPA”).

3. On June 29, 2015, the Administrator served Harden with her First Set of Discovery. Accordingly, Harden’s responses were due by August 3, 2015.

4. By August 4, 2015, the Administrator had not received Harden’s discovery responses. Accordingly, the Administrator sent an email to Harden inquiring as to their status. (See August 4, 2015 email to Mike Harden, attached as **Exhibit 2**.) Harden did not reply.

5. By August 14, 2015, the Administrator still had not received Harden’s discovery responses. The Administrator sent a second email to Harden asking him if he intended to respond to her discovery requests. In the email, the Administrator informed Harden that if he did not respond, she would be “forced to move for sanctions.” (See August 14, 2015 email to Mike Harden, attached as **Exhibit 3**.)

6. Finally, on August 21, 2015, Harden replied to the Administrator, stating that he would not be providing responses to the First Set of Discovery because he was “not in a position to respond or provide anything at this time.” (See August 21, 2015 email from Mike Harden, attached as **Exhibit 4**.)

7. On September 4, 2015, pursuant to the Court’s Pretrial Order, a hearing was held to resolve this discovery dispute between the parties. At the hearing, the Court ordered Harden to respond to the Administrator’s First Set of Discovery by September 16, 2015.

8. At Harden’s request, on September 8, 2015, the Administrator emailed Harden a second copy of her First Set of Discovery, reminding him that his responses were due by September 16, 2015. (See September 8, 2015 email to Mike Harden, attached as **Exhibit 5**.)

9. As of September 18, 2015, the Administrator has not received a response from Harden.

ARGUMENT

10. Pursuant to C.R.C.P. 37(d), “[i]f a party . . . fails . . . (2) to serve answers or objections to interrogatories submitted pursuant to C.R.C.P. 33, after proper service of the interrogatories; or (3) to serve a written response to a request for inspection submitted pursuant to C.R.C.P. 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized by subparagraphs (A), (B), and (C) of subsection (b)(2) of this Rule.” Subparagraph (C) of subsection (b)(2) specifically authorizes the Court to render a judgment by default against the disobedient party.

11. Here, the Administrator has twice served Harden with her First Set of Discovery: initially on June 29, 2015, pursuant to the rules of discovery; and again on September 8, 2015, pursuant to the Court’s September 4, 2015 Order. In each case, Harden failed to respond.

12. For the reasons stated above, the Administrator respectfully requests that this Court issue an order “rendering a judgment by default against” Harden.

DATED: Denver, Colorado
September 18, 2015

CYNTHIA H. COFFMAN
Attorney General

s/ Jeanine M. Anderson

JEANINE M. ANDERSON, 28206*
Senior Assistant Attorney General
Consumer Credit Unit
Consumer Protection Section
Attorneys for the Administrator

*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Plaintiff's Amended Motion for Sanctions Pursuant to C.R.C.P. 37(d) was duly served upon all parties herein by E-Service this 18th day of September, 2015, addressed as follows:

Mike Harden
10638 Worthington Circle
Parker, Colorado 80134
mharden23@gmail.com

s/ Michele A. Kendall

Michele A. Kendall, Legal Assistant

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	DATE FILED: May 14, 2015 9:24 AM CASE NUMBER: 2015CV31036 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) JULIE ANN MEADE ADMINISTRATOR CFDCPA v. Defendant(s) PC LEGAL SERVICES LLC et al.	
<p style="text-align: center;">Order Granting Administrator's Motion for Default Judgment Against P.C. Legal Services, LLC</p>	

Case Number: 2015CV31036
 Division: 269 Courtroom:

The motion/proposed order attached hereto: GRANTED.

Issue Date: 5/14/2015



SHELLEY ILENE GILMAN
 District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	
JULIE ANN MEADE, ADMINISTRATOR, COLORADO FAIR DEBT COLLECTION PRACTICES ACT, Plaintiff, v. P.C. LEGAL SERVICES, LLC and MIKE HARDEN, Defendants.	▲ COURT USE ONLY ▲ Case No. 15CV31036 Courtroom 269
ORDER GRANTING ADMINISTRATOR'S MOTION FOR DEFAULT JUDGMENT AGAINST P.C. LEGAL SERVICES, LLC	

THIS MATTER is before this Court pursuant to Rules 55(b) and 121 § 1-14 of the Colorado Rules of Civil Procedure, on the Motion for Default Judgment (“Motion”) filed by Plaintiff Julie Ann Meade, Administrator of the Colorado Fair Debt Collection Practices Act (“Administrator”), against Defendant P.C. Legal Services, LLC (“P.C. Legal Services”). Having read and considered the Motion, and being otherwise advised in the premises, the Court finds:

1. The party to whom judgment is granted is Julie Ann Meade, Administrator of the Colorado Fair Debt Collection Practices Act (“FDCPA”).
2. The party against whom judgment is granted is P.C. Legal Services, LLC.
3. Venue in this Court has been considered and is proper.
4. The Administrator’s Complaint was properly served upon P.C. Legal Services.

