

LAWRENCE WASDEN
Attorney General

THOMAS A. DONOVAN – I.S.B. #4377
Deputy Attorney General
State of Idaho
Department of Finance
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Boise, Idaho 83720-0031
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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.

DCN HOLDINGS, INC. dba
ACCOUNTSRECEIVABLE.COM,

RESPONDENT.

Docket No. 2021-9-06

**NOTICE OF PROPOSED DEFAULT ORDER
TO CEASE AND DESIST AND FOR
MONETARY PENALTY**

The State of Idaho, Department of Finance (the "Department"), being authorized and directed to administer and enforce the Idaho Collection Agency License Act, Idaho Code § 26-2201 *et seq.* (the Act), hereby gives notice of proposed default order pursuant to Idaho Code § 67-5242(4) and Idaho Rules of Administrative Procedure 04.11.01.270.01 and 04.11.01.700.

The Default Order is proposed to be issued because of the failure of DCN HOLDINGS, INC. dba ACCOUNTSRECEIVABLE.COM (the Respondent) to file an answer to the Verified Complaint

for Order to Cease and Desist and for Monetary Penalty and Notice of the Opportunity to Request a Hearing (the Verified Complaint), which was issued and served upon the Respondent on November 3, 2021. The Respondent also failed to assert its right to request an administrative hearing on the matter twenty-one (21) days after it was served with the Verified Complaint.

Within seven (7) days after service of this notice and the proposed default order, attached as Exhibit A, the Respondent may file a written petition requesting the proposed order be vacated and not entered as a final order. The petition must state the grounds why the petitioning party believes that default should not be entered. A copy of the written petition shall be served on the Department's counsel in this matter:

Thomas A. Donovan
Deputy Attorney General
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031
Tom.donovan@finance.idaho.gov

If the Respondent fails to file a written petition as described above, the proposed default order will be submitted to the Director for issuance.

DATED this 1st day of December 2021.

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL



THOMAS A. DONOVAN
Deputy Attorney General

CERTIFICATE OF SERVICE

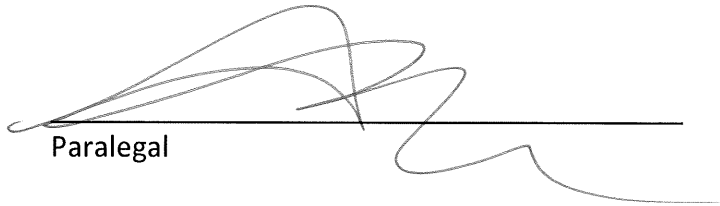
I HEREBY CERTIFY that on this 1st day of December 2021 I caused a true and correct copy of the foregoing NOTICE OF PROPOSED DEFAULT ORDER TO CEASE AND DESIST AND FOR MONETARY PENALTY to be served on the following by the designated means:

DCN Holdings, Inc.
dba AccountsReceivable.com
1806 33rd St, Suite 180
Orlando, FL 32839

U.S. mail, postage prepaid
 Certified mail
 Facsimile: 1-877-730-5805
 Email:

Karla Brown,
Registered Agent for DCN Holdings, Inc.
1806 33rd St, Suite 180
Orlando, FL 32839

U.S. mail, postage prepaid
 Certified mail
 Facsimile: _____
 Email:



Paralegal

EXHIBIT A

LAWRENCE WASDEN
Attorney General

Thomas A. Donovan – I.S.B. #4377
Deputy Attorney General
State of Idaho
Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031
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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE
OF THE STATE OF IDAHO**

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

Complainant,

vs.

DCN HOLDINGS, INC. dba
ACCOUNTSRECEIVABLE.COM,

RESPONDENT.

Docket No. 2021-9-06

**DEFAULT ORDER TO CEASE AND DESIST
AND FOR MONETARY PENALTY**

Upon issuance and service of the Verified Complaint for Order to Cease and Desist and for Monetary Penalty and Notice of the Opportunity to Request a Hearing (Notice), DCN HOLDINGS, INC. dba ACCOUNTSRECEIVABLE.COM (the Respondent), failed to assert its right to request an administrative hearing on the matter twenty-one (21) days after it was served. Following that, on December _____, 2021, the Idaho Department of Finance (Department) served a Notice of Proposed Default Order upon the Respondent. The seven (7) day period within

which to file a petition showing good cause why a default order should not be entered has expired. The Director takes official notice of these documents filed in the administrative record and, by presentation of this Order to the Director, Department staff represents that it is not aware of a response from the Respondent. Therefore, the Director makes the following Findings of Fact, Conclusions of Law, and enters the following Order.

FINDINGS OF FACT

1. The Director of the Idaho Department of Finance (Director) has jurisdiction over this matter.

2. The Respondent is a Florida based corporation, which holds a commercial collection license through the Florida Office of Financial Regulation. From information filed with the Florida Secretary of State, the Respondent lists its principal address as 1806 33rd Street, Suite 180, Orlando, Florida. Karla L. Brown is identified as the Respondent's president and registered agent.

3. The Respondent has never applied for, nor ever been, issued any license under the Act.

4. The Department previously issued an Order to Cease and Desist Docket No. 2019-9-02 against the Respondent on February 11, 2019, for engaging in unlicensed collection activity in the State of Idaho. The Respondent did not file a response or request a hearing in that matter.

