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

In the Matter of:

ROSENTHAL, MORGAN and
THOMAS, INC.,

Respondent.

Docket No. 2024-09-03

**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 ROSENTHAL, MORGAN

and THOMAS, INC. (Respondent) to immediately cease and desist from violating the Act.

RESPONDENTS

1. According to its website, <https://www.rmtcollects.com/>, in the “About” page, the description is as follows: Rosenthal, Morgan and Thomas is a full service professional debt recovery corporation, specializing in specific types of debt recoveries throughout the United States. At Rosenthal, Morgan and Thomas, Inc., we pride ourselves in taking a professional approach to turning your bad debt back into profit! With a staff of experienced management, accounting and collection representatives, we have the knowledge of what it takes to collect a debt while adhering to all federal and state guidelines.

2. Address on the website is indicated as:

12747 Olive Blvd. Suite 250
St Louis, MO 63141

3. Respondent’s address with the Missouri Secretary of State as well as the Idaho Secretary of State is substantially similar and is indicated as follows:

514 Earth City Plaza, Ste 220
Earth City, MO 63045-1303

4. Respondent’s license in Idaho under the Act expired on March 15, 2017, and has never been renewed.

5. The Respondent's website also represents the following to potential clients:

- Rosenthal, Morgan and Thomas, Inc provides debt recovery services.
- They are a full-service professional debt recovery corporation.
- They specialize in collecting in the follow areas: financial services, utilities, security contracts (residential and commercial), cable and satellite, bank card, storage facilities, automotive, and commercial.
- Member of the Association of Credit and Collection Professionals (ACA).

6. The Department found complaints against Respondent by running a search with the Better Business Bureau.

ACTIVITY

7. The Department received a consumer complaint from Idaho resident, D.S., on November 2, 2023, through his attorney.

8. The complaint indicated that D.S. received mail from Respondent attempting to collect on a debt D.S. incurred with creditor AHS Services, LLC. D.S., through his attorney, also provided documentation supporting his complaint.

9. Based on its investigation, the Department determined that Respondent was no longer licensed by the Department to operate as a collection agency in Idaho.

10. The Department sent a certified letter dated November 16, 2023, via USPS to Respondent at the address 514 Earth City Plz., Ste 220, Earth City, MO 63045-1303, regarding D.S.'s complaint. A duplicate letter was also sent at the address 12747 Olive Blvd., Suite 250, St. Louis, MO 63141. In the letter, the Department notified the Respondent it had received information related to D.S. and that Respondent was engaging in debt collection activity in Idaho without a license. The Department requested all Respondent's documents relating to the assignment of the debt against D.S. The Department also directed Respondent to cease all third-party collection activities in Idaho and to provide information necessary for the Department to determine the extent of Respondent's unlicensed debt collection activities in Idaho. Further, the letter advised Respondent of the license requirement for engaging in collection activities regulated under the Act in Idaho, and informed Respondent of the possible sanctions under the Act for unlicensed activity. The letter also informed Respondent of the process for obtaining a license. A response was requested on or before December 7, 2023. However, per mail tracking information, the Department cannot verify the certified letter was successfully delivered to Respondent.

11. The Department sent a second certified letter, dated December 28, 2023, via USPS to Respondent regarding D.S.'s complaint to the Earth City

address. This letter was delivered successfully; however, the response date was not updated.

12. To rectify the oversight, a third certified letter was sent dated January 16, 2024, with a revised due date for response on February 5, 2024. USPS records reflect this letter was delivered successfully in late January 2024.

13. On April 12, 2024, the Department made a fourth attempt to resolve this matter by responding to an email dated January 10, 2024, from the Respondent. The deadline for Respondent to respond was extended until April 26, 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 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, 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 14th day of May 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 § 26-2249 and § 67-5273. 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

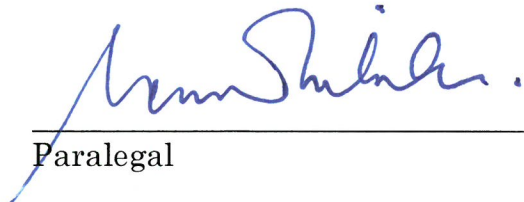
I HEREBY CERTIFY that on this 14th day of May 2024, I caused a true and correct copy of the foregoing fully executed ORDER TO CEASE AND DESIST to be served on the following by the designated means:

Rosenthal, Morgan & Thomas, Inc.
514 Earth City Plaza, Ste. 220
Earth City, MO 63045-1301

- U.S. Mail, Postage Paid
- Certified mail
- Facsimile
- Email: j david@rmtcollects.com;
s david@rmtcollects.com;
legal@rmtcollects.com

Rosenthal, Morgan & Thomas, Inc.
12747 Olive Blvd., Ste. 250
St. Louis, MO 63141

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



Paralegal