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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.

WESTWOOD ASSET MANAGEMENT LLC.,  
JOELLE J. LECLAIR a/k/a JOELLE J. BRACE

Respondent.

Docket No. 2012-9-23

**ORDER TO CEASE AND DESIST**

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 WESTWOOD ASSET MANAGEMENT, LLC., JOELLE J. LECLAIRE a/k/a JOELLE J. BRACE (Respondent), to immediately cease and desist from violating the Act.

**RESPONDENT**

1. Respondent, formerly known as Interstate Chex System, LLC, was incorporated in the state of New York on November 10, 2011, and conducts a third party collection agency business from 295 Main Street, Room 1053, Buffalo, New York.

2. Respondent changed its name from Interstate Check System, LLC, to Westwood Asset Management LLC, on February 3, 2012. Its New York Registered Agent is located at 88 W. Utica St, Buffalo, New York.

3. Respondent filed a Certificate of Organization Limited Liability Company with the Idaho Secretary of State on September 24, 2012. Respondent listed its Registered Agent in Idaho at 921 S Orchard St #G, Boise, ID 83705.

### **FINDINGS OF FACTS**

4. Respondent has never held an Idaho collection agency license under the Act, but did apply for a license on August 16, 2012.

5. On May 30, 2012, the Department received a complaint from Idaho resident J.H., contending that she was receiving harassing phone calls from Respondent in order to collect a debt on behalf of a third party.

6. The Department reviewed the complaint and determined that Respondent was unlicensed. On June 7, 2012, the Department sent a letter to Respondent addressing Respondent's unlicensed collection activity under the Act. The Department requested that Respondent address J.H.'s complaint and provide a listing of all Idaho debtors from whom it had collected against.

7. On July 2, 2012, Respondent replied to the Department's request for information by stating in a letter that it intended to apply for a license to conduct collection activities in all fifty (50) states. Respondent also submitted to the Department an Idaho consumer account list. The list indicated that a total of \$200.00 had been collected from one (1) Idaho resident and that there were an additional fifteen (15) Idaho residents from whom Respondent attempted to collect third party debts.

8. On July 25, 2012, the Department mailed a letter to Respondent requiring submission of an application for licensure prior to August 14, 2012. Respondent submitted an incomplete license application on August 16, 2012.

9. On August 20, 2012, a Department staff member sent an email to Respondent requesting the missing information from Respondent's deficient license application.

10. Respondent emailed a response to the Department staff member on September 5, 2012, and stated that it would submit a complete application by the following week.

11. Upon non-receipt of the missing information, the Department issued an Idaho Collection Agency Deficient Application Notice to Respondent on September 14, 2012. The notice required Respondent to provide documentation for the deficient items in its application. The Department received a partial deficient application documentation package from Respondent on October 12, 2012.

12. On October 19, 2012, the Department issued an Idaho Collection Agency Deficient Application Second Notice to Respondent. The notice stated that the complete application package had to be submitted to the Department by the close of business on November 15, 2012, and that any requested extensions would be denied. The notice also indicated that failure to submit a complete application package by that date would result in Respondent's submission being deemed withdrawn. Respondent failed to submit a complete application to the Department by November 15, 2012.

13. Based on information provided to the Department by Respondent in connection with the Department's review of Respondent's deficient license application and its unlicensed collection activity, the Department concludes as follows:

- a. Respondent attempted to collect third party debts from at least sixteen (16)

Idaho Consumers without a license, in violation of the Act.

- b. In addition to submitting a deficient application package, Respondent made several misrepresentations and omissions in its license application.
- c. Respondent failed to submit a complete license application package by the November 15, 2012, deadline.

**CONCLUSIONS OF LAW AND VIOLATIONS**

*UNLICENSED COLLECTION ACTIVITY IN IDAHO*

14. The allegations set forth in paragraphs 1 through 13 above are fully incorporated herein by this reference.

15. 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.

(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.

...

(5) Engage in any activity in this state which indicates, directly or indirectly, that a third party is or may be involved in effecting any collections.

(6) Engage or offer to engage in this state, directly or indirectly, in the business of collecting any form of indebtedness for that person's own account if the indebtedness was acquired from another person and if the indebtedness was either delinquent or in default at the time it was acquired.

16. “Collection activities” is defined in Idaho Code § 26-2222(3) as the activities enumerated in Idaho Code § 26-2223.

17. Respondent’s acts of engaging in collection activities in Idaho without a license, as referenced above, constitute violations of Idaho Code § 26-2223(1), –(2), –(5), and –(6) as set forth in paragraph 15 above. Each contact of Idaho residents by Respondent for the purposes of collection constitutes a separate violation.

**REQUESTED RELIEF**

18. 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 collection activity 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 14<sup>TH</sup> day of JANUARY, 2013.

STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
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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 14<sup>th</sup> day of January, 2013, I caused a true and correct copy of the foregoing fully-executed CONSENT ORDER to be served on the following by the designated means:

Westwood Asset Management, LLC.,  
Joelle J. Leclaire a/k/a Joelle J. Brace  
295 Main St. Room 1053  
Buffalo, NY 14203

U.S. mail, postage prepaid  
 certified mail  
 facsimile:  
 email: joelle@westwoodamllc.com

  
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Paralegal