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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE  
OF THE STATE OF IDAHO**

STATE OF IDAHO, DEPARTMENT OF )  
FINANCE, CONSUMER FINANCE )  
BUREAU, ) Docket No. 2011-9-16  
)  
Complainant, )  
) **ORDER REVOKING IDAHO**  
vs. ) **COLLECTION AGENCY LICENSE, AND**  
) **NOTICE**  
)  
AVADANIAN & ADLER, LLC, a )  
Florida limited liability company, )  
)  
Respondent. )  
\_\_\_\_\_ )

Gavin M. Gee, Director of the State of Idaho, Department of Finance (Director), being authorized and directed to administer and enforce the Idaho Collection Agency Act, Idaho Code § 26-2201 *et seq.* (the Act), hereby makes the following findings of fact which constitute a basis for the revocation of Idaho Collection Agency License No. CCA 8116 issued to AVADANIAN & ADLER, LLC (Respondent).

## FINDINGS OF FACT

1. Respondent was formed as a Florida limited liability company on February 21, 2008. Respondent conducts business as a collection agency in Idaho from 6001 Broken Sound Parkway NW, Suite 160, Boca Raton, Florida 33487. Gregg G. Avadonian is Respondent's President/CEO and fifty percent (50%) owner. Russell S. Adler is Respondent's Vice President and fifty percent (50%) owner.

2. Since November 30, 2010, Respondent has held Idaho Collection Agency License No. CCA 8116, issued by the State of Idaho, Department of Finance, Consumer Finance Bureau (Department), authorizing it to engage in collection activities in Idaho.

3. Idaho Code § 26-2232(1) provides that upon approval of the application and prior to the issuance of a license under the Act, a collection agency applicant must file with the Department a surety bond, which surety bond shall be executed by the applicant as principal and shall be for the term of the license issued to the applicant.

4. Idaho Code § 26-2232(2) provides that the surety bond shall be continuous in form and shall remain in full force and effect for the license period. The surety company may cancel the surety bond after providing the licensee and the Director with notice via certified or registered mail no less than thirty (30) days prior to cancellation of said surety bond.

5. On or about July 11, 2011, the Director received notice from Hartford Fire Insurance Company (the Surety Company) that Respondent's Surety Bond No. 14BSBFS7974 was canceled effective August 17, 2011; therefore, Respondent would no longer meet the requirements for an Idaho collection agency license as of that date.

6. On July 11, 2011, the Department notified Respondent via facsimile that it had received notice from the Surety Company that Respondent's surety bond is canceled effective

August 17, 2011 and reminded Respondent of the requirement to maintain a surety bond in order for Respondent's Idaho collection agency license to continue. Such notice informed Respondent that failure to comply with the requirements of the Act may result in the Department seeking revocation of its Idaho collection agency license and that no business regulated under the Act may be conducted in Idaho unless all requirements under the Act have been fulfilled.

7. Because the Department received no response to its letter dated July 11, 2011, a Department staff member telephoned Respondent on August 8, 2011 and spoke with Gregg Avadanian, Respondent's President/CEO. During that conversation, the Department staff member reminded Mr. Avadanian of the surety bond requirement and pending deadline. Mr. Avadanian assured the Department staff member that a surety bond would be submitted timely.

8. On or about August 23, 2011, the Department staff member emailed Mr. Avadanian informing him that the Department had not received a new surety bond from the Respondent, and that Respondent's Surety Bond No. 14BSBS7974 was canceled as of August 17, 2011. The Department staff member gave Respondent until August 24, 2011 to submit a new surety bond. To date, Respondent has failed to submit a new surety bond to the Department.

9. On September 26, 2011, the Department issued and served on Respondent a Complaint for Revocation of Collection Agency License. Respondent failed to timely file an answer to such Complaint pursuant to the Idaho Rules of Administrative Procedure (IRAP), including specifically IRAP 270.

