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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE
OF THE STATE OF IDAHO**

In the Matter of:

ABIGAIL H & ASSOCIATES,
LLC,

Respondent.

Docket No. 2024-9-02

**ORDER TO CEASE AND
DESIST**

The State of Idaho, Department of Finance staff (Department), pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act), represents the following facts that constitute a basis for the issuance of an order pursuant to § 26-2244(1) of the Act, requiring ABIGAIL H &

ASSOCIATES, LLC (Respondent) to immediately cease and desist from violating the Act.

FINDINGS OF FACT

1. According to its website, <https://www.abigailhassociates.com>, Respondent conducts a third-party collection business. No physical address is found on their website.

2. Respondent has never applied for nor been issued a license in Idaho under the Act.

3. The Department reviewed Respondent's website, which represented the following to potential clients:

- “Abigal H & Associates LLC Provides Collection Services.”
- “Services offered: Credit Bureau Reporting, Skip Tracing and Full Investigation of Assets, Legal Filing and Court Proceedings, Demand Letter to Consumer, Telephone Collection for debt Negotiation, Bank Levy's, Wage Garnishment, Property Liens, and Direct Report to Clients.”
- “Abigal H & Associates LLC provides multiple options to facilitate debt resolution on behalf of our clients. We work directly with the consumer to customize the correct program that will fit their financial needs. Once an agreement is reached through our office either by a settlement or by a payment plan with the consumer, Abigail H & Associates, will stop all collections procedures as long the consumer stays in compliance with the set arrangement.”
- “We provide counseling to the consumer typically to better understand the reason for the delinquency and to study their financial situation individually, in order to develop a game plan in the negotiation of their outstanding balance with our collection

firm or with our clients. Debt settlement negotiations are conducted on secure and unsecure debts, such as credit cards, medical bills, personal loans, lines of credits, lease contracts and all accounts receivable products.”

4. The only physical address associated with the Respondent is one printed on the collection letter sent to Idaho resident K.W.: 1040 S Mt Vernon Ave Suite G-209, Colton, CA 92324.

5. The Department conducted research and found that the address used by the Respondent in its collection letter is the address of a UPS store.

6. The Department was unable to locate or confirm that Respondent is a registered entity with the California Secretary of State.

7. The Department received a consumer complaint submitted May 22, 2023, from Idaho resident, K.W., regarding Respondent’s collection activity against him.

8. Along with his complaint, K.W. also provided a copy of the letter he received via email from the Respondent dated May 22, 2023. In this letter, Respondent stated that it was attempting to collect an alleged medical debt against K.W. in the amount of \$3,821.54. Respondent indicated its client was Davis Hospital & Medical Center, which is located in Layton, Utah.

9. Respondent first contacted K.W. by phone on May 22, 2023, trying to collect on the alleged medical debt. Respondent indicated that the dates of service were in 2017 and 2018.

10. K.W. did not recognize the debt; the letter he received via email had a twenty-year old address, and K.W. did not live in Utah in 2018 when services were alleged to have been rendered.

11. The Department sent a certified letter dated June 12, 2023, via USPS to request Respondent provide all documentation related to K.W.'s account; cease all third-party collection activities in Idaho until licensed; provide a detailed listing of all Idaho citizens Respondent has collected against; and disclose the timeframe during which Respondent made these collection efforts. The Department also provided the law regarding unlicensed debt collection and provided Respondent information as to how to become licensed. The Department gave Respondent a reply deadline of July 3, 2023.

12. The Department sent a second certified letter, dated July 26, 2023, via USPS to Respondent regarding K.W.'s complaint. This letter included and referenced the June 12, 2023, letter previously sent. The Department required that Respondent respond on or before August 9, 2023.

13. The Department contacted the Respondent by phone at the number on Respondent's website. The Department was greeted with a voicemail script that identified a different party. The Department was unable to find any business filings for Respondent with the Idaho or California Secretaries of State, nor the Better Business Bureau. Both certified letters sent by the Department remain in-transit as of January 2024

14. The Department ran an extensive search of the Respondent and was able to obtain an email address of: kelliekarr@abigailhassociates.com.

15. The July 26, 2023 correspondence, along with supporting documents were emailed to kelliekarr@abigailhassociates.com. The Department did not receive a reply.

16. Based on information provided to the Department and described above, the Respondent has engaged in debt collection activity in Idaho and is not licensed, in violation of the Act.

CONCLUSIONS OF LAW AND VIOLATIONS

UNLICENSED COLLECTION ACTIVITY IN IDAHO

17. The allegations set forth in paragraphs 1 through 16 above are fully incorporated herein by this reference.

18. 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.
- (3) Solicit or advertise in this state to collect or receive payment for another of any account, bill, claim or other indebtedness.

19. Respondent's acts of engaging in collection activities in Idaho without a license, as referenced above, constitute violations of Idaho Code § 26-2223. Each contact made by Respondent to the Idaho resident for the purposes of collection constitutes a separate violation.

20. Idaho Code § 26-2244(1) provides that whenever it appears to the Director that it is in the public interest, she 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 8th day of February 2024.



STATE OF IDAHO
DEPARTMENT OF FINANCE

PATRICIA R. PERKINS, Director

NOTICE

Respondents may file an appeal from this order within twenty-eight (28) days of the service date of this order. Idaho Code § 26-2244(1). An appeal is filed when it is received by the Department or postmarked within the time limits provided in this Notice. Any such appeal must be in writing, provide the appellant's name, address, and phone number, and the reason for disagreement with this action. Appeals must be addressed to:

Erin Van Engelen
Consumer Finance Bureau Chief
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

A copy of such appeal shall also be served on the Department' counsel, Erick M. Shaner, Deputy Attorney General, at the same address. Respondents may mail or email their appeal to: ErinVanEngelen@finance.Idaho.gov and Erick M. Shaner at Erick.Shaner@ag.Idaho.gov

Should Respondents timely appeal this action, the Department will assign the contested case proceeding to the Office of Administrative Hearings pursuant to Idaho Code § 5280(2)(a). The Office of Administrative Hearings will notify the Respondent and the Department of any subsequent hearings or proceedings. Subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho Code § 67-5201 et seq. and the Idaho Rules of Administrative Procedure of the Attorney General (IDAPA 04.11.01).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February 2024, I caused a true and correct fully executed copy of the foregoing ORDER TO CEASE AND DESIST to be served on the following by the designated means:

Abigail H & Associates LLC
1040 S Mount Vernon Ave.,
Suite G-209
Colton, CA 92324

U.S. Mail, Postage Paid
 Certified mail
 Facsimile
 Email:
kelliekarr@abigailhassociates.com



Paralegal