5. P.C. Legal Services has failed to answer or otherwise respond to the Administrator's Complaint.

6. The Administrator's Motion for Default Judgment fully complies with C.R.C.P. 55(b) and 121 § 1-14, and entry of default judgment against P.C. Legal Services is proper.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

A. Default judgment is hereby granted in favor of the Administrator and against P.C. Legal Services in the amount of **\$613,500.00** in civil penalties, for P.C. Legal Services' violations of the FDCPA.

B. Default judgment is further granted in favor of the Administrator and against P.C. Legal Services by permanently enjoining P.C. Legal Services, its officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from:

1. engaging, directly or indirectly, in consumer debt collection or acting as a collection agency without a license, or otherwise violating the FDCPA; and
2. collecting or receiving any money from consumers, whether by withdrawing or debiting any consumer's bank, credit card, debit card, or other accounts or otherwise.

C. The Court will retain jurisdiction of this matter to permit the Administrator the opportunity to supplement this judgment in the event the Administrator is forced to incur additional attorney fees and costs related to this action or collection of the judgment.

D. The judgment entered herein constitutes a final judgment against P.C. Legal Services.

DATED this ___ day of _____, 2015.

BY THE COURT:

District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	DATE FILED: May 27, 2015 2:06 PM CASE NUMBER: 2015CV31639
JULIE ANN MEADE, ADMINISTRATOR, COLORADO FAIR DEBT COLLECTION PRACTICES ACT, Plaintiff, v. PEAK RESOLUTION, L.L.C. D/B/A P.R ASSOCIATES, L.L.C. AND/OR PEAK RESOLUTION SERVICES AND/OR THE LAW OFFICE P.R. ASSOCIATES; DANIEL CANE; and CHRISTOPHER HAGERMAN, Defendants.	▲ COURT USE ONLY ▲
CYNTHIA H. COFFMAN, Attorney General JEANINE M. ANDERSON, Atty. Reg. No. 28206* Senior Assistant Attorney General Ralph L. Carr Colorado Judicial Center 1300 Broadway, 6th Floor Denver, Colorado 80203 Phone Number: 720-508-6113 FAX Number: 720-508-6033 Email: jeanine.anderson@state.co.us *Counsel of Record	Case No.: 15CV31639 Courtroom: 409
PRELIMINARY INJUNCTION	

THIS MATTER comes before the Court on the Administrator's Motion for Temporary Restraining Order and Preliminary Injunction, dated May 6, 2015 ("Motion"). The Court, having read and considered the Motion, and being otherwise advised in the premises,

FINDS that a Preliminary Injunction Order should be issued for the following reasons:

1. This Court has jurisdiction and venue in the matter presented herein by virtue of C.R.S. §§ 13-1-124 and 12-14-135 and C.R.C.P. 98.

2. This Court is expressly authorized to issue a Preliminary Injunction Order to enjoin ongoing violations of the Colorado Fair Debt Collection Practices Act ("FDCPA") by C.R.S. § 12-14-135.

3. The Administrator has shown from specific facts by affidavit or by testimony that Defendants are violating, and continue to violate, the FDCPA. Pursuant to the FDCPA, it is unlawful for any person to "[c]onduct the business of a collection agency or advertise or solicit, either in print, by letter, in person, or otherwise, the right to make collection or obtain payment of any debt on behalf of another without having obtained a license" to do so. C.R.S. § 12-14-115(1)(a). Moreover, "[a]ny person acting as a collection agency must possess a valid license issued by the administrator." C.R.S. § 12-14-118.

4. The Administrator has shown that Defendants are not licensed with the Administrator. Nevertheless, Defendants have collected, and continue to collect, debts. Defendants' failure to possess a valid license is a violation of the FDCPA. C.R.S. § 12-14-118.1

5. Pursuant to C.R.S. § 12-14-135, the Administrator is not required to provide a security bond.

IT IS HEREBY ORDERED THAT A PRELIMINARY INJUNCTION ORDER WILL ISSUE AS FOLLOWS:

1. Enjoining Defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from engaging, directly or indirectly, in consumer debt collection or otherwise acting as a collection agency without a license or otherwise committing any of the acts, conduct, transactions, or violations described above, or otherwise violating the FDCPA.

2. Because Defendants also are unlawfully taking money from consumers, and to prevent Defendants from squandering their ill-gotten gains, Defendants also are:

- a. Enjoined from collecting or receiving any monies from consumers, whether by withdrawing or debiting any consumer's bank, credit card, debit card, or other accounts or otherwise;
- b. Required to provide to the Administrator, within seven days of the date hereof, a complete list of all consumers from whom Defendants collected or attempted to collect, since March 1, 2014, debts the consumers allegedly owed,

showing, as to each consumer, the consumer's name and address and amounts of any monies collected; and

- c. Prohibited from withdrawing, transferring, spending, encumbering, giving away, or in any way disposing of any monies in any bank accounts into which they may have deposited any monies collected from consumers since March 1, 2014, and all such bank accounts should be frozen.

