

LAWRENCE G. WASDEN
Attorney General

A. RENÉ MARTIN, I.S.B. #3188
Deputy Attorney General
State of Idaho
Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031
Telephone: (208) 332-8092
Facsimile: (208) 332-8016
rene.martin@finance.idaho.gov

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

STATE OF IDAHO, DEPARTMENT OF FINANCE, CONSUMER FINANCE BUREAU,)	
)	Docket No. 2011-9-11
Complainant,)	
)	CONSENT ORDER
vs.)	
)	
VISION FINANCIAL CORP., a New York corporation,)	
)	
Respondent.)	
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The Director of the State of Idaho, Department of Finance (Director) has conducted a review of the collection activities in Idaho of VISION FINANCIAL CORP. (the Respondent). Pursuant to such review, it appears to the Director that the Respondent has violated provisions of the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act). The Director and the Respondent have agreed to resolve this matter through this Consent Order rather than through a formal administrative proceeding or civil action. Therefore, the Director deems it appropriate and in the public interest that this Consent Order be entered. The Respondent voluntarily consents to the entry of this Consent Order.

RESPONDENT

1. The Respondent was formed as a New York corporation on May 12, 2004. The Respondent conducts business as a collection agency in Idaho from 4 West Red Oak Lane, White Plains, New York 10604. The Respondent's president is Stewart W. Dauman.

FACTS

2. From November 23, 2004 through March 15, 2010, the Respondent held Idaho Collection Agency License No. CCA 4341. On March 16, 2010, that license was cancelled due to the Respondent's failure to comply with the licensing renewal requirements of the Act. Despite being notified by the State of Idaho, Department of Finance, Consumer Finance Bureau (Department) that its license had terminated, the Respondent continued to collect in Idaho in violation of the Act.

3. On or about September 21, 2010, the Respondent and the Department entered into a Consent Order in lieu of a contested administrative proceeding or civil action, which Consent Order addressed the Respondent's unlicensed collection activity in Idaho after the cancellation of its Idaho collection agency license on March 16, 2010, which included payment of a fifteen thousand dollar (\$15,000) administrative penalty and one thousand dollars (\$1,000) in attorney fees and investigative costs.

4. On September 23, 2010, upon the Respondent's satisfaction of the terms of the September 21, 2010 Consent Order, the Department issued a new Idaho collection agency license to the Respondent, Collection Agency License No. CCA 7967. Once again, the Respondent failed to comply with the licensing renewal requirements of the Act, and on March 16, 2011, its Idaho collection agency license was cancelled. Despite again being notified as to

the cancellation of its second collection agency license, the Respondent continued collecting in Idaho in violation of the Act.

5. On April 5, 2011, the Respondent submitted to the Department an incomplete application for an Idaho collection agency license. Since then, the Respondent has cured the deficiencies in that license application.

6. Information provided to the Department as part of the Respondent's 2011 licensing application showed that the Respondent had engaged in collection activities in Idaho against at least one hundred twenty-seven (127) Idaho residents between March 15, 2011 and June 18, 2011, while it failed to hold an Idaho collection agency license. Such information also showed that during such time period the Respondent had received at least three hundred fifty thousand dollars (\$350,000) in accounts assigned for collection, and collected at least seven thousand one hundred fifty-seven dollars and forty-four cents (\$7,157.44) in fees from such unlicensed collection activities in Idaho.

FINDINGS

COUNT ONE

ENGAGING IN UNLICENSED COLLECTION ACTIVITIES IN IDAHO

7. The allegations set forth in paragraphs 1 through 6 above are fully incorporated herein by this reference.

8. Idaho Code § 26-2223 provides as follows, in pertinent part:

26-2223. Collection agency, debt counselor, credit counselor, or credit repair organization – License required. – No person shall without complying with the terms of this act and obtaining a license from the director:

(1) Operate as a collection agency . . . in this state.

(2) Engage, either directly or indirectly, in this state in the business of collecting or receiving payment for others of any account, bill, claim or other indebtedness.

...

9. "Collection agency" means a person who engages in any of the activities enumerated in subsections (2) through (6) of Idaho Code § 26-2223, which are enumerated in the previous paragraph, in pertinent part.

