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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.

EDWARD WOLFF & ASSOCIATES LLC,

Respondent.

Docket No. 2019-9-03

ORDER TO CEASE AND DESIST

The State of Idaho, Department of Finance (Department), pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act), hereby alleges the following facts that constitute a basis for the issuance of an order pursuant to § 26-2244(1) of the Act, requiring EDWARD WOLFF & ASSOCIATES LLC, (Respondent), to immediately cease and desist from violating the Act.

RESPONDENT

1. Respondent is a Texas limited liability company and conducts business from an address at 9900 Spectrum Drive, Austin, Texas 78717. Respondent represents on its website,

www.edwardwolff.biz, that it offers “the best in the collection of past due commercial accounts, arbitration and litigation.”

FACTUAL ALLEGATIONS

2. Respondent has never held an Idaho collection agency license.

3. On August 24, 2018, the Department received a complaint letter from an attorney on behalf of an Idaho business and three individuals, who are either owners or officers of the Idaho business.

4. The complaint outlined instances of Respondent’s third party collection activities on behalf of an equipment rental company against the Idaho business and the individuals.

5. Between May 11, 2018, and August 6, 2018, Respondent contacted the three individuals a total of six times asserting that they were personally responsible for the debt of the Idaho business. These contacts were made directly on the individuals’ Facebook pages, as well as their personal email accounts and cell phones via text messaging. In one of the Facebook posts, Respondent asserted that it had contacted the local sheriff’s office claiming the Idaho business and/or the individuals committed a criminal act. On another Facebook post, Respondent asserted that it had reached out to the Idaho Attorney General’s Office to have the Idaho business investigated.

6. A Department staff member reviewed the information provided by the attorney representing the Idaho business and the individuals and determined that Respondent was not licensed to conduct third-party collection activities in Idaho.

7. On September 7, 2018, the Department sent a letter to Respondent regarding its unlicensed debt collection activity. In that letter, the Department requested documents relating

to all of Respondent's collection activities in the state of Idaho. 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 process for obtaining a license. The Department required that Respondent provide all of the requested information by September 28, 2018, but the Department did not receive a response.

8. On November 1, 2018, the Department sent a follow up letter, giving Respondent to November 15, 2018, to respond. Respondent did not reply to this request.

9. To date, Respondent has failed to file an application for licensure with the Department.

10. Based on information provided to the Department and described above, Respondent has engaged in debt collection activity in Idaho and is not licensed, in violation of the Act.

CONCLUSIONS OF LAW AND VIOLATIONS

UNLICENSED COLLECTION ACTIVITY IN IDAHO

11. The allegations set forth in paragraphs 1 through 10 above are fully incorporated herein by this reference.

12. 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.

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

14. Respondent's acts of engaging in collection activities in Idaho without a license, as referenced above, constitute violations of Idaho Code § 26-2223(1) and -(2). Each contact made by Respondent to the Idaho residents for the purposes of collection constitutes a separate violation.

15. 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 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.

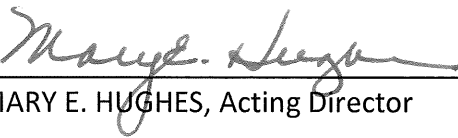
This ORDER TO CEASE AND DESIST is effective upon issuance.

IT IS SO ORDERED.

DATED this 12th day of May, 2019.



STATE OF IDAHO
DEPARTMENT OF FINANCE



MARY E. HUGHES, Acting Director

NOTICE

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

Respondent may file a motion for reconsideration or request for hearing concerning this final order within fourteen (14) days of the service date of this order. Any such motion for reconsideration or request for hearing must be in writing, addressed to:

Anthony Polidori
Consumer Finance Bureau Chief
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

Alternatively, the Applicant may email the request for hearing to: CFLegal@finance.idaho.gov.

A copy of such motion for reconsideration or request for a hearing shall also be served on the Department's counsel, Brian D. Nicholas, Deputy Attorney General, at the same address.

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 Respondent make a timely request

for a hearing, the Department shall appoint a hearing officer and the matter shall proceed pursuant to the Administrative Procedures Act and IRAP.

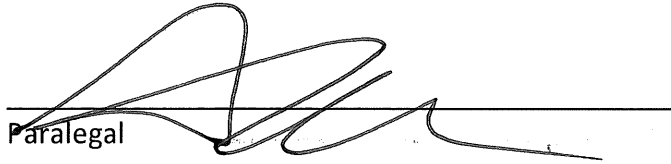
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 2019, 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:

Mark Wolff
Edward Wolff & Associates, LLC
500 North Central Expressway
Suite # 375
Plano TX 75074

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

Paralegal

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.