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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.

BINGHAM COLLECTIONS, INC.,

Respondent.

Docket No. 2012-9-04

CONSENT ORDER

The Director of the State of Idaho, Department of Finance (Director) has conducted a review of the Idaho collection activities of BINGHAM COLLECTIONS, INC. (Respondent). Pursuant to said 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 or civil action. Therefore, the Director deems it appropriate and in the public interest that this Consent Order be entered. Respondent consents to the entry of this Consent Order.



FACTS

1. Respondent was formed as an Idaho corporation on May 8, 1989. Respondent conducts a third party collection agency business from 307 W. Judicial, Blackfoot, Idaho.
2. Since April 13, 1988, Respondent has held Idaho Collection Agency License No. CCA 3265 authorizing it to engage in collection activities in Idaho.
3. On October 22, 2011, Respondent ^{contracted to be} ~~was~~ sold to Daniel B. Wilkerson and Michael B. Wilkerson. Michael B. Wilkerson is Respondent's President, and Daniel B. Wilkerson is Respondent's Vice President. *Sale was finalized on April 18, 2012.*
4. On or about March 7, 2012, the State of Idaho, Department of Finance, Consumer Finance Bureau (Department) received a telephone inquiry from Daniel Wilkerson regarding the renewal of Respondent's Idaho collection agency license. During the discussion with Daniel Wilkerson, the Department learned of Respondent's ^{beginning to contract for} change of ownership in October 2011. The Department informed Daniel Wilkerson that due to the change of ownership, a new collection agency application was required.
5. On March 8, 2012, Respondent submitted to the Department a new application for a collection agency license. After review of Respondent's March 8, 2012 license application, the Department sent Respondent notices listing deficiencies contained in its license application and gave Respondent until April 30, 2012 to cure the deficiencies.
6. On April 16, 2012 and April 20, 2012, Respondent responded to the Department's deficiency notices. Such responses included information regarding the sale of Respondent's business as referenced above. The Department concluded from the information provided by Respondent that Respondent failed to timely notify the Director of the change of ownership of Respondent's collection agency business.

CONCLUSIONS OF LAW AND VIOLATIONS

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

8. Idaho Code § 26-2224(13) provides as follows, in pertinent part:

26-2224. License application. Every applicant for a license under this act shall file with the director an application in a form prescribed by the director that shall include:

(1) The name of the applicant; if the applicant is a corporation, a list of its officers and directors and their addresses....

...

(13) Such other information concerning the applicant as the director may reasonably require. Such application shall be executed and verified on oath by the applicant. Information required at the time of application, except for advertisements and solicitations, shall be updated and filed with the director as necessary to keep the information current.

9. Respondent's act of failing to update the Director of the change of ownership, as referenced above, constitutes a violation of Idaho Code § 26-2224(13), as set forth in paragraph 8 above.

REMEDIES

10. Respondent admits to the allegations contained in this Consent Order.

11. Respondent admits to ^{seeking resolution to the alleged issue} violations of Idaho Code § 26-2224(13) ^{of} by failing to notify the Director of the change in ownership, as referenced above.

12. Respondent agrees to pay to the Department the sum of five thousand dollars (\$5,000) as an administrative penalty in settlement of the violations contained herein, and an additional amount of one thousand dollars (\$1,000) constituting investigative expenses and attorney fees incurred by the Department in pursuing this matter, for a total payment to the Department of six thousand dollars (\$6,000), by no later than August 15, 2012.



13. When Respondent has executed this Consent Order and timely paid to the Department the six thousand dollar (\$6,000) payment referenced in paragraph 12 above, the Department agrees to accept and consider the license application already submitted by Respondent, and that it will not use this Consent Order as the basis for denial of Respondent's license application.

14. 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.

15. 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 13 above, if Respondent timely and fully complies with all provisions of this Consent Order.

16. 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.

17. 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 1st day of August, 2012.

BINGHAM COLLECTIONS, INC.

By: [Signature]

Title: Vice-President

[Signature]

DATED this 10th day of August, 2012.

STATE OF IDAHO
DEPARTMENT OF FINANCE

Am Dale on behalf of
MICHAEL LARSEN
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED this 10th day of AUGUST, 2012.



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 August, 2012, I caused a true and correct copy of the foregoing fully-executed CONSENT ORDER to be served on the following by the designated means:

Bingham Collections, Inc.
Attn: Dan Wilkerson, President
307 W. Judicial
Blackfoot, ID 83221

- U.S. mail, postage prepaid
- certified mail
- facsimile: (208) 785-1362
- email: daniel@rsiwy.com

Daniel R. Siwy
Paralegal