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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. 2009-9-04
	)	
Complainant,	)	
	)	<b>CONSENT ORDER</b>
vs.	)	
	)	
SIERRA CAPITAL SERVICES, INC.	)	
	)	
Respondent.	)	
_____	)	

The Director of the Department of Finance, State of Idaho (Director) has conducted a review of the Idaho activities of Sierra Capital Services, Inc. (Respondent). Pursuant to that review, it appears to the Director that violations of the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act), have occurred. The Director and Respondent have agreed to resolve this matter without the filing of a formal civil complaint. Therefore, the Director deems it appropriate and in the public interest to enter into this Consent Order. Respondent voluntarily consents to the entry of this Consent Order.

**RESPONDENT**

1. Respondent is incorporated under the laws of Oklahoma. Respondent's home

office is located at 8988 South Sheridan #349, Tulsa, Oklahoma 74133. Respondent is not now and has never been licensed with the State of Idaho, Department of Finance (Department).

### **FINDINGS OF FACT**

2. On or about March 4, 2008, the Department received a complaint from D.D., an Idaho resident, which indicated that Respondent was engaged in debt collection activities in the state of Idaho.

3. Investigation by the Department revealed Respondent does not hold a license under the Idaho Collection Agency Act authorizing it to conduct debt collection activities or to purchase debts in default and to collect on them in Idaho.

4. Through inquiries made to the Respondent and Respondent's counsel subsequent to March 4, 2008, the Department determined that the Respondent had acquired six loans made to Idaho resident borrowers which were in default. Those loans were acquired between December of 2002 and November of 2007.

5. Information the Respondent provided to the Department indicated that following the purchase of a loan in default, the Respondent would send a collection letter to the Idaho resident borrower. If the borrower did not comply with the letter's demand for payment of the outstanding loan balance, the Respondent would refer the matter to its counsel to bring suit against the borrower.

6. In June of 2007, D. D. entered into a Consent Judgment with Respondent, whereby the Idaho District Court ordered D. D. to pay the sum of \$16,942.55, plus pre-judgment interest, attorney's fees, and costs to the Respondent, based on the debt Respondent purchased and attempted to collect. The debt owed by D. D. was purchased by Respondent in December of 2002.

7. Respondent has informed the Department that it holds two outstanding judgments against Idaho residents. Those outstanding judgments were obtained on two of the accounts referred to in paragraph 4 above. Respondent held two other judgments on accounts referred to in paragraph 4 above but those judgments have been satisfied.

**FINDINGS OF VIOLATIONS**  
*UNLICENSED DEBT BUYER ACTIVITY*

8. Idaho Code § 26-2223(6) requires that any person or entity first obtain a license from the Department, prior to engaging or offering 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.

9. Respondent's acts of collecting indebtedness for its own account which was delinquent or in default at the indebtedness was purchased without first obtaining a license from the Department constitute violations of Idaho Code § 26-2223(6).

**AGREEMENT**

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

11. Respondent agrees to the following:

a. Respondent and Respondent's owner, Michael Rogers, shall not engage in or offer to engage in Idaho, either directly or indirectly, in the business of collecting any form of indebtedness for Respondent's own account if the indebtedness was delinquent or in default at the time Respondent acquired it, without first obtaining a license from the Department.

b. Within thirty (30) days following the execution of this Consent Order, Respondent shall execute, file, and record a satisfaction of judgment on each of the two outstanding judgments referred to in paragraph 7 above. Respondent shall pay all of the costs

associated with executing, filing, and recording the satisfaction of judgment on the two accounts. Within thirty (30) days following the execution of this Consent Order, Respondent shall provide the Department with proof in a manner and form acceptable to the Department that Respondent has executed, filed, and recorded the two satisfactions of judgment.

c. Respondent agrees to abide by all provisions of the Idaho Collection Agency Act, and to immediately cease and desist from conducting in Idaho the activities described in this Consent Order until such time as it is licensed to do so.

d. 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 Idaho Collection Agency Act by Respondent.

12. The Department agrees not to seek any penalties or fees for the violations identified in this Consent Order so long as Respondent fully complies with the terms of this Consent Order.

SIERRA CAPITAL SERVICES, INC.

DATED this 22<sup>ND</sup> day of JUNE, 2009.

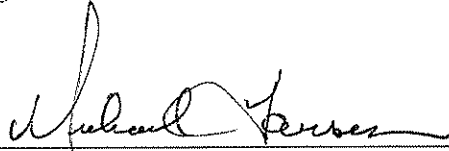
MICHAEL L. ROGERS  
Printed Name of Authorized Agent

Michael L. Rogers  
Signature of Authorized Agent

PRESIDENT  
Printed Title of Authorized Agent

STATE OF IDAHO DEPARTMENT OF FINANCE

DATED this 27<sup>th</sup> day of June, 2009.



Michael Larsen  
Consumer Finance Bureau Chief

IT IS SO ORDERED this 30<sup>th</sup> day of JUNE, 2009.



GAVIN M. GEE  
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of June, 2009, I caused a true and correct copy of the foregoing CONSENT ORDER to be served on the following by the designated means:

Sierra Capital Services, Inc.  
Attn: Michael L. Rogers, President  
8988 South Sheridan #349  
Tulsa, OK 74133

- U.S. mail, postage prepaid
- certified mail
- overnight mail
- hand delivery



Paralegal