

RAÚL R. LABRADOR
Attorney General

Erick M. Shaner – I.S.B. #5214
Deputy Attorney General
State of Idaho
Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031
Telephone: (208) 332-8092
Facsimile: (208) 332-8016
Erick.Shaner@finance.idaho.gov

Attorney for Department of Finance Consumer Finance Bureau Staff

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

In re:

MAMMOTH TECH, INC.,
Collection Agency License No. CCA-7365,
NMLS ID 1117950,

Licensee.

Docket No. 2022-09-02

CONSENT ORDER

The Idaho Department of Finance (Department) and MAMMOTH TECH, INC. (the Licensee) agree to the entry of this Consent Order following the issuance of the Verified Complaint for Revocation of Idaho Collection Agency License (Verified Complaint) in this matter. The Licensee voluntarily consents to the entry of this Consent Order, admits, and agrees to the facts, legal conclusions, and remedies contained herein, and knowingly waives its right to hearing on this matter. The Director, by signing below, has agreed with the parties to resolve this matter through the Consent Order rather than through a formal administrative action upon hearing.

FACTS, LEGAL CONCLUSIONS, AND REMEDIES

1. MAMMOTH TECH, INC. (the Licensee) is an Ohio corporation conducting business at 1250 Geneva Boulevard, Defiance, Ohio 43512. The Licensee has been registered to conduct business in Idaho with the Idaho Secretary of State since at least February 2008.

2. The Licensee was licensed by the Idaho Department of Finance (Department) as a collection agency and has been since approximately April 18, 2018, holding NMLS No. 1117950 and License No. CCA-7365 pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act).

3. Pursuant to Idaho code § 26-2232, licensees shall maintain a surety bond in the minimum amount of \$15,000 or higher based on the volume of business conducted in Idaho. On March 14, 2022, the Department received a Notice of Cancellation via the Nationwide Multistate Licensing System (NMLS) from the surety bond company for the Licensee that the Licensee's surety bond would be cancelled effective April 14, 2022.

4. On March 15, 2022, the Department placed a license item in the Licensee's NMLS record to inform it of the need to replace its bond or surrender its license no later than April 14, 2022.

5. On April 14, 2022, the Licensee's surety bond was cancelled in the NMLS.

6. On June 13, 2022, an examiner for the Department used two different email addresses for the Licensee and inquired about the bond requirements and requested a response by the end of the day. These messages were either returned as "undeliverable" or were not answered.

7. Shortly after sending the emails, the examiner attempted to call the Licensee through the phone number listed on the Licensee's NMLS record, as well as visit the Licensee's website. The Licensee's phone number was no longer in operation and its website did not exist.

8. On July 18, 2022, the Department issued a Verified Complaint for Revocation of Idaho Collection Agency and Notice of the Opportunity to Request a Hearing to the Licensee.

9. After no Answer or request for hearing was filed, the Department issued a Notice of Proposed Default on August 15, 2022.

10. On August 25, 2022, Scott McGurk with Inglewood Associates LLC left a voicemail message with counsel for the Department and, on behalf of the Licensee, acknowledged receipt of the Notice of Proposed Default that was issued on August 15, 2022.

11. On August 30, 2022, Scott McGurk sent an email and indicated that the company had effectively shut down in March of 2022 and the license with Idaho was no longer necessary. He asked for "the documentation required to revoke or close out the license for Mammoth Tech." The Department informed him about the required business wind down procedures and requested evidence that these procedures were followed.

12. On January 20, 2023, Scott McGurk provided sufficient proof to the Director that the wind down procedures had been followed pursuant to Idaho Code § 26-2246.

13. By its signature below, the Department agrees and acknowledges that the Licensee has complied with necessary closure steps associated with the surrender of its collection agency license.

14. The Licensee acknowledges that it has the right to contest the allegations in the Verified Complaint, the right to be heard and present evidence, the right to be represented by

counsel of its own choosing, and the right to request a hearing on the matters raised. The Licensee also acknowledges the right to appeal any order to the district court within 28 days. In furtherance of a quick and reasonable resolution, the Licensee and Department staff voluntarily and knowingly waive all their various rights including, but not limited to, those mentioned above regarding this administrative proceeding and desire to enter into this Consent Order to fully and finally resolve this matter in lieu of proceeding to a hearing. The parties jointly agree and request that the Director adopt this Consent Order as a final resolution.

DATED this 26 day of January 2023.

MAMMOTH TECH, INC.

Name: [Signature]

Title: CLO

DATED this 1st day of ~~January~~ February 2023.

STATE OF IDAHO DEPARTMENT OF FINANCE

[Signature]
ERIN VAN ENGELEN
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED and EFFECTIVE this 3rd day of February, 2023.



STATE OF IDAHO
DEPARTMENT OF FINANCE

[Signature]
PATRICIA R. PERKINS
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 2023, I caused a true and correct copy of the foregoing CONSENT ORDER to be served on the following by the designated means:

Scott McGurk, CLO
Mammoth Tech, Inc
250 Geneva Boulevard
Defiance, Ohio 43512

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile:
- Email: smcgurk@ingw.com

Erick Shaner
Idaho Department of Finance
PO Box 83720
Boise, ID 83720-0031

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile:
- Email: erick.shaner@finance.idaho.gov

Paralegal