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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.

CREDIT BUREAU OF JAMESTOWN, INC., dba  
CBJ CREDIT RECOVERY,

Respondent.

Docket No. 2012-9-10

**CONSENT ORDER**

The Director of the State of Idaho, Department of Finance (Director) has conducted a review of the collection activities in Idaho of CREDIT BUREAU OF JAMESTOWN, INC., dba CBJ CREDIT RECOVERY (Respondent). Pursuant to such review, it appears to the Director that Respondent has violated provisions of the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act). The Director and 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. Respondent voluntarily consents to the entry of this Consent Order.

## RESPONDENT

1. Respondent was formed as a New York corporation on June 29, 1965. Respondent conducts business in Idaho from 2117 W. Fourth Street, Jamestown, New York. Respondent's President is Matthew James Hartweg and its Vice President and Chief Financial Officer is Andrew William Hartweg.

2. Respondent is engaged in the business of collection of debts originally owed to others, including the collection of debts allegedly owed by consumers residing in Idaho, which activities constitute collection activities in Idaho. Respondent has never held an Idaho collection agency license authorizing it to engage in collection activities in Idaho.

## FACTS

3. On January 26, 2012, the State of Idaho, Department of Finance, Consumer Finance Bureau (Department) received a complaint from M.G., a resident of Nampa, Idaho. M.G. reported that Respondent had contacted him in or around the beginning of 2012, in an attempt to collect on a debt allegedly owed by M.G. M.G. disputes that he owes this debt.

4. After receiving M.G.'s complaint and noting that Respondent has never had an Idaho collection agency license, the Department began an investigation of Respondent's collection activities in Idaho. The Department's investigation included communicating with Respondent regarding the matters being investigated.

5. On March 6, 2012, as part of its investigation, the Department sent a letter to Respondent concerning M.G.'s complaint, and Respondent's apparent unlicensed collection activity in Idaho. In that letter, the Department requested that Respondent provide information necessary for the Department to determine the extent of Respondent's unlicensed collection activity in Idaho.

6. On March 22, 2012, Respondent provided the information requested by the Department concerning its collection activities in Idaho. Such information showed that Respondent had engaged in collection activities in Idaho with regard to at least three (3) Idaho residents, while it failed to hold a collection agency license under the Act.

7. On May 8, 2012, Respondent submitted to the Department an application for a license under the Act.

### **FINDINGS**

#### *ENGAGING IN UNLICENSED COLLECTION ACTIVITIES IN IDAHO*

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

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

**26-2223. Collection agency, debt counselor, or credit counselor permits.** – 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.

(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.

...

10. “Collection agency” means a person who engages in any of the activities enumerated in subsections (1) or (2) of Idaho Code § 26-2223, which are set forth in the previous paragraph.

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

## REMEDIES

12. Respondent admits to violations of Idaho Code § 26-2223(1) and -(2), by engaging in collection activity in Idaho while not licensed under the Act, as referenced above.

13. Respondent agrees to immediately cease and desist from engaging in any and all collection activities in Idaho, to include collecting or receiving payment for others of any account, bill, claim or other indebtedness; 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.

14. Respondent agrees to pay to the Department the sum of one thousand dollars (\$1,000) as an administrative penalty in settlement of the violations contained herein, and an additional amount of five hundred dollars (\$500) constituting investigative expenses and attorney fees incurred by the Department in pursuing this matter, for a total payment to the Department of fifteen hundred dollars (\$1,500), by no later than September 28, 2012.

15. When Respondent has executed this Consent Order and timely paid to the Department the fifteen hundred dollar (\$1,500) payment referenced in paragraph 14 above, the Department agrees to accept and consider the license application already submitted by Respondent. Further, the Department agrees that it will not consider this Consent Order as the basis for denial of Respondent's license application.

16. 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.

17. The Department agrees not to seek further penalties or fees from Respondent for the violations addressed in this Consent Order, other than as set forth in paragraph 14 above, if Respondent timely and fully complies with all provisions of this Consent Order.

18. 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.

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

DATED this 9th day of September, 2012.

CREDIT BUREAU OF JAMESTOWN, INC., dba  
CBJ CREDIT RECOVERY

By:   
Matthew J. Hartweg

Title: President

DATED this 25<sup>th</sup> day of September, 2012.

STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
MICHAEL LARSEN  
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED this 25<sup>th</sup> day of SEPTEMBER, 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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25 day of September, 2012, I served a true and correct copy of the foregoing CONSENT ORDER upon the following by the designated means:

Credit Bureau of Jamestown, Inc., dba  
CBJ Credit Recovery  
Attn: Matthew J. Hartweg, President  
117 W. 4<sup>th</sup> St.  
PO Box 1132  
Jamestown, NY 14701-1132

- U.S. mail, postage prepaid
- Certified mail
- Facsimile: (716) 661-9484
- Email: matthartweg@cbjcredit.com

A handwritten signature in black ink, appearing to read "R. Hartweg", written over a horizontal line.

Paralegal