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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, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
DECA FINANCIAL SERVICES, LLC, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. 2014-9-03

**ORDER REVOKING IDAHO  
COLLECTION AGENCY LICENSE,  
AND NOTICE OF THE  
OPPORTUNITY TO INITIATE A  
CONTESTED CASE AND REQUEST A  
HEARING**

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 § 26-2221 *et seq.* (the Act), hereby makes the following findings of fact which constitute a basis for the revocation of Collection Agency License No. CCA 7976 issued to DECA FINANCIAL SERVICES, LLC (Respondent).

**FACTS**

1. The Respondent is or was a collection agency conducting business from 12175 Visionary Way, Fishers, Indiana 46038-3069.

2. The Respondent filed a Certificate of Authority with the Idaho Secretary of State on March 16, 2010.

3. On June 7, 2010, the State of Idaho, Department of Finance (Department) issued to the Respondent Collection Agency License No. CCA 7976, authorizing the Respondent to operate as a collection agency in Idaho. The Respondent's collection agency license will expire on March 15, 2015.

4. The Department received notice on February 10, 2014, that the surety bond the Respondent was required to maintain pursuant to Idaho Code § 26-2232 would be cancelled by the Hartford Fire Insurance Company. The cancellation was to be effective on May 3, 2014.

5. On February 10, 2014, the Department mailed, emailed, and faxed initial bond cancellation notifications, including business wind-down instructions, to the Respondent at the business/e-mail address and fax number last known to the Department. The Department did not receive a response from the Respondent, nor did it receive anything returned in the mail. The facsimile transmittal error report indicated that there was either a busy signal or no signal for the Respondent's number.

6. After the Respondent's surety bond cancellation effective date, a staff member of the Department's Consumer Finance Bureau attempted to reach the Respondent by telephone and discovered that the Respondent was in receivership and that a trustee had been assigned. The Department staff member then left a voice mail message with the trustee's attorney regarding the Respondent's bond cancellation notice. The trustee's attorney returned the Department's telephone message and requested that the Respondent's license not be cancelled because he was in the process of obtaining a replacement surety bond. To date, the Department has received no information that a replacement surety bond was obtained.

7. On May 16, 2014, the Department staff member emailed the licensing firm representing the Respondent requesting information regarding the Respondent's status and surety bond issue. A renewal specialist with the licensing firm responded and informed the Department staff member that the Respondent was in receivership and that a trustee had been assigned. The Department was also informed that its request was forwarded to the firm's representative who served as the Respondent's contact. To date, the Department has not received any further contact from the licensing firm or its representative.

8. On May 20, 2014, the Department staff member sent an inquiry email to the trustee's attorney, along with the Department's bond cancellation notice, wind-down instructions, and a request for past due agent fees. To date, the Department has not received a response from the trustee's attorney.

9. According to a recent search conducted on the Public Access to Court Electronic Records website (Pacer), the Respondent's creditors filed a Chapter 11 reorganization petition on February 21, 2014, and on March 18, 2014, the US Bankruptcy Court of the Southern District of Indiana ordered that a trustee be assigned. Additionally, on April 18, 2014, the court granted the trustee's emergency motion for authority to terminate the Respondent's operations.

#### **CONCLUSIONS OF LAW**

10. The allegations set forth in paragraphs 1 through 9 above are fully incorporated herein by this reference.

11. Idaho Code § 26-2232 requires that prior to the issuance of a collection agency license an applicant shall file a surety bond with the Department and that the bond "shall be for the term of the license issued to the applicant." Here, the Respondent has let its bond lapse during the term of its license.

12. Idaho Code § 26-2227(1) provides “[a]n application for license may be denied, or, after notice and the opportunity for a hearing, a license may be suspended or revoked by the director if he finds that facts or conditions exist which would 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, or that the licensee . . . . (l) [d]emonstrates a lack of fitness to engage in business activities authorized for a licensee under this act.”

13. Respondent’s failure to comply with Idaho Code § 26-2232 demonstrates a lack of fitness to engage in business activities authorized by the Act.

14. Based on these facts, the Director finds it appropriate to revoke Respondent’s collection agency license pursuant to Idaho Code § 26-2227.

**ORDER**

**NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND PURSUANT TO IDAHO CODE §§ 26-2227 AND 67-5254, IT IS HEREBY ORDERED THAT THE IDAHO COLLECTION AGENCY LICENSE, NUMBER CCA-7976, HELD BY DECA FINANCIAL SERVICES, LLC, IS HEREBY REVOKED SUBJECT TO PARAGRAPH 15 BELOW. THE ORDER IS EFFECTIVE TWENTY ONE (21) DAYS FROM THE DATE RESPONDENT RECEIVES THIS ORDER, OR, UNLESS RESPONDENT INITIATES A CONTESTED CASE.**

**NOTICE**

15. The Respondent is HEREBY NOTIFIED that the foregoing ORDER REVOKING COLLECTION AGENCY LICENSE is a final order of the Director, subject to Respondent’s right to timely initiate a contested case and request a hearing, pursuant to Idaho Code § 26-2227(1) and 67-5254. Such request for a hearing must be in writing and submitted to

the Department within twenty one (21) days after the service of this Order. A copy of the request for contested case and hearing shall be served on:

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

16. A copy of the request for contested case and hearing shall also be served on the Department's counsel in this matter, Brian D. Nicholas, Deputy Attorney General, at the same address.

17. If Respondent timely initiates a contested case and request for hearing, the Department will notify Respondent of the date, time and place of the hearing, as well as the name and contact information of the presiding officer.

18. 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.*

**IT IS SO ORDERED.**

DATED this 10<sup>TH</sup> day of JULY, 2014.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
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GAVIN M. GEE, Director

**CERTIFICATE OF SERVICE**

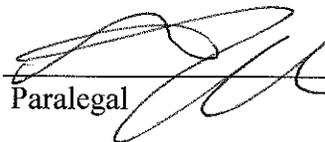
I HEREBY CERTIFY that on this 10<sup>th</sup> day of July, 2014, I served a true and correct copy of the foregoing ORDER REVOKING COLLECTION AGENCY LICENSE, AND NOTICE OF THE OPPORTUNITY TO INITIATE A CONTESTED CASE AND REQUEST A HEARING on the following by the designated means:

Deca Financial Services, LLC  
Attn: Todd J. Wolfe  
PO Box 910  
Fishers, IN 46038-3069

U.S. Mail, postage prepaid  
 Certified mail  
 Facsimile:  
 Email:

John Hoard, Attorney for the Trustee  
Rubin & Levin, P.C.  
500 Marott Center  
342 Massachusetts Avenue  
Indianapolis, IN 46204

U.S. Mail, postage prepaid  
 Certified mail  
 Facsimile:  
 Email: Johnh@rubin-levin.net

  
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Paralegal