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

STATE OF IDAHO, DEPARTMENT OF
FINANCE, CONSUMER FINANCE BUREAU,

Complainant,

vs.

AUTOVEST, LLC,

Respondent.

Docket No. 2012-9-05

CONSENT ORDER

The Director of the State of Idaho, Department of Finance (Director) has conducted a review of the collection activities in Idaho of AUTOVEST, LLC (Respondent). Pursuant to such review, it appears to the Director that Respondent has violated provisions of the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act). The Director and Respondent have agreed to resolve this matter through this Consent Order rather than through a formal administrative proceeding or civil action. Therefore, the Director deems it appropriate and in the public interest that this Consent Order be entered. Respondent voluntarily consents to the entry of this Consent Order.

RESPONDENT

1. Respondent was formed as a Michigan limited liability company on July 18, 2003. Respondent conducts business in Idaho from 26261 Evergreen Road, Suite 390, Southfield, Michigan. Respondent's managers are James E. Blasius and Blasius Management LLC and its members/owners are McCombs Diversified Holdings LP and BBG Investments, LLC.

2. Respondent is engaged in the business of the purchase and collection of charged-off debts originally owed to others, including the collection of debts allegedly owed by consumers residing in Idaho, which activities constitute collection activities in Idaho. Respondent has never held an Idaho collection agency license authorizing it to engage in collection activities in Idaho.

FACTS

3. In or around early 2012, Michael Andrews & Associates LLC filed an application with the State of Idaho, Department of Finance, Consumer Finance Bureau (Department). During the application process, the Department became aware of the existence of Respondent, also managed by James E. Blasius, and its collection business. The Department noted that Respondent had never held a license under the Act authorizing it to provide such services in Idaho.

4. On February 1, 2012, a Department staff person emailed the contact person at Michael Andrews & Associates LLC and notified her that Respondent may be required to obtain an Idaho license and directed her to the relevant statutes and licensing forms.

5. Respondent reviewed the necessary materials, determined a license was required, and on or about March 5, 2012, promptly submitted to the Department an application for an Idaho collection agency license.

6. On April 10, 2012, after reviewing Respondent's license application, the Department sent a letter to Respondent notifying Respondent that its license application was deficient in several respects. Additionally, the Department's letter requested that Respondent submit information to the Department concerning its collection activities in Idaho. The Department gave Respondent until June 6, 2012 to cure the deficiencies contained in its license application, and warned Respondent that it was not authorized to engage in collection activities in Idaho until such time as it was issued a license under the Act.

7. On or about May 18 and May 22, 2012, the Department received a timely response to its April 10, 2012 deficiency notice. Such response included information showing that Respondent has been collecting in Idaho since at least January 23, 2004. The Department concluded from the information provided by Respondent that Respondent had engaged in unlicensed collection activities in Idaho against Idaho residents between January 23, 2004 and January 2, 2012, which activities resulted in Respondent's collection of at least \$21,321.88. Most of the activity occurred in 2010. During 2010, in anticipation of the increased activity in Idaho, Respondent researched its requirement to obtain a license and incorrectly determined that a license was not required. It was not until the recent contact by the Department that Respondent became aware it needed a license, and promptly filed its application.

FINDINGS

ENGAGING IN UNLICENSED COLLECTION ACTIVITIES IN IDAHO

8. The allegations set forth in paragraphs 1 through 7 above are fully incorporated herein by this reference.

9. Idaho Code § 26-2223 provides as follows, in pertinent part:

26-2223. Collection agency, debt counselor, or credit counselor permits. – No person shall without complying with the terms of this act and obtaining a permit 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.

...

(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.

10. “Collection agency” means a person who engages in any of the activities enumerated in subsections (2) through (6) of Idaho Code § 26-2223, which are set forth in the previous paragraph.

11. Respondent’s acts of engaging in collection activities in Idaho without a license, as referenced above, constitute violations of Idaho Code § 26-2223(1), –(2), –(6) and as set forth in paragraphs 9 and 10 above. Each act of collecting constitutes a separate violation.

REMEDIES

12. Respondent admits to violations of Idaho Code § 26-2223(1), –(2), and –(6) by engaging in collection activity in Idaho while not licensed under the Act, as referenced above.

13. Respondent agrees to immediately cease and desist from engaging in any and all collection activities in Idaho, to include buying debt for its own account from another person

which is either delinquent or in default at the time the debt is acquired; making telephone calls related to collection activities, including automated calls; and mailing, faxing, e-mailing, or otherwise delivering communications to Idaho residents in connection with collection activities until such time as it obtains a license under the Act authorizing it to do so.

14. Respondent agrees to pay to the Department the sum of \$5,000 as an administrative penalty in settlement of the violations contained herein, and an additional amount of \$1,000 constituting investigative expenses and attorney fees incurred by the Department in pursuing this matter, for a total payment to the Department of \$6,000, by no later than July 27, 2012.

15. When Respondent has executed this Consent Order and timely paid to the Department the \$6,000 payment referenced in paragraph 14 above, the Department agrees to accept and consider the license application already submitted by Respondent. Further, the Department agrees that it will not consider this Consent Order as the basis for denial of Respondent's license application.

16. Respondent agrees to comply with all provisions of the Idaho Collection Agency Act, rules promulgated thereunder, and relevant federal law and regulations at all times in the future.

17. The Department agrees not to seek further penalties or fees from Respondent for the violations addressed in this Consent Order, other than as set forth in paragraph 14 above, if Respondent timely and fully complies with all provisions of this Consent Order.

18. Respondent acknowledges and understands that this Consent Order is an administrative action that must be disclosed to the Department on future licensing and renewal forms. The disclosure requirements of other states may also require disclosure of the same.

19. Respondent acknowledges and understands that should the Department learn of additional violations by Respondent of the Act, rules promulgated under the Act, or applicable federal laws and regulations relating to Respondent's collection activities in Idaho, the Department may pursue further legal action and seek additional remedies.

DATED this 19th day of July, 2012.

AUTOVEST, LLC

By: 

Title: Member

DATED this 30th day of July, 2012.

STATE OF IDAHO
DEPARTMENT OF FINANCE



MICHAEL LARSEN
Consumer Finance Bureau Chief

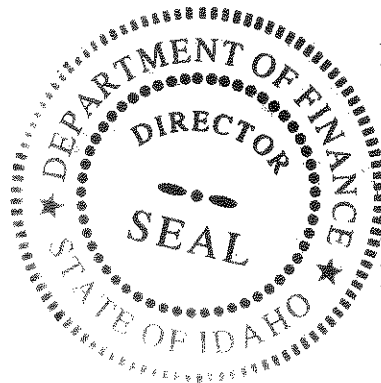
IT IS SO ORDERED.

DATED this 30th day of July, 2012.

STATE OF IDAHO
DEPARTMENT OF FINANCE



GAVIN M. GEE
Director



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of July, 2012, I served a true and correct copy of the foregoing CONSENT ORDER upon the following by the designated means:

Autovest, LLC
Attn: Lisa M. Soller, Compliance Manager
26261 Evergreen Rd., Ste. 390
Southfield, MI 48076

U.S. mail, postage prepaid
 Certified mail
 Facsimile: (248) 359-3493
 Email: lsoller@autovestllc.com



Paralegal