10. On October 19, 2011, the Department issued and served on Respondent a Notice of Proposed Default pursuant to IRAP 700, due to the fact that Respondent had failed to file an answer to the complaint issued and served on Respondent by the Department, pursuant to IRAP 270. The notice informed Respondent that it had seven (7) days from the issuance of that notice

to file a written petition with the Department requesting that a default order not be entered, and that the petition must state the grounds for the assertion that default should not be entered

11. Respondent failed to respond to the Notice of Proposed Default served on it by the Department.

### **CONCLUSIONS OF LAW AND VIOLATIONS**

12. Idaho Code § 26-2227(1) provides that the Director may revoke or suspend an Idaho collection agency license if facts or conditions exist which would clearly have justified the Director in refusing to grant a license had such facts or conditions been known to exist at the time the license was issued. Had the Director known at the time a collection agency license was issued to Respondent that Respondent would fail to maintain a surety bond pursuant to Idaho Code § 26-2232(1) and (2), denial of Respondent's license application would have been justified.

13. Idaho Code § 26-2227(1)(a) provides that the Director may revoke or suspend an Idaho collection agency license if he finds that the licensee has violated any provision of the Act. Respondent's noncompliance with the requirements to maintain a surety bond, pursuant to Idaho Code § 26-2232(1) and (2), constitutes a violation of the Act.

14. Based on the foregoing, the Director has determined that it is in the public interest to revoke Respondent's collection agency license.

### **ORDER**

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT COLLECTION AGENCY LICENSE NO. CCA 8116, ISSUED TO RESPONDENT AVADANIAN & ADLER, LLC, IS REVOKED, EFFECTIVE IMMEDIATELY.**

DATED this 1<sup>ST</sup> day of NOVEMBER, 2011.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
GAVIN M. GEE, Director

**NOTICE**

This Order is a Final Order of the Director. In accordance with Idaho Code § 67-5246, Respondent is hereby notified of its right to file with the Department a motion for reconsideration of this order within fourteen (14) days of the issuance of this order. The motion for reconsideration shall be served on:

Michael Larsen  
Consumer Finance Bureau Chief  
Idaho Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031

A copy of such motion for reconsideration shall also be served on the Department's counsel, Joseph B. Jones, Deputy Attorney General, at the same address.

Any hearing and subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.*

If Respondent timely files a motion for reconsideration, the Department will dispose of such motion within twenty-one (21) days of its receipt, or the motion will be considered denied by operation of law, pursuant to Idaho Code § 67-5246(4).

If a hearing is held on Respondent's motion for reconsideration, Respondent will be notified of the date, time, and place of the hearing, as well as the name of the presiding officer. At such hearing, Respondent will be entitled to enter an appearance, introduce evidence, examine

At such hearing, Respondent will be entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceedings. Respondent may also be represented by legal counsel at its own expense.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal from such order to the district court by filing a petition in the district court of the county in which:

- a. a hearing was held;
- b. the final agency action was taken;
- c. the party seeking review of the order resides; or
- d. the real property or personal property that was the subject of the agency action is located.

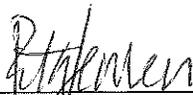
An appeal must be filed within twenty-eight (28) days: (a) of the issuance of this Order, or (b) of the issuance of an order denying a motion for reconsideration in the event such motion is made. Idaho Code § 67-5273(2). The filing of an appeal to the district court does not itself stay the effectiveness of enforcement of the order being appealed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2 day of November, 2011, I caused a true and correct copy of the foregoing ORDER REVOKING IDAHO COLLECTION AGENCY LICENSE, AND NOTICE to be served on the following by the designated means:

Avadonian & Alder, LLC  
Attn: Gregg G. Avadonian, President/CEO  
6001 Broken Sound Pkwy NW, Ste. 160  
Boca Raton, FL 33487

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile: (561) 995-2123
- Email: gregg@aacollect.com

  
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Paralegal