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

In the Matter of:

GO TO DRA, LLC and DRA, LLC, both aka
DEBT RECOVERY ASSOCIATES,

Respondents.

Docket No. 2021-9-01

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 GO TO DRA, LLC, and DRA, LLC, both aka Debt Recovery Associates (“collectively referred to herein as “Respondents”), to immediately cease and desist from violating the Act.

RESPONDENTS

1. Respondent Go To DRA, LLC, (GTD) is a Florida limited liability company and conducts third party collection activity from a Florida address at 88005 Overseas Highway #10-152, Islamorada, Florida 33036. Joe Cagle is listed as the Registered Agent for the GTD on the Florida Division of Corporations website: <https://businessfilings.sc.gov/BusinessFiling/>.

2. Respondent DRA, LLC (DRA) is a South Carolina limited liability company and conducts third party collection activity from a South Carolina address at 421 N Main Street, Simpsonville, South Carolina 29681. Similar to GTD, Joseph Cagle is listed as the Registered Agent for DRA on the South Carolina Secretary of State website: <https://dos.myflorida.com/sunbiz/>.

3. The website, www.gotodra.com, shows the interchangeable relationship between GTD and DRA at the bottom of the Contact page: "©2020 DRA LLC." This webpage also represents that GTD and DRA are both known as Debt Recovery Associates.

4. GTD and DRA also represent to customers on this website the following: "If you received a call or letter from us, it means your creditor or bank has made a business decision to transfer probably not just your account but others to collections or charged them off. (Sold) Debt Recovery Associates LLC is now to whom your debt is owed if this is the case." On the same website, GTD represented the following to potential clients, "Ask about our new 'Soft' Collection product that ensures your compan[y]'s good reputation through an electronic only collection model that eliminates the risk of complaints from traditional phone-based collections."

ACTIVITY

5. The Respondents have never applied for nor ever been issued any license under the Act.

6. On September 22, 2020, Idaho resident, K.C. filed a complaint with the Department regarding Respondents' collection activity against her.

7. In her complaint and subsequent communication with a Department staff member, K.C. indicated that a representative from "Debt Recovery Associates" had been contacting her by telephone several times per week from numerous different phone numbers. The representative, mainly someone by the name of "Peter," stated that he was attempting to collect a debt on behalf of a company that claimed K.C. owed it \$560. K.C. was asked by the representative to provide personal information such as employer details, social security number, and financial information to be used for payment purposes.

8. K.C. indicated that during these phone calls, she made multiple requests of Debt Recovery Associates for verification of the debt, as she has no record of this obligation, but never received any verification. She said that she also attempted to log in to the Respondents' website to initiate the chat function with the Respondent, but was unsuccessful.

9. On September 30, 2020, the Department sent a certified stop-letter to Respondents, at two addresses, regarding their unlicensed debt collection activity in Idaho. In that letter, the Department requested all of Respondents' documents relating to the assignment of the debt against K.C. The Department also directed Respondents to cease all collection activities in Idaho and to provide information necessary for the Department to determine the extent of Respondents' unlicensed debt collection activities in Idaho. Further,

that letter advised Respondents of the license requirement for engaging in collection activities regulated under the Act in Idaho, and informed Respondents of the possible sanctions under the Act for unlicensed activity. The letter also informed Respondents of the process for obtaining a license. The Department required that Respondents provide all of the requested information by October 21, 2020, but the letters were returned as undeliverable.

10. On November 4, 2020, the Department sent second certified stop-letters, along with copies of the letter dated September 30, 2020, requesting that Respondents respond by November 18, 2020, to Respondents' alleged unlicensed third-party collection activities in Idaho. The Department's letters were again returned as undeliverable.

11. On October 14, 2020, the Department received another complaint against DRA, which was received from the Idaho Attorney General's Office, from Idaho resident, D.C., regarding Respondents' collection activity against her. In her complaint, D.C. indicated that DRA was attempting to collect a debt associated with her brother and that she had no record or obligation regarding that debt.

12. D.C. claimed that Respondents repeatedly called her to the point where she had to take her phone off the hook. She stated that she attempted to use the messaging function on Respondents' website, but no one responded.

13. On October 23, 2020, the Department sent a certified stop-letter to Respondents, at both addresses, regarding its unlicensed debt collection activity in Idaho. In that letter, the Department requested all of its documents relating to the assignment of the debt against D.C. The Department also required Respondents to cease all collection activities in Idaho and to provide information necessary for the Department to determine the extent of

Respondents' unlicensed debt collection activities in Idaho. Further, that letter advised Respondents of the license requirement for engaging in collection activities regulated under the Act in Idaho, and informed Respondents of the possible sanctions under the Act for unlicensed activity. The letter also informed Respondents of the process for obtaining a license. The Department required that Respondents provide all of the requested information by November 7, 2020, but the letters were returned as undeliverable.