IT IS FURTHER ORDERED that this Preliminary Injunction Order shall expire on the 13 day of October, 2015 at 8:30 A.m.

DONE this 27 day of May, 2015 at 2:00 P.m.

BY THE COURT:


District Court Judge

BEFORE THE ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

PERFECTION COLLECTION, LLC,

Respondent.

This Stipulation and Final Agency Order ("Order") is entered into by and between Perfection Collection, LLC ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve all of the issues arising out of Respondent's unlicensed debt collection activity in Colorado and for other violations of the Colorado Fair Debt Collection Practices Act.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act is authorized to license collection agencies and enforce the Colorado Fair Debt Collection Practices Act pursuant to sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. Respondent has been engaged in the business of purchasing debts in default for the purpose of collection.
3. Respondent meets the definition of a "collection agency" under section 12-14-103 (2), C.R.S., and is required to first obtain and possess a valid collection agency license prior to engaging in any debt collection activity as required by sections 12-14-115 (1)(a) and 12-14-118, C.R.S.

Part I

Unlicensed Debt Collection

4. On May 8, 2015, after investigation of the complaint of Consumer M.P., the Administrator sent Respondent a cease and desist advisory notice due to its unlicensed debt collection activity in Colorado and for other alleged violations of the Colorado Fair Debt Collection Practices Act.

5. On May 27, 2015, Respondent in response to the cease and desist advisory notice submitted an affidavit that it would apply for a Colorado collection agency license and would immediately cease and desist all unlicensed collection activity. However, our records show that Respondent's initial attempt at debt collection in Colorado without a license was in July 2013.
6. Respondent also simultaneously filed its application for a collection agency license.
7. After investigation, the administrator learned that Respondent has approximately fifteen (15) accounts which it collected or attempted to collect from Colorado consumers without a valid collection agency license.
8. Respondent violated sections 12-14-115 (1)(a) and 12-14-118, C.R.S., for engaging in debt collection activity in Colorado without a valid license.

Part II
Complaint of Consumer M.P.

9. On December 17, 2014, Respondent sent a collection letter to consumer to collect a \$1,747.64 debt allegedly owed to Vision Security, LLC. This letter was sent to 13150 Ivy Place, Thornton, CO 80602, an address the consumer claims to have not resided since August 2008 and was eventually foreclosed in December 2009. Consumer's driver's license shows that as of October 2010, he was a resident of Longmont, Colorado. The December 17, 2014, letter advised the consumer of the debt owed to Vision Security, LLC, the amount of the debt, and if there is some dispute or difficulty involved, to call or contact Respondent in writing within 30 days of receiving the letter. The letter further advised the consumer that "This is an attempt to collect a debt. Any information obtained will be used for that purpose."
10. Respondent had initial communication with consumer on March 11, 2015. On March 18, 2015, Respondent sent an offer to settle the debt in the amount of \$1,500.00 which the consumer, through his counsel, rejected on April 2, 2015.
11. Respondent's validation letter sent on December 17, 2014, was sent to a location that ceased to be the consumer's address for about six years. In addition, the said letter was defective because it did not notify the consumer that if the consumer notified Respondent in writing within 30 days from receipt thereof that it would obtain verification of the debt or a copy of the judgment against the consumer and it would mail a copy of the verification or judgment to the consumer. Further, it did not contain the advisory that upon the consumer's written request within the thirty-day period, the debt collector or collection agency will provide the consumer with the name and address of the original creditor, if different from the current creditor.

In addition, the said validation letter did not advise the consumer of the website address for obtaining information of the Colorado Fair Debt Collection Practices Act and that the

consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer.

12. Respondent failed to send a validation notice within 5 days after its initial communication with the consumer on March 11, 2015, since the first notice was sent to an address that the consumer has not resided for at least five (5) years.

13. Respondent's December 17, 2014 validation letter was defective and it violated sections 12-14-105 (3)(c), 12-14-105 (3)(e), 12-14-109 (1)(d), and 12-14-109(1)(e), C.R.S.

14. Respondent also violated section 12-14-109 (1), C.R.S., for failure to send another validation letter within five (days) to the consumer's recent address after its initial communication with the consumer on March 11, 2015.

SECTION II Order

In full settlement of the issues raised in this matter, the parties agree as follows:

15. This Stipulation and Final Agency Order is intended to fully resolve all of the issues arising out of Respondent's unlicensed debt collection activity in Colorado and for other violations the Colorado Fair Debt Collection Practices Act.

16. Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, as an administrative fine the amount of five thousand dollars (\$5,000.00).

17. Upon Respondent's execution of this Order, receipt of the payment required in paragraph 16, and completion of Respondent's application for licensure, the Administrator will issue a collection agency license to Respondent.

18. This Order must be disclosed in any subsequent new or renewal application to the Administrator, and in response to any question regarding legal, disciplinary or administrative action by any state, federal or law enforcement authority in any governmental jurisdiction.

19. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

20. Colorado law governs this Order. Any claims, disputes or causes of action arising out of this Stipulation and Final Agency Order shall be commenced before the courts of proper jurisdiction within the State of Colorado.

21. This Order is binding upon all the heirs, agents and successors-in-interest of the Respondent

22. This Order shall be effective on the date it is signed by the Administrator.

PERFECTION COLLECTION, LLC

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

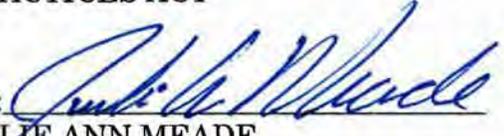
By: 

BRIAN FULLER

President

313 E. 1200 S, #102

Orem, UT 84058

By: 

JULIE ANN MEADE

Administrator

Consumer Credit Unit

Ralph L. Carr Colorado Judicial Center

1300 Broadway, 6th Floor

Denver, CO 80203

Date: 9-10-15

Date: September 23, 2015

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

PORTFOLIO RECOVERY ASSOCIATES, LLC,

Respondent.

This Stipulation and Final Agency Order ("Order") is entered into by and between Portfolio Recovery Associates, LLC ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve certain issues, as more particularly described herein, arising out of the Administrator's investigation of Respondent for violations regarding a consumer complaint.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act ("CFDCPA") is authorized to license collection agencies and enforce the CFDCPA pursuant to Sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. On August 14, 2000, Respondent was issued a Colorado collection agency license and currently holds license number 991137.

Previous Discipline

3. Respondent was issued a January 8, 2010 Letter of Admonition for violation of Section 12-14-105(a), C.R.S. (failure to cease communication).
4. Respondent was issued a January 8, 2010 Letter of Admonition for violation of Section 12-14-104(1)(c), C.R.S. (failure to cease communication-location).
5. Respondent was issued a January 8, 2010 Letter of Admonition for violation of Section 12-14-105(3)(a), C.R.S. (failure to cease communication).

6. Respondent entered into a Stipulation and Final Agency on August 20, 2010 for violation of Sections 12-14-115(1)(a) and 12-14-118, C.R.S. (failure to renew license; collecting without a license).

7. Respondent entered into a Stipulation and Final Agency Order on July 29, 2011 for violation of Section 12-14-105(3)(a), C.R.S. (failure to cease communication).

8. Respondent entered into a Stipulation and Final Agency Order on February 24, 2012 for violations of Section 12-14-106(1)(e), C.R.S. (failure to cease communication-harassment).

9. Respondent entered into a Stipulation and Final Agency Order on December 20, 2013 for violation of Sections 12-14-104(1)(c) and 12-14-106, C.R.S. (failure to cease communication-location; harassment).

Complaint of J.D./CG8898283966060

10. On March 12, 2014, the Administrator received a complaint from the above Colorado consumer who complained that Respondent contacted him repeatedly after being informed it was contacting a wrong location.

11. A review of Respondent's records verified that Respondent was provided a possible phone number ending in 0608 for its debtor in early 2012. The 0608 number belonged to the consumer, who has a similar name to the debtor. Respondent was informed by the consumer's wife on February 2, 2012 that it was contacting a wrong location for the debtor. Respondent placed nineteen additional calls to the consumer's phone number after February 2, 2012.

12. Respondent's actions as noted above are a violation of Sections 12-14-104(1)(c) and 12-14-106, C.R.S.

SECTION II **Order**

13. Respondent agrees to, and the Administrator hereby orders the following:

a. Upon its execution of this Order, Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, nineteen thousand dollars (\$19,000.00) for the violations listed above. Of this amount, one-half shall be an administrative fine and the remaining one-half shall be held, along with any interest thereon, in trust by the Attorney General to be used in the Attorney General's sole

discretion for attorney fees and costs, restitution, if any, and for future consumer or creditor education or Colorado Fair Debt Collection Practices Act enforcement efforts.

b. Respondent, and its officers, directors, agents, servants, employees, managers, members, and any and all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with Respondent, shall immediately cease and desist from engaging in or committing, any of the acts, conduct, or practices described in this Order, or any other acts, conduct, or practices in violation of the Act.

14. Upon Respondent's execution of this Order and payment of the fine required in paragraph 14, the Administrator will renew Respondent's Colorado collection agency license for 2015-16, if its renewal application is otherwise complete.

15. This Order must be disclosed in any subsequent new or renewal application to the Administrator, and in response to any question regarding state disciplinary or administrative action.

16. It is the intent and purpose of this Order to resolve fully the particular issues, allegations, or charges raised by the Administrator's investigation of Respondent's activities as set forth in the above complaint, and only that complaint. Further, the omission from this Stipulation of other acts, conduct, or practices which might constitute other violations of the Act shall not be deemed or construed to be approval by the Administrator of such acts, conduct, or practices.

17. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

18. Colorado law governs this Order. Any claims or causes of action arising out of or based upon this Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court.