10. The Respondent's acts of engaging in collection activities in Idaho without a license, as referenced in paragraph 6 above, constitute violations of Idaho Code § 26-2223(1) and -(2), as set forth in paragraphs 8 and 9 above. Each act of collecting constitutes a separate violation.

11. Idaho Code § 26-2244(2)(a) authorizes the Director to impose a civil penalty of up to five thousand dollars (\$5,000) for each violation of the Act.

12. Idaho Code § 26-2245(2)(b) authorizes the Director to file a civil action and seek a civil penalty of up to five thousand dollars (\$5,000) for each violation of the Act.

13. Idaho Code § 26-2238(2) provides that any nonexempt person who engages in unlicensed collection activities in Idaho is subject to felony criminal prosecution.

COUNT TWO: VIOLATION OF AN ORDER OF THE DIRECTOR

14. The allegations set forth in paragraphs 1 through 6 above are fully incorporated herein by this reference.

15. Idaho Code § 26-2245(2)(b) authorizes the Director to file a civil action and seek a civil penalty of up to five thousand dollars (\$5,000) for a violation of an order issued by the Director under the Act.

16. The Respondent's violation of the Consent Order as referenced in paragraph 3 above constitutes a violation of the Act, pursuant to Idaho Code § 26-2245(2)(b).

REMEDIES

17. The Respondent admits to violations of Idaho Code § 26-2223(1) and -(2) by operating as a collection agency in Idaho and collecting or receiving payments for others of any account, bill, claim or other indebtedness, while not licensed under the Act, as referenced above.

18. The Respondent further admits to a violation of Idaho Code § 26-2245(2)(b) by violating an order of the Director issued under the Act, as referenced above.

19. The Respondent agrees to immediately cease and desist from engaging in any and all collection activities in Idaho, to include making telephone calls related to collection activities, including automated calls; and mailing, faxing, e-mailing, or otherwise delivering communications to Idaho residents in connection with collection activities until such time as it obtains a license under the Act authorizing it to do so.

20. The Respondent agrees to pay to the Department the sum of thirty thousand dollars (\$30,000) as an administrative penalty in settlement of the violations contained herein, and an additional amount of two thousand dollars (\$2,000) constituting investigative expenses and attorney fees incurred by the Department in pursuing this matter, for a total payment to the Department of thirty-two thousand dollars (\$32,000), by no later than July 29, 2011.

21. When the Respondent has executed this Consent Order and has timely paid to the Department the thirty-two thousand dollar (\$32,000) payment referenced in paragraph 20 above, the Department agrees to issue a collection agency license to Respondent.

22. The Respondent agrees to comply with all provisions of the Idaho Collection Agency Act, rules promulgated thereunder, and relevant federal law and regulations at all times in the future.

23. The Respondent understands and acknowledges that it must comply with the annual renewal requirements of the Act located at Idaho Code § 26-2231 to keep its license in effect. Such renewal requirements must be completed by March 15 of each year.

24. The Department agrees not to seek further penalties or fees from the Respondent for the violations addressed in this Consent Order, other than as set forth in paragraph 20 above, if the Respondent timely and fully complies with all provisions of this Consent Order.

25. The Respondent acknowledges and understands that this Consent Order is an administrative action that must be disclosed to the Department on future licensing and renewal forms. The disclosure requirements of other states may also require disclosure of the same.

26. The Respondent acknowledges and understands that should the Department learn of additional violations by the Respondent of the Act, rules promulgated under the Act, or applicable federal laws and regulations relating to the Respondent's collection activities in Idaho, the Department may pursue further legal action and seek additional remedies.

DATED this 28th day of July, 2011.

VISION FINANCIAL CORP.

By: [Signature]

Title: VISION FINANCIAL CORP.

DATED this 30th day of August, 2011.

STATE OF IDAHO
DEPARTMENT OF FINANCE

[Signature]

MICHAEL LARSEN
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED this 2nd day of August, 2011.



STATE OF IDAHO
DEPARTMENT OF FINANCE

GAVIN M. GEE
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4 day of August, 2011, I served a true and correct copy of the foregoing CONSENT ORDER upon the following by the designated means:

Vision Financial Corp.
Attn: Stewart W. Dauman, President
4 West Red Oak Lane
White Plains, NY 10604

- U.S. mail, postage prepaid
- Certified mail
- Facsimile (914) 417-0303

Paralegal