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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. 2011-9-02
)	
Complainant,)	
)	CONSENT ORDER
vs.)	
)	
A NEW HORIZON CREDIT)	
COUNSELING SERVICES, INC.,)	
)	
Respondent.)	

The Director of the State of Idaho, Department of Finance (Director) has conducted a review of the Idaho debt and credit counseling activities of A NEW HORIZON CREDIT COUNSELING SERVICES, INC. (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 is a Florida corporation doing business as a credit counselor. The Respondent conducts its credit counseling business from 2700 West Cypress Creek Road, Suite D129, Fort Lauderdale, Florida 33309. Stephen Daryl Marcus is the Respondent's president/CEO.

2. The Respondent represents on its website that it is a "national, [n]on-profit credit counseling organization dedicated to providing counseling services and financial education programs to individuals and families from all walks of life."

3. The Respondent has never been issued a license under the Idaho Collection Agency Act authorizing it to engage in credit counseling activities in Idaho.

FACTS

4. On July 15, 2010, the State of Idaho, Department of Finance, Consumer Finance Bureau (Department) received an inquiry from an Idaho resident concerning the Respondent's licensing status. After receiving J.F.'s inquiry, the Department searched its licensing records and learned that the Respondent had never been issued a license under the Act.

5. On September 8, 2010, the Department sent a letter to the Respondent advising it of the licensing requirement of the Act and the sanctions for failing to comply with such requirement. The letter further requested that the Respondent provide information concerning its unlicensed credit counseling activities in Idaho. The Respondent complied with the Department's request.

6. On October 15, 2010, the Respondent submitted to the Department an application for a license under the Act that would authorize it to engage in credit counseling activities in Idaho. The Respondent resolved deficiencies in its license application on November 16, 2010.

7. Based on information provided to the Department by the Respondent concerning the extent of its unlicensed credit counseling activity in Idaho, the Department determined that the Respondent had provided credit counseling services to at least twelve (12) Idaho residents from at least February 2010 to September 2010. Further, such information showed that the Respondent has collected at least \$1,259.85 in monthly fees from such Idaho residents.

FINDINGS OF VIOLATION

UNLICENSED DEBT COUNSELING OR CREDIT COUNSELING ACTIVITY

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

9. Idaho Code § 26-2222(9) defines "credit counselor" as "any person engaged in any of the activities enumerated in subsection (7) of section 26-2223" of the Act.

10. Idaho Code § 26-2223(7) 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:

...

(7) Engage or offer to engage in this state ... in the business of providing counseling or other services to debtors in the management of their debts, or contracting with the debtor to effect the adjustment, compromise, or discharge of any account, note or other indebtedness of the debtor.

11. The Respondent's acts of engaging in credit counseling activity in Idaho without a license, as referenced in paragraph 7 above, constitute violations of Idaho Code § 26-2223(7).

REMEDIES

12. The Respondent admits to the allegations contained in this Consent Order.

13. The Respondent agrees to refund to the Idaho residents as to whom it engaged in unlicensed credit counseling activities as referenced in paragraph 7 above, the amount of \$1,259.85, constituting fees collected from such Idaho residents. Such refunds shall be paid in full by no later than March 1, 2011. The Respondent agrees to prepare a letter addressed to such Idaho residents which shall accompany the Respondent's restitution payments to such clients. The form and content of such letter must be approved by the Department prior to being sent by the Respondent. The Respondent shall provide proof to the Department by no later than March 10, 2011 that the restitution payments referenced herein have been made.

14. The Respondent agrees to pay to the Department an administrative penalty in the amount of three thousand dollars (\$3,000) to address the violations set forth herein, and an additional one thousand dollars (\$1,000) for investigative expenses and attorney fees incurred by the Department in pursuing this matter, for a total payment to the Department of four thousand dollars (\$4,000). Such total sum shall be paid to the Department by the Respondent in two payments of two thousand dollars (\$2,000), the first payment due on or before March 15, 2011, and the second payment due on or before March 30, 2011.

15. When the Respondent has executed this Consent Order; the Department agrees to accept and consider the application for licensing under the Act submitted by the Respondent, and will not consider this Consent Order the basis for denial of such licensing application.

16. The Respondent agrees to comply with all provisions of the Idaho Collection Agency Act and rules promulgated thereunder at all times in the future.

17. The Respondent agrees that the findings of fact and violations contained herein may be used in any subsequent proceeding resulting from any breach of the terms of this Consent

Order or future violations of the Act, rules promulgated thereunder, or relevant federal laws and rules by the Respondent.

18. The Department agrees not to seek further penalties or fees for the violations identified in this Consent Order other than as set forth in paragraph 14 above, so long as the Respondent fully complies with the terms of this Consent Order. If the Department later determines that the information provided by the Respondent regarding the fees and compensation it has received from its Idaho clients while unlicensed under the Act is inaccurate, the Department may seek further client restitution and penalties from the Respondent.

19. 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.

DATED this 9th day of February, 2011.

A NEW HORIZON CREDIT COUNSELING
SERVICES, INC.

By: Stephen D. Marcus

President / CEO
Title

DATED this 9th day of FEBRUARY, 2011.

STATE OF IDAHO
DEPARTMENT OF FINANCE

Michael Larsen

MICHAEL LARSEN
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED this 14th day of February, 2011.



STATE OF IDAHO
DEPARTMENT OF FINANCE

Gavin M. Gee
GAVIN M. GEE, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10 day of February, 2011, I caused a true and correct copy of the foregoing fully-executed CONSENT ORDER to be served on the following by the designated means:

A New Horizon Credit Counseling Services, Inc.
Attn: Steven Stark, COO/General Counsel
2700 W. Cypress Creek Rd., Ste. D129
Ft. Lauderdale, FL 33309-1713

- U.S. mail, postage prepaid
- certified mail
- facsimile _____

[Signature]
Paralegal