19. This Order is binding upon all the heirs, agents and successors-in-interest of the Respondent.

20. This Order shall be effective on the date it is signed by the Administrator.

Date: 8/14/15

PORTFOLIO RECOVERY
ASSOCIATES, LLC

By: 
JUDITH S. SCOTT
Member's Representative
120 Corporate Blvd., Suite 100
Norfolk, VA 23502

Date: AUGUST 18, 2015

COLORADO FAIR DEBT
COLLECTION PRACTICES ACT

By: 
JULIE ANN MEADE
Administrator
Ralph L. Carr Colorado Judicial Center
Consumer Credit Unit
1300 Broadway, 6th Floor
Denver, CO 80203

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

PORTFOLIO RECOVERY ASSOCIATES, LLC,

Respondent.

This Stipulation and Final Agency Order ("Order") is entered into by and between Portfolio Recovery Associates, LLC ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve certain issues, as more particularly described herein, arising out of the Administrator's investigation of Respondent for violations regarding a consumer complaint.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act ("CFDCPA") is authorized to license collection agencies and enforce the CFDCPA pursuant to Sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. On August 14, 2000, Respondent was issued a Colorado collection agency license and currently holds license number 991137.

Previous Discipline

3. Respondent was issued a January 8, 2010 Letter of Admonition for violation of Section 12-14-105(a), C.R.S. (failure to cease communication).
4. Respondent was issued a January 8, 2010 Letter of Admonition for violation of Section 12-14-104(1)(c), C.R.S. (failure to cease communication-location).
5. Respondent was issued a January 8, 2010 Letter of Admonition for violation of Section 12-14-105(3)(a), C.R.S. (failure to cease communication).
6. Respondent entered into a Stipulation and Final Agency on August 20, 2010 for violation of Sections 12-14-115(1)(a) and 12-14-118, C.R.S. (failure to renew license; collecting without a license).

7. Respondent entered into a Stipulation and Final Agency Order on July 29, 2011 for violation of Section 12-14-105(3)(a), C.R.S. (failure to cease communication).

8. Respondent entered into a Stipulation and Final Agency Order on February 24, 2012 for violations of Section 12-14-106(1)(e), C.R.S. (failure to cease communication-harassment).

9. Respondent entered into a Stipulation and Final Agency Order on December 20, 2013 for violation of Sections 12-14-104(1)(c) and 12-14-106, C.R.S. (failure to cease communication-location; harassment).

Complaint of D.M./4355778567545839

10. On October 19, 2014, the Administrator received a complaint from the above Colorado consumer who complained that Respondent failed to provide a settled-in-full ("SIF") letter following the consumer's payment to settle the account. The consumer also complained that her credit report had not been updated to reflect a SIF status, but rather listed a "payment" with a balance still owed.

11. A review of Respondent's records verified that the consumer contacted Respondent on July 25, 2014, and it agreed to settle the account for less than the amount due. During the same phone call, Respondent stated that the consumer would receive a SIF letter "thirty days after the payment posts."

12. Respondent received the consumer's payment on July 29, 2014. Rather than changing the status of the account to SIF on July 29, 2014, Respondent marked the account as having received a "payment."

13. The consumer contacted Respondent on July 29, 2014 to verify that Respondent has received the settlement funds. Respondent's collector stated that the check had been received and that the consumer would receive a SIF letter "within thirty-one days."

14. The consumer's August 2014 credit report indicated that Respondent "updated" the report to reflect a "recent payment" and that the consumer still owed a balance.

15. Respondent placed a collection call to the consumer October 7, 2014 and Respondent's notes indicated that the consumer hung up after being placed on hold.

16. On October 8, 2014, the consumer contacted Respondent to find out why she had not received her SIF letter and why she had received a collection call on the

previous day. The collector informed the consumer that the SIF letter had been mailed on October 7, 2014 and that she should not have received a collection call.

17. Respondent mailed a SIF letter to the consumer on October 21, 2014.

18. Respondent's actions violated Sections 12-14-107(1)(b)(I)(i), 12-14-128(4)(a), C.R.S. and Rule 2.06(2) of the Rules of the Administrator.

Additional Findings

19. A review of Respondent's records related to a separate complaint revealed that Respondent was informed that the telephone number ending in 4925 was a wrong location for the debtor. Respondent called the 4925 number an additional twelve times after being informed it was calling a wrong number.

21. Respondent's records further revealed that its collectors did not notate all of the above collection calls in its collection activity notes. Although the calls do appear in the "Call History," the collectors did not log all of the calls and the results of the calls in the notes.

22. Respondent's actions as noted above are a violation of Sections 12-14-104(1)(c) and 12-14-106, 12-14-128(4)(a), C.R.S and Rule 2.07 of the Rules of the Administrator.

SECTION II **Order**

23. Respondent agrees to, and the Administrator hereby orders the following:

a. Upon its execution of this Order, Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, fourteen thousand dollars (\$14,000.00) for the violations listed above. Of this amount, one-half shall be an administrative fine and the remaining one-half shall be held, along with any interest thereon, in trust by the Attorney General to be used in the Attorney General's sole discretion for attorney fees and costs, restitution, if any, and for future consumer or creditor education or Colorado Fair Debt Collection Practices Act enforcement efforts.

b. Respondent, and its officers, directors, agents, servants, employees, managers, members, and any and all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with Respondent, shall immediately cease and desist from engaging in or committing, any of the acts, conduct, or practices described in this Order, or any other acts, conduct, or practices in violation of the Act.

