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

In the Matter of:

JACKSON, AVERY AND ASSOCIATES

Respondent.

Docket No. 2024-09-05

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 Jackson, Avery and Associates (“Respondent”) to immediately **CEASE AND DESIST** from acts, practices, or omissions that violate of the Act.

FINDINGS OF FACT

1. According to its website, <https://www.jacksonaveryassociates.com>, Respondent conducts “Proactive Risk Management: Mastering Mitigation in Our Operations.” No physical address is found on the website.
2. Respondent has never applied for nor held a license to conduct third-party

collection activities in Idaho under the Act.

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

4. Respondent is not registered with the Idaho Secretary of State or with the Oregon Secretary of State.

5. Respondent's website includes the following statements purporting to offer collection services:

- Our mission at Jackson, Avery & Associates is to provide industry-leading mitigation services, delivering proactive, innovative solutions to manage and minimize risks.
- Since its inception in 2016, Jackson, Avery & Associates has been at the forefront of providing exceptional mitigation services. Our journey began with a vision to offer proactive and innovative solutions to manage and reduce risks in cybersecurity, debt mitigation and environmental services.

6. The Department received a consumer complaint submitted March 18, 2024, from Idaho resident T.D.¹, regarding Respondent's collection activity against him.

7. Respondent first contacted T.D. on March 15, 2024, by leaving him a voice message. T.D. was instructed to contact Respondent immediately to avoid financial complications regarding an unpaid payday loan from 2013. Later that same day, T.D.'s father and wife were also contacted by phone by Respondent.

8. T.D. did not recognize the loan and has no recollection of the debt from 2013.

9. On April 3, 2024, the Department's investigator contacted the phone number listed on Respondent's website and spoke with an individual to confirm Respondent's address is 205 S.E. Spokane St., Suite 300, Portland, OR 97202. The investigator attempted to obtain

¹ The complainant's initials are used herein to protect the privacy of the complainant.

additional information but was ignored and hung up on multiple times.

10. The Department's investigator reviewed the Respondent's Better Business Bureau company page, identifying one consumer complaint, stating Respondent had attempted to collect a medical bill from April 8, 2008, and the hospital reported that Respondent does not collect on behalf of the hospital. The status of the complaint is unanswered.

11. The Department sent Respondent a letter dated April 3, 2024, via USPS certified mail, requesting that Respondent cease all third-party collection activities in Idaho until licensed and requiring Respondent to reply by April 24, 2024 with documentation related to T.D.'s account; a detailed list of all Idaho citizens Respondent has collected against; and the timeframe during 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 delivered on April 8, 2024.

12. On April 12, 2024, T.D. forwarded the Department two voicemails and an email he received from Respondent requesting T.D. e-sign and return "Strategic Mitigation Services" documentation.

13. Department sent Respondent a second USPS certified letter dated May 1, 2024. However, this mailing was not delivered successfully. On May 28, 2024, the Department sent the Respondent a third certified letter. USPS tracking information indicated that it was successfully delivered on May 31, 2024.

14. 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.

15. 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

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

17. 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.

18. 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.

19. 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 12th day of August 2024.



STATE OF IDAHO
DEPARTMENT OF FINANCE

PATRICIA R. PERKINS, Director

NOTICE

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

ErinVanEngelen@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.

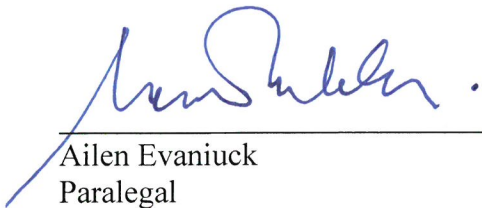
If the Applicant timely appeals this action, the Department will assign the contested case proceeding to the Office of Administrative Hearings pursuant to Idaho Code § 67-5280(2)(a). Subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of August 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:

Jackson, Avery and Associates
205 SE Spokane St. Ste 300
Portland, OR 97202

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



Ailen Evaniuck
Paralegal