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*Attorneys for the Department of Finance*

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

In the Matter of:

BURCH & ASSOCIATES a/k/a  
BURCH AND ASSOCIATES LLC;  
BURCH AND ASSOCIATES LEGAL SERVICES;  
BURCH RECEIVABLES;  
BURCH AND ASSOCIATES ARBITRATION  
HEADQUARTERS;  
PATEL MANAGEMENT AND ASSOCIATES;  
BAA LEGAL FIRM; AND  
BAA LAW FIRM;

Respondent.

Docket No. 2024-09-07

**ORDER TO CEASE AND DESIST**

The Director of the State of Idaho, Department of Finance (“Department”), being authorized to administer and enforce the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the “Act”), has determined based on the following Findings and Fact and Conclusions of Law, that it is in the public interest to Order Burch & Associates a/k/a Burch and Associates LLC; Burch and Associates Legal Services, Burch Receivables; Burch and Associates Arbitration Headquarters; Patel Management and Associates; BAA Legal Firm; and BAA Law Firm

("Respondent") to immediately **CEASE AND DESIST** from acts, practices, or omissions that violate of the Act.

### **FINDINGS OF FACT**

1. The Respondent's website, <https://www.burchreceivables.com>, claims that it has "over three decades of experience in the account receivables industry."

2. The physical addresses found on Respondent's website are: 1215 K Street, 17<sup>th</sup> Fl., Sacramento, California and 1450 W 6<sup>th</sup> St., Corona, California.

3. Respondent has never applied for nor held a license to conduct third-party collection activities in Idaho under the Act.

4. Respondent does not hold and has never held a license to collect debts from Idaho residents through the Nationwide Multistate Licensing System (NMLS).

5. Respondent is not registered with the Idaho Secretary of State or with the California Secretary of State.

6. Respondent's website includes the following statements purporting expertise in account receivable management:

- Burch & Associates receivables is a premier and professional account receivable management firm in Southern California.
- We are here to strive and provide an unprecedented standard of quality excellence to every client in our account receivable management service. We are extremely committed to providing professional and outstanding client service.

7. The Department received a consumer complaint submitted June 6, 2024, from Idaho resident C.O.<sup>1</sup>, regarding Respondent's collection activity against him.

8. C.O stated that Respondent had called C.O. informing him of a US Bank debt in

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<sup>1</sup> The complainant's initials are used herein to protect the privacy of the complainant.

2001 that was due for legal action. C.O. wanted to verify if Respondent is a legitimate entity.

9. On July 10, 2024, the Department's investigator contacted C.O. to get more details about his complaint.

10. C.O. informed the Department's investigator that he settled his debt for around \$600.00 using his credit card after speaking to the Respondent's representative. C.O. felt that he needed to resolve the situation.

11. On June 12, 2024, C.O. sent the Department's investigator a phone screenshot of his receipt from Respondent. The invoice was sent via email from [invoice@authorize.net](mailto:invoice@authorize.net) with a "Reply To:" [compliance@patelmanagementnadassociates.com](mailto:compliance@patelmanagementnadassociates.com). The entity name on the email is Burch and Associates Legal Services, with address at 1215 K Street 17<sup>th</sup> Fl, Sacramento, CA 95814.

12. On June 12, 2024, the Department emailed a letter to the Respondent to the following email addresses:

- [invoice@authorize.net](mailto:invoice@authorize.net)
- [info@burchreceivables.com](mailto:info@burchreceivables.com)<sup>2</sup>

The email to [compliance@patelmanagementnadassociates.com](mailto:compliance@patelmanagementnadassociates.com) could not be delivered, but the emails to [invoice@authorize.net](mailto:invoice@authorize.net) and [info@burchreceivables.com](mailto:info@burchreceivables.com) appear to have been sent successfully.

13. The Department sent Respondent a letter dated June 13, 2024, via USPS certified mail, requesting that Respondent cease all third-party collection activities in Idaho until licensed and requiring Respondent to reply by July 5, 2024 with documentation related to C.O.'s account; a detailed list of all Idaho citizens Respondent has collected against; and the timeframe during

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<sup>2</sup> This email address is located on the landing page of Respondent's website.

which Respondent made these collection efforts. The letter provided the law regarding unlicensed debt collection and information on how to become licensed. USPS tracking information indicated that this letter was undeliverable due to “Addressee Unknown.”

14. On July 8, 2024, the Department Investigator called the number listed on Respondent’s website and a person who identified herself as Michelle picked up the phone. The Investigator informed Michelle about C.O.’s complaint and Respondent’s possible unlicensed debt collection activity in Idaho. Michelle responded that she had never previously been questioned about their business activities and that the Respondent is an “arbitration company” and not a debt collector.

