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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.

JDR & ASSOCIATES INC., also d/b/a IDAHO  
CREDIT REPAIR

Respondent.

Docket No. 2012-9-17

**ORDER TO CEASE AND DESIST  
AND NOTICE OF OPPORTUNITY  
FOR A HEARING**

The State of Idaho, Department of Finance (Department), pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act), hereby alleges the following facts that constitute a basis for the issuance of an order pursuant to § 26-2244(1) of the Act, requiring JDR & ASSOCIATES INC., also d/b/a IDAHO CREDIT REPAIR. (Respondent), to immediately cease and desist from violating the Act.

**RESPONDENT**

1. Respondent was formed as an Idaho corporation on March 28, 2008 and has conducted a credit counseling/credit repair business from 974 W Corporate Lane Suite 101,

Nampa, Idaho. The Respondent maintained a license pursuant to the Act, from March 10, 2007 to August 2, 2011, when such license was voluntarily withdrawn by the Respondent due to its inability to retain a surety bond as required by the Act.

### **FINDINGS OF FACTS**

2. On March 28, 2012, the Respondent submitted a new license application. The Department deemed that application withdrawn/abandoned on June 21, 2012, due to unresolved deficiencies, and as such, the Respondent has been unlicensed to perform credit counseling and credit repair services since August 2, 2011.

3. On or about July 25, 2012, Nampa resident, S.M., filed a complaint with the Department asserting that the Respondent had agreed to provide credit repair services for a fee, but could no longer get in contact with the Respondent. S.M. also requested that Respondent pay back the \$595.00 he paid to the Respondent for credit repair services that were not performed.

4. On August 14, 2012, the Department received an email from Idaho resident J.H. demonstrating that the Respondent had sent an email solicitation directing the recipient to online information regarding credit repair services on the Respondent's website, [www.idahocredit.org](http://www.idahocredit.org).

5. Bureau staff reviewed the complaint and email referenced above, and on September 6, 2012, the Department delivered a stop letter to the Respondent asking for a reply to S.M.'s complaint and all documentation related to the Respondent's unlicensed activity in Idaho.

6. On October 5, 2012, the Department received a response from the Respondent regarding its unlicensed activity in Idaho. The Respondent provided a timeline outlining its credit counseling services and credit repair services performed on S.M.'s behalf. In the response,

the Respondent also stated that it would be giving S.M. a full refund of \$595.00 paid by S.M. to the Respondent for credit repair services.

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

#### *UNLICENSED COLLECTION ACTIVITY 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, debt counselor, credit counselor, or credit repair organization in this state.

(8) Engage or offer to engage in this state in the business of selling, providing or performing services to improve any consumer's credit record, credit history or credit rating, or providing advice or assistance to any consumer with regard to his credit record, credit history or credit rating.

9. Respondent's acts of engaging in credit counseling and credit repair in Idaho without a license, as referenced in paragraphs 2 through 5 above, constitute violations of Idaho Code § 26-2223(1) and –(8), as set forth in paragraph 8 above. Each act of engaging in credit repair activity while not licensed constitutes a separate violation.

### **REQUESTED RELIEF**

10. Idaho Code § 26-2244(1) provides that whenever it appears to the Director that it is in the public interest, he may order any person to cease and desist from acts, practices, or omissions which constitute a violation of the Act.

### **ORDER**

The Director, having reviewed the foregoing, good cause being shown, and the public interest being served thereby,

NOW, THEREFORE, the Director HEREBY FINDS that Respondent has violated the Idaho Collection Agency Act as set forth above.

Pursuant to Idaho Code § 26-2244(1), IT IS HEREBY ORDERED that Respondent and its agents and employees immediately CEASE AND DESIST from acts, practices, or omissions which constitute a violation of the Act, including specifically from engaging in credit repair activities in Idaho without the license required by the Act.

This ORDER TO CEASE AND DESIST is effective upon issuance.

**IT IS SO ORDERED.**

DATED this 16<sup>TH</sup> day of NOVEMBER, 2012.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

A handwritten signature in black ink, appearing to read "Gavin M. Gee", written over a horizontal line.

GAVIN M. GEE, Director

**NOTICE**

Respondent is HEREBY NOTIFIED that this ORDER TO CEASE AND DESIST is a final order of the Director.

Respondent may file a motion for reconsideration or request for hearing concerning this final order within fourteen (14) days of the service date of this order. Any such motion for reconsideration or request for hearing must be in writing, addressed to:

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 or request for a hearing shall also be served on the Department's counsel, Brian D. Nicholas, Deputy Attorney General, at the same address.

The Department will dispose of a motion for reconsideration within twenty-one (21) days of the receipt of a motion for reconsideration, or the motion will be considered denied by operation of law. Idaho Code § 67-5246(4); Idaho Rules of Administrative Procedure of the Attorney General (IRAP) at IDAPA 4.11.01.740.02.a. Should Respondent make a timely request for a hearing, the Department shall schedule a hearing within the twenty-one (21) day time period.

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

- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

See IDAPA 04.11.01.740.02.b.

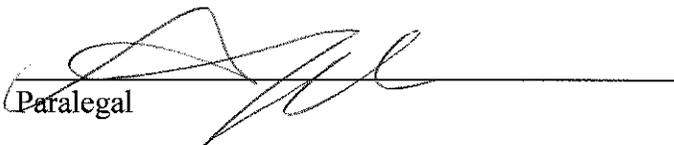
An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) of an order denying a motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a motion for reconsideration or schedule a hearing, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to the district court does not itself stay the effectiveness or enforcement of the order under appeal. See IDAPA 04.11.01.740.02.c.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of November, 2012, I caused a true and correct copy of the foregoing fully-executed CEASE AND DESIST AND NOTICE OF OPPORTUNITY FOR A HEARING to be served on the following by the designated means:

JDR & Associates, Inc.  
D/B/A Idaho Credit Repair  
Richard M. Mercer Jr.  
974 W Corporate Lane, Suite 101  
Nampa, ID 83651

U.S. mail, postage prepaid  
 certified mail  
 facsimile: (208)461-5152  
 email:Richard@idahocreditrepair.org

  
Paralegal