

LAWRENCE G. 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
Telephone: (208) 332-8091
Facsimile: (208) 332-8016
Tom.donovan@finance.idaho.gov

**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 WOLF & ASSOCIATES, LLC,

Respondent.

Docket No. 2019-9-03

CONSENT ORDER

The Complainant State of Idaho, Department of Finance through its Consumer Finance Bureau (Department) and Respondent, EDWARD WOLFF & ASSOCIATES LLC, (Respondent), (collectively the Parties) hereby agree to the following and to the entry of this Consent Order by the Director to resolve the issues raised in the Order to Cease and Desist entered May 12, 2019. The Parties further agree that this Consent Order shall supersede the Order to Cease and Desist. This

Consent Order is entered into pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act).

In support of entry of this Consent Order and to fully resolve the matters referenced herein, the Department and Respondent agree and consent to the following facts, findings, conclusions of law and relief, and to entry of same by the Director in this Consent Order.

FACTS AND CONCLUSIONS OF LAW

1. Respondent is a Texas limited liability company and conducts business from an address at 500 North Central Expressway Suite # 375, Plano, Texas 75074.
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. 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. The Director issued the Order to Cease and Desist on May 12, 2019, which was served on Respondent May 15, 2019, via first class and certified mail. The copy of the order sent via certified mail was not delivered.

10. Respondent contacted the Department in August 2019 regarding the Order to Cease and Desist. Respondent represents that the acts referenced above constituting collection activity in Idaho were conducted by a former employee of Respondent who acted without express authority and outside of Respondent's directives to conduct collection activity in only states where it is properly licensed to do so.

11. The Parties knowingly and voluntarily agree to the contents of and to the entry of this Consent Order to resolve the issues raised herein and to obviate the need for any further proceedings, and the Department and Respondent further waive their rights to a hearing before the

Director, to present evidence, and to seek any further review of the entry of this final Consent Order.

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. The Parties agree that Respondent’s acts of engaging in collection activities in Idaho without a license, as referenced above, constitute separate violations of Idaho Code § 26-2223(1) and (2). The Respondent agrees that it will refrain from conducting any activity that would constitute collection activity in Idaho requiring a license under the Act unless and until it is properly licensed to do so. The Department agrees that should Respondent apply for a license under the Act, it will process the application in the normal course, and that this Consent Order and the activity giving rise to it shall not constitute a bar to licensure of Respondent.

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.

REMEDIES

16. Respondent admits to the allegations set forth above in this Consent Order.

17. Respondent represents that it has and continues to agree to cease and desist from engaging in any and all collection activities in Idaho, to include providing collection agency services

or otherwise conduct activity described in the Act until such time as it obtains a license under the Act authorizing it to do so.

18. Respondent agrees to pay to the Department the sum of five thousand dollars (\$5,000) as an administrative penalty in settlement of the violations contained herein.

19. Once Respondent has executed this Consent Order and timely paid to the Department the five thousand dollars (\$5,000) referenced above, the Department agrees to accept and consider the license application of Respondent, and further agrees that it will not use this Consent Order as the basis for denial of Respondent's license application.

20. 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.

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

22. 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.

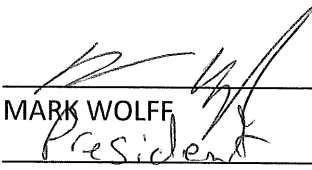
23. Respondent acknowledges and understands that should the Department learn of additional violations by Respondent of the Act, rules promulgated under the Act, or applicable federal laws and regulations relating to Respondent's collection activities in Idaho, the Department may pursue further legal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

24. The Parties agree that the Order to Cease and Desist issued May 12, 2019, against Respondent is no longer of any effect and is hereby superseded and replaced by this Consent Order.

DATED this 16th day of October, 2019.

CONSENT ORDER - 5

EDWARD WOLFF & ASSOCIATES, LLC

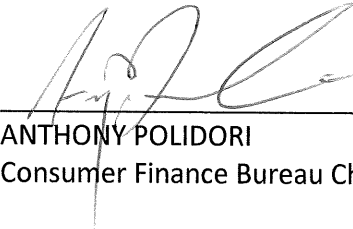


MARK WOLFF
President

Title

DATED this 22nd
~~16th~~ day of October, 2019.

STATE OF IDAHO
DEPARTMENT OF FINANCE



ANTHONY POLIDORI
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED and EFFECTIVE this 23rd day of October, 2019.



STATE OF IDAHO
DEPARTMENT OF FINANCE



MARY E. HUGHES, Acting Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 2019, I caused a true and correct copy of the foregoing fully-executed CONSENT ORDER 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

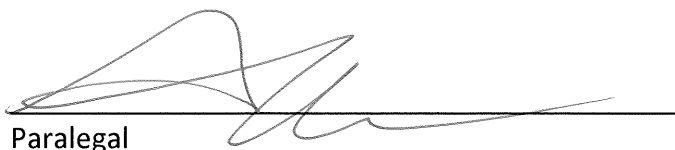
U.S. mail, postage prepaid
 certified mail
 facsimile:
 email:

Mark B. Perry
Perry Law, P.C.
2627 W. Idaho Street
Boise, ID 83702

U.S. mail, postage prepaid
 certified mail
 facsimile:
 email: mbp@perrylawpc.com

Thomas A. Donovan
Dept. of Finance
PO BOX 83720
Boise, ID 83720-0031

U.S. mail, postage prepaid
 certified mail
 facsimile:
 email: tom.donovan@finance.idaho.gov



Paralegal