24. Upon Respondent's execution of this Order and payment of the fine required in paragraph 24, the Administrator will renew Respondent's Colorado collection agency license for 2015-16, if its renewal application is otherwise complete.

25. This Order must be disclosed in any subsequent new or renewal application to the Administrator, and in response to any question regarding state disciplinary or administrative action.

26. It is the intent and purpose of this Order to resolve fully the particular issues, allegations, or charges raised by the Administrator's investigation of Respondent's activities as set forth in the above complaint, and only that complaint. Further, the omission from this Stipulation of other acts, conduct, or practices which might constitute other violations of the Act shall not be deemed or construed to be approval by the Administrator of such acts, conduct, or practices.

27. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

28. Colorado law governs this Order. Any claims or causes of action arising out of or based upon this Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court.

29. This Order is binding upon all the heirs, agents and successors-in-interest of the Respondent.

30. This Order shall be effective on the date it is signed by the Administrator.

Date: 8/14/15

Date: August 18, 2015

PORTFOLIO RECOVERY
ASSOCIATES, LLC

COLORADO FAIR DEBT
COLLECTION PRACTICES ACT

By: 
JUDITH S. SCOTT
Member's Representative
120 Corporate Blvd., Suite 100
Norfolk, VA 23502

By: 
JULIE ANN MEADE
Administrator
Ralph L. Carr Colorado Judicial Center
Consumer Credit Unit
1300 Broadway, 6th Floor
Denver, CO 80203

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

PRECISE COLLECTIONS, LLC,

Respondent.

This Stipulation and Final Agency Order ("Order") is entered into by and between Precise Collections, LLC ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve issues raised in the Administrator's investigation of Respondent for violations regarding consumer complaints.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act ("CFDCPA") is authorized to license collection agencies and enforce the CFDCPA pursuant to Sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. On August 29, 2014, Respondent was issued a Colorado collection agency license and currently holds license number 992178.

Complaint of D.S./307879

3. On February 14, 2015, the Administrator received a complaint from the above consumer who complained that he was the wrong debtor, and that he was being harassed at work.
4. The Administrator's review of Respondent's records revealed that Respondent received an account in a name that matched the first and last name of the consumer on October 21, 2014.
5. On January 28, 2015, Respondent called the consumer's employer to verify the debtor's employment. Respondent spoke with a person who verified the company address, that the debtor's name matched an active employee and the employee's

title. Respondent left a message to have the employee return the phone call. The consumer returned Respondent's call and stated that he was not the person Respondent was attempting to locate. Respondent's collector falsely stated that the consumer's social security number had been verified by the consumer's employer.

6. On February 9, 2015, the consumer returned Respondent's call. Respondent's collector attempted to verify the consumer's social security number. When the consumer informed the collector that his social security number did not match, the collector falsely stated that the number had been previously verified "by recorded line."

7. In Respondent's February 27, 2015 response to the complaint, Respondent stated that the consumer's address and phone number were not a match to Respondent's debtor.

8. Respondent's actions as described above violate Sections 12-14-106(1) and 12-14-107(1), C.R.S.

Complaint of A.E./77712

9. On February 23, 2015, the Administrator received a complaint from the above consumer who complained that she was being harassed by Respondent's collectors.

10. The Administrator's review of Respondent's records revealed that Respondent received an account regarding the above consumer on November 11, 2014, and mailed its initial validation notice on the same date.

11. Respondent's collectors spoke with the consumer on November 12, 2014 and February 23, 2015. During the calls, Respondent's collectors spoke over the consumer, stated they would mark the account as a "refusal to pay," when the consumer had made no such statement, and that they would "contact your employment." Respondent's collectors made remarks such as, "You owe a debt. You don't get no customer service" and "...you wanna get mad at me for your problem?"

12. Respondent's actions violated Section 12-14-106(1), C.R.S.

Complaint of M.N.R./423978

13. On March 26, 2015, the Administrator received a complaint from the above consumer who complained that she was being contacted regarding a debt she did not owe and that she never had an account with the original creditor cited.

14. The Administrator's review of Respondent's records revealed that Respondent received an account in a name that matched the first and last name of the consumer on March 9, 2015. Respondent mailed its initial validation notice on March 10, 2015.

15. Respondent spoke with the consumer on March 9, 2015 and the consumer informed Respondent that she never had an account with the original creditor.

16. On March 10, 2015, Respondent spoke with the consumer who again stated she did not have an account with the original creditor. During the call, Respondent's collector stated, "You have a bad attitude" and "I'm not one of your kids, so don't talk down to me." Respondent's collector provided false information to the consumer regarding the terms of the contract by stating that the contracts were for two or three year terms, when in fact, it was a month-to-month contact.