14. On November 13, 2020, the Department sent second certified stop-letters, along with copies of the letter dated October 23, 2020, requesting that Respondents respond by November 23, 2020, to Respondents' alleged unlicensed third-party collection activities in Idaho. The Department's letters were again returned as undeliverable.

15. To date, the Respondents have failed to respond to the Department's correspondence or file an application for licensure with the Department.

16. Based on information provided to the Department and described above, the Respondents have engaged in debt collection activity in Idaho and are 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.
- * * *
- (5) Engage in any activity in this state which indicates, directly or indirectly, that a third party is or may be involved in effecting any collection.
 - (6) Engage or offer 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.

19. "Collection activities" is defined in Idaho Code § 26-2222(3) as the activities enumerated in Idaho Code § 26-2223.

20. Respondents' 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 Respondents to the Idaho residents for the purposes of collection constitutes a separate violation.

21. Idaho Code § 26-2229A(1) provides: "Every licensee or person required to be licensed under this act and its agents shall deal openly, fairly, and honestly without deception in the conduct of its business activities in this state under this act." Idaho Code § 26-2229A(9) provides:

No person licensed or required to be licensed under this act shall make a representation or statement of material fact, or omit to state a material fact, in connection with the offer, sale or performance of any service authorized under this act, if the representation, statement or omission is false or misleading or has the tendency or capacity to be misleading.

22. The acts of Respondents in representing that Idaho consumers K.C. and D.C. or their family members had debts that were owed to Respondents violated Idaho Code § 26-2229A.

23. The acts of Respondents and their refusal to discontinue contact to Idaho consumers K.C. and D.C. and Respondents' failure to provide any evidence or verification of alleged debts violated the Fair Debt Collection Practices Act (FDCPA), including 15 U.S.C. §§ 1692d, 1692e, 1692f, and 1692g. Idaho Code § 26-2229A(2) authorizes the Director to enforce any provisions of the FDCPA that are not inconsistent against licensees or those required to be licensed under the Act.

24. Idaho Code § 26-2244(1) provides that whenever it appears to the Director that it is in the public interest, he 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 Respondents have violated the Idaho Collection Agency Act as set forth above.

Pursuant to Idaho Code § 26-2244(1), IT IS HEREBY ORDERED that Respondents 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 4 day of February 2021.

STATE OF IDAHO
DEPARTMENT OF FINANCE

A handwritten signature in cursive script, appearing to read "Patricia R. Perkins", is written over a horizontal line.

PATRICIA R. PERKINS, Director

NOTICE

Respondents are HEREBY NOTIFIED that this ORDER TO CEASE AND DESIST is a final order of the Director.

Respondents may file a motion for reconsideration or request for hearing concerning this final order within twenty-one (21) days of the service date of this order. Any such motion for reconsideration or request for hearing must be in writing, 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 motion for reconsideration or request for a hearing shall also be served on the Department's counsel, Thomas A. Donovan, Deputy Attorney General, at the same address. Alternatively, the Respondents may email any request for reconsideration or hearing to: CFLegal@finance.idaho.gov.

The Department will dispose of a motion for reconsideration within twenty-one (21) days of the receipt of a motion for reconsideration, or the motion will be considered denied by operation of law. Idaho Code § 67-5246(4); Idaho Rules of Administrative Procedure of the Attorney General (IRAP) at IDAPA 4.11.01.740.02.a.

Should Respondents make a timely request for a hearing, the Director will vacate this final order and appoint a hearing officer to review the matter de novo and issue a preliminary order and the matter shall proceed pursuant to the Administrative Procedures Act and IRAP.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February 2021, 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:

Go to DRA LLC
Attn: Joe Cagle
88005 Overseas Hwy #10-152
Islamorada, FL 33036

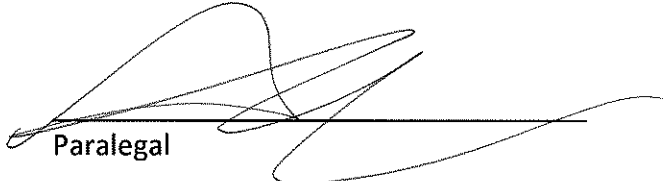
U.S. mail, postage prepaid
 certified mail
 facsimile:
 email: admin@gotodra.com

DRA, LLC
Attn: Joseph Cagle
421 N Main St
Simpsonville, SC 29681

U.S. mail, postage prepaid
 certified mail
 facsimile:
 email:

Go to DRA, LLC
PO Box 21952
Charleston, SC 29413-1952

U.S. mail, postage prepaid
 certified mail
 facsimile:
 email:


Paralegal