5. On September 9, 2021, Idaho resident, K.K. filed a complaint with the Department regarding the Respondent's collection activity against him.

6. In his complaint, K.K. stated that he received a collection letter and a phone call from the Respondent regarding a past due invoice that K.K. allegedly had with one of the Respondent's clients.

7. The letter, a copy of which was included with K.K.'s complaint, was dated August 17, 2021, and stated that it was attempting to collect a debt and that K.K. could "clear [his] account immediately by sending...payment in full."

8. K.K. stated that after receiving the letter on August 26, 2021, a representative for the Respondent, "William Brown," called him and attempted to collect on the alleged debt. K.K. went on further to indicate that Mr. Brown told him if he didn't pay the balance that the Respondent's client claimed K.K. owed, the Respondent would "see [him] in court."

9. On September 22, 2021, the Department sent a certified letter to the Respondent requesting all of the Respondent's documents relating to the alleged debt owed by K.K. The Department also directed the Respondent to cease all collection activities in Idaho and to provide information necessary for the Department to determine the extent of the Respondent's unlicensed debt collection activities in Idaho. Further, that letter advised the Respondent of the license requirement for engaging in collection activities regulated under the Act in Idaho and informed the Respondent of the possible sanctions under the Act for unlicensed activity. The letter also informed the Respondent of the process for obtaining a license. The Department required that the Respondent provide all of the requested information by October 8, 2021. No response was received by the Department and, according to the certified tracking receipt, the letter was "refused" upon delivery on September 27, 2021.

CONCLUSIONS OF LAW

10. Paragraphs 1 through 9 above are fully incorporated herein by this reference.

11. 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 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.

* * *

(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 collections.

12. Per Idaho Code § 26-2222(4), the term “collection agency” “means a person who engages in any of the activities enumerated in subsections (2) through (6)” of Idaho Code § 26-2223, the language in subsections (2) and (5) of which are set forth in the previous paragraph.

13. The Respondent’s acts of engaging in debt collection activity in Idaho without a license to do so, as referenced above, constitute a violation of Idaho Code § 26-2223(1), (2), and (5).

14. The Respondent’s conduct may also have violated Idaho Code § 26-2223(3), which provides that “no person shall...[s]olicit or advertise in this state to collect or receive

payment for another of any account, bill, claim or other indebtedness” without a license issued under the Act.

15. The Respondent maintains a website at accountsreceivable.com. At the “About Us” page on the Respondent’s website, the Respondent states the following:

LICENSING

DCN Holdings, Inc. DBA AccountsReceivable.com is compliant with all state licensing requirements.

This statement is false.

16. The Director is authorized pursuant to Idaho Code § 26-2244 to order:
- a. any person to cease and desist from acts or practices that constitute a violation of the Act,
 - b. the imposition of a civil penalty of \$5,000 for each violation of any provision of the Act,
 - c. that the person violating the act pay costs including reasonable attorney fees and reimbursement of investigative efforts.

ORDER

Based upon the foregoing and pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2201 *et seq.*; the Idaho Administrative Procedure Act, Idaho Code § 67-5242(4); and the Idaho Rules of Administrative Procedure, Rule 04.11.01.702, it is hereby ordered that:

- a. As a result of engaging in business in Idaho constituting that of a collection agency without a license as required from the Department, the Respondent is to cease and desist its unlicensed collection agency activity in Idaho unless and until it obtains a license therefor;
- b. Karla Brown and any other owners, employees, principals, agents, or affiliates of the Respondent cease and desist any unlicensed collection agency activity in Idaho, directly, or indirectly unless and until the Respondent or they individually

obtain a license therefor or engage in such conduct as may be permitted on behalf of a duly licensed collection agency; and

c. The Respondent pay a civil monetary penalty in the amount of \$5,000 per violation for unlicensed activity, in the total amount of \$5,000 pursuant to Idaho Code § 26-2244(2)(a).

NOTIFICATION OF RIGHTS

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code.

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273,

Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Section 67-5274, Idaho Code.

This matter is hereby concluded.

IT IS SO ORDERED.

DATED and EFFECTIVE this _____ day of December 2021.

STATE OF IDAHO
DEPARTMENT OF FINANCE

PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of December 2021, I served a true and correct copy of the foregoing DEFAULT ORDER TO CEASE AND DESIST AND FOR MONETARY PENALTY on the following by the designated means:

DCN Holdings, Inc.	<input type="checkbox"/>	U.S. mail, postage prepaid
dba AccountsReceivable.com	<input type="checkbox"/>	Certified mail
1806 33 rd St, Suite 180	<input type="checkbox"/>	Facsimile: 1-877-730-5805
Orlando, FL 32839	<input type="checkbox"/>	Email:

Karla Brown,	<input type="checkbox"/>	U.S. mail, postage prepaid
Registered Agent for DCN Holdings, Inc.	<input type="checkbox"/>	Certified mail
1806 33 rd St, Suite 180	<input type="checkbox"/>	Facsimile: _____
Orlando, FL 32839	<input type="checkbox"/>	Email:

Paralegal