17. On March 30, 2015, Respondent spoke with the consumer who stated the account was fraudulent. Respondent's collector falsely stated that there was a "law in collections" called the "burden of proof, where we would need you to prove to us that this is not your account."

18. Respondent's actions violated Sections 12-14-106(1) and 12-14-107(1), C.R.S.

Complaint of J.J./54767

19. On June 8, 2015, the Administrator received a complaint from the above consumer who complained that Respondent credit reported his account inaccurately.

20. The Administrator's review of Respondent's records revealed that Respondent received an account regarding the consumer on September 8, 2014, and mailed its initial validation letter on September 29, 2014.

21. Respondent spoke with the consumer on October 6, 2014 and confirmed the consumer's balance.

22. On May 15, 2015, Respondent credit reported the consumer's account to the credit reporting agencies with an incorrect balance. Respondent stated in its June 25, 2015 response to the complaint that it deleted its trade line from the credit reporting agencies on June 15, 2015.

23. Respondent's actions violated Sections 12-14-107(1)(b)(I), C.R.S.

SECTION II
Order

24. Respondent agrees to, and the Administrator hereby orders the following:

a. Upon its execution of this Order, Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, an administrative fine in the amount of seven thousand, five hundred dollars (\$7,500.00) for the violations listed above.

b. Respondent, and its officers, directors, agents, servants, employees, managers, members, and any and all other persons, corporations, associations, or other entities acting by, through, on behalf of, or in active concert or participation with Respondent, shall immediately cease and desist from engaging in or committing, any of the acts, conduct, or practices described in this Order, or any other acts, conduct, or practices in violation of the Act.

25. Upon Respondent's execution of this Order and payment of the fine required in paragraph 24, the Administrator will renew Respondent's Colorado collection agency license for 2015-16, if it is otherwise complete.

26. This Order must be disclosed in any subsequent new or renewal application to the Administrator, and in response to any question regarding state disciplinary or administrative action.

27. It is the intent and purpose of this Order to resolve fully the particular issues, allegations, or charges raised by the Administrator's investigation of Respondent's activities as set forth above, and only those issues. Further, the omission from this Stipulation of other acts, conduct, or practices which might constitute violations of the Act shall not be deemed or construed to be approval by the Administrator of such acts, conduct, or practices.

28. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

29. Colorado law governs this Order. Any claims or causes of action arising out of or based upon this Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court.

30. This Order is binding upon all the heirs, agents and successors-in-interest of the Respondent.

31. This Order shall be effective on the date it is signed by the Administrator.

Date: 9-11-15

Date: September 14, 2015

PRECISE COLLECTIONS, LLC

COLORADO FAIR DEBT
COLLECTION PRACTICES ACT

By: Beverly Bishop
BEVERLY BISHOP,

President

5005 W. 81st Place, Suite 401
Westminster, CO 80031

By: Julie Ann Meade

JULIE ANN MEADE

Administrator

Consumer Credit Unit

Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

VELDOS, LLC,

Respondent.

This Stipulation and Final Agency Order is entered into by Veldos, LLC ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve all issues regarding Respondent's unlicensed debt collection activity.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act has the authority to license collection agencies and enforce the Colorado Fair Debt Collection Practices Act ("CFDCPA") pursuant to sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. Pursuant to section 12-14-103 (2), C.R.S., Respondent meets the definition of a "collection agency" and is required to have a valid collection agency license before engaging in any collection activity as required by sections 12-14-115 (1)(a) and 12-14-118, C.R.S.
3. On April 26, 2013, the Administrator issued Respondent collection agency license number 991835.
4. On September 2, 2014, the Administrator sent Respondent a written notice that its Colorado collection agency license expired for failure to file a completed license renewal application by July 1, 2014, and that it may no longer solicit accounts for collection or collect debts.
5. On October 21, 2014, Respondent filed an application for a Colorado collection agency license. In the course of the investigation, the Administrator learned that Respondent continued to engage in debt collection activity in Colorado without a valid collection agency license.

6. Between August September 2014 and December 2014, Respondent contacted approximately 6,009 Colorado consumers for the purpose of collecting or attempting to collect debts allegedly owed by the said consumers.
7. Respondent asserts that it is unclear when it received the September 2, 2014 notice; however, as explained during the process for the new application and the investigation, Respondent asserts there was a clerical error with Respondent's failure to renew its license timely. Upon the error being discovered, the Respondent immediately filed a new application. Respondent intended to file a timely renewal application.
8. Respondent states that its debt collection activity may have violated sections 12-14-115 (1)(a) and 12-14-118, C.R.S. Respondent denies violating Colorado law.