15. Michelle stated she had not received the Department’s letter and for document request from the Department regarding C.O.’s account, C.O. must sign a release. Michelle requested for the Department’s letter be emailed again but would not provide any new email address other than the same email address used previously. She abruptly ended the call without providing a direct email address.

16. C.O. then called Respondent to request his debt records and spoke to a Kimberly. C.O. was sent a document to sign electronically to release his records to the Department. The document entitled “Release of Liability” indicated that it came from an entity named “Burch and Associations ARBITRATION HEARDQUARTERS” and at the bottom of the page, a person named “Peter Sandusky” was identified as an “Arbitration Administrator.” The Release of Liability form indicated that C.O. had “satisfied the balance for \$1,725.74 as payment in full on 07/05/2024 for the delinquent account with US Bank.”

17. The Department sent Respondent a second USPS certified letter dated July 19, 2024, addressed to the two known addresses in Sacramento, California and Corona, California as well as in emails to the following:

- [invoice@authorize.net](mailto:invoice@authorize.net)
- [compliance@patelmanagementandassociates.com](mailto:compliance@patelmanagementandassociates.com)
- [info@burchreceivables.com](mailto:info@burchreceivables.com)
- [info@baalawfirm.com](mailto:info@baalawfirm.com)<sup>3</sup>

18. The Department letter sent to [compliance@patelmanagementandassociates.com](mailto:compliance@patelmanagementandassociates.com) and [info@baalawfirm.com](mailto:info@baalawfirm.com) were undeliverable with bounce back messages indicating that “Recipient email address is possibly incorrect.”

19. USPS tracking on the certified letters dated July 19, 2024, were both undeliverable. One indicated as “Insufficient Address” and the other one as “Vacant.”

20. To date, Respondent has failed to sufficiently respond to the Department’s requests, remains unlicensed, and has not filed an application for licensure with the Department.

21. Based on information provided to the Department and described above, the Respondent has engaged in unlicensed debt collection activity in Idaho, in violation of the Act.

### **CONCLUSIONS OF LAW AND VIOLATIONS**

#### **UNLICENSED COLLECTION ACTIVITY IN IDAHO**

22. The allegations set forth in paragraphs 1 through 15 above are fully incorporated herein by this reference.

23. 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:

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<sup>3</sup> This email was located at Respondent’s Privacy, Cookie, and Terms and Conditions policy webpages.

- (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.

24. 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.

25. Idaho Code § 26-2244(1) provides that whenever it appears to the Director that it is in the public interest, the Director may order any person to cease and desist from acts, practices, or omissions which violate 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 5<sup>th</sup> day of September 2024.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

*Patricia R. Perkins*

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PATRICIA R. PERKINS, Director

## NOTICE

Pursuant to the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.*, Respondent may appeal from this order within twenty-eight (28) days of the service date of this order. 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 and sent via mail OR via email to:

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

[Erin.VanEngelen@finance.Idaho.gov](mailto:Erin.VanEngelen@finance.Idaho.gov)

An appeal may also be served on the Department's counsel, Amber K. Kauffman, Deputy Attorney General, at [amber.kauffman@ag.idaho.gov](mailto:amber.kauffman@ag.idaho.gov).

If the Applicant timely appeals this action, the Department will assign the contested case proceeding to the Office of Administrative Hearings pursuant to Idaho Code § 67-5280(2)(a). Proceedings will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.* and the Idaho Rules of Administrative Procedure (IDAPA 62.01.01).



**CERTIFICATE OF SERVICE**

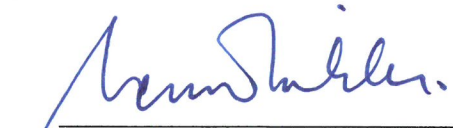
I HEREBY CERTIFY that on this 5<sup>th</sup> day of September 2024, I caused a true and correct copy of the foregoing fully executed ORDER TO CEASE AND DESIST to be served on the following by the designated means:

Burch & Associates  
1215 K Street, 17th Fl,  
Sacramento, CA 95814

- U.S. Mail, Postage Paid
- Certified mail
- Facsimile
- Email: [invoice@authorize.net](mailto:invoice@authorize.net);  
[compliance@patelmanagementandassociates.com](mailto:compliance@patelmanagementandassociates.com); [info@burchreceivables.com](mailto:info@burchreceivables.com);  
[info@baalawfirm.com](mailto:info@baalawfirm.com)

Burch & Associates  
1450 W 6<sup>th</sup> St.,  
Corona, CA 92882

- U.S. Mail, Postage Paid
- Certified mail
- Facsimile
- Email:

  
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Ailen Evaniuck  
Paralegal