SECTION II
Order

In full settlement of the issues raised in this matter, the parties agree as follows:

9. This Order is intended to resolve all issues regarding Respondent's unlicensed debt collection activity.
10. Respondent will pay to the order of the Administrator of the CFDCPA the amount of six thousand dollars (\$6,000.00) for having engaged in debt collection activities without a valid collection agency license. This amount shall be held, along with any interest thereon, in trust by the Attorney General to be used in the Attorney General's sole discretion for attorney fees and costs, restitution, if any, and for future consumer or creditor education and for CFDCPA enforcement.
11. Upon receipt of the payment required in paragraph 10, and completion of Respondent's application for licensure, the Administrator will issue a collection agency license to Respondent.
12. Respondent will comply with all of the provisions of the Colorado Fair Debt Collection Practices Act.
13. This Stipulation and Final Agency Order must be disclosed in any subsequent new or renewal application to the Administrator in response to any question regarding state disciplinary or administrative action.

14. Respondent acknowledges that it has the right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.
15. Colorado law governs this Order. Any claims, disputes or causes of action arising out of or based upon this Order shall be commenced before the courts of proper jurisdiction within the State of Colorado.
16. This Stipulation and Final Agency Order represents the entire agreement and a complete merger of any prior negotiations and agreements between the parties, and is binding upon all heirs, agents and successors-in-interest of the Respondent.
17. This Stipulation and Final Agency Order shall be effective on the date it is signed by the Administrator.

VELDOS, LLC,

By: 

JACK JONES
President

ADMINISTRATOR, COLORADO FAIR
DEBT COLLECTION PRACTICES ACT



JULIE ANN MEADE

Department of Law
Consumer Protection Section
Consumer Credit Unit
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203

Date: 1/7/15

Date: January 9, 2015

BEFORE THE ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

WESTHILL EXCHANGE, LLC

Respondent.

This Stipulation and Final Agency Order is entered into by Westhill Exchange, LLC ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve all issues arising from Respondent's unlicensed debt collection activity.

SECTION I

Findings of Fact and Conclusions of Law

1. The Administrator of the Colorado Fair Debt Collection Practices Act is authorized to license collection agencies and enforce the Colorado Fair Debt Collection Practices Act ("CFDCPA") pursuant to sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. Pursuant to section 12-14-103 (2), C.R.S., Respondent meets the definition of a "collection agency" and is required to first obtain a collection agency license prior to engaging in any collection activity as required by sections 12-14-115 (1)(a) and 12-14-118, C.R.S.
3. At no point has Respondent been a licensed Colorado collection agency.
4. On March 3, 2015, Respondent filed an application for a Colorado collection agency license.
5. On April 8, 2015, Respondent confirmed that it had engaged in unlicensed collection activity.
6. On April 28, 2015, Respondent confirmed that it had attempted to collect debts from approximately 2,100 consumers between 2012 and 2014.

7. Respondent by engaging in unlicensed debt collection activity in Colorado violated sections 12-14-115 (1)(a) and 12-14-118, C.R.S.
8. This office identified that at least 11 complaints against Respondent were made to the Federal Trade Commission and Consumer Financial Protection Bureau between September 13, 2010 and April 3, 2015. These complaints indicate the following violations of the CFDCPA: The false representation or implication that any individual is an attorney, in violation of section 12-14-107 (1)(c), C.R.S.; the threat of legal action that is not intended to be taken, in violation of section 12-14-107 (1)(e), C.R.S.; and the overshadowing of the consumer's right to dispute the debt within thirty days, in violation of section 12-14-109 (1)(d), C.R.S.

SECTION II Order

In full settlement of the issues raised in this matter, the parties agree as follows:

9. This Stipulation and Final Agency Order is intended to fully resolve all issues arising from Respondent's unlicensed debt collection activity.
10. Respondent will pay to the order of the Administrator, Colorado Fair Debt Collection Practices Act, the amount of fifteen thousand dollars (\$15,000.00). Of this amount, one-half shall be an administrative fine and one half shall be held in trust by the Attorney General, including any interest earned thereon, to be used in her sole discretion, for consumer and collection agency educational purposes or Colorado Fair Debt Collection Practices Act enforcement efforts.
11. Upon receipt of the payment required in paragraph 10, the Administrator will issue a Colorado collection agency license to Respondent.
12. Respondent will comply with all of the provisions of the Colorado Fair Debt Collection Practices Act.
13. This Stipulation and Final Agency Order must be disclosed in any subsequent new or renewal application to the Administrator, and in response to any question regarding state disciplinary or administrative action.
14. Respondent acknowledges that it has the right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

15. Colorado law governs this Stipulation and Final Agency Order. Any claims or causes of action arising out of or based upon this Stipulation and Final Agency Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court.

16. This Order is binding upon all heirs, agents and successors of the respondent.

17. This Stipulation and Final Agency Order shall be effective on the date it is signed by the Administrator.

WESTHILL EXCHANGE, LLC

ADMINISTRATOR, COLORADO FAIR
DEBT COLLECTION PRACTICES
ACT

By: 
TIM GRANT
Owner
2851 South Parker Road, Suite #310
Aurora, CO 80014


JULIE ANN MEADE
Administrator
Department of Law
Consumer Protection Section
Consumer Credit Unit
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203

Date: 7/23/15

Date: 7/28/15