

LAWRENCE WASDEN  
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

**VERIFIED COMPLAINT FOR REVOCATION  
OF IDAHO COLLECTION AGENCY LICENSE**

**AND**

**NOTICE OF THE OPPORTUNITY TO  
REQUEST A HEARING**

Comes now the staff of the Idaho Department of Finance (Department), by and through its undersigned counsel and hereby alleges and complains as follows and provides this Verified Complaint for Revocation of Idaho Collection Agency License and Notice of the Opportunity to Request a Hearing (Notice).

Pursuant to Idaho Code § 26-2227, MAMMOTH TECH, INC. has the right to a hearing on the question of whether its license should be revoked, but to do so it must make a written request for a hearing within twenty-one (21) days after the date of mailing of this Notice.

### **VERIFIED COMPLAINT**

#### **MATTERS ASSERTED**

1. The Director of the Department of Finance has jurisdiction over this matter.
2. MAMMOTH TECH, INC. (the Licensee) is an Ohio corporation conducting business at 250 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.
3. The Licensee is 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).
4. 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.
5. 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.
6. On April 14, 2022, the Licensee's surety bond was cancelled in the NMLS.

7. 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.

8. 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.

9. To date, the Licensee has failed to meet its bond requirements or surrender its license.

#### COUNT 1.

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

10. Idaho Code § 26-2232(3) requires that, “The amount of the bond upon renewal shall be in the amount of fifteen thousand dollars (\$15,000), or two (2) times the average monthly net collections for the preceding year computed to the next highest one thousand dollars (\$1,000), whichever sum is greater ....” Idaho Code § 26-2232(1) requires that the bond, “shall be for the term of the license issued to the applicant.” Idaho Code § 26-2232(2) provides in part: “The bond shall be continuous in form and shall remain in full force and effect for the license period.”

11. Idaho Code § 26-2227(1) provides “[a]n application for license may be denied or, after notice and the opportunity for a hearing, a license may be suspended or revoked by the director if he finds that facts or conditions exist that would have justified the director in refusing

to grant a license had such facts or conditions been known to exist at the time the license was issued or that the licensee . . . . (a) [h]as violated any provision of this act....”

12. The Licensee’s failure to comply with Idaho Code § 26-2232 by virtue of the October 22<sup>nd</sup> bond cancellation demonstrates a violation of the required bond by the Licensee.

13. Based on these facts, the Department alleges that it is appropriate to revoke the Licensee’s collection agency license pursuant to Idaho Code § 26-2227.

PRAYER FOR RELIEF

14. The Department requests and prays for the entry of an order by the Director:

- a. Revoking the Licensee’s license as a collection agency,
- b. Requiring the Licensee to transfer all its Idaho business to a collection agency duly licensed in Idaho within thirty (30) days from the entry of the order if it has not already done so consistent with Idaho Code § 26-2246,
- c. Requiring the Licensee to provide notice within twenty-eight (28) days of the date of the order to all current clients, if any, of the revocation of its collection agency license and of the transfer of all its Idaho business to a collection agency duly licensed in Idaho, and to deliver a copy of that notice to the Director contemporaneously with the delivery to its current clients,
- d. Requiring the Licensee to provide to the Director written evidence of the transfer of all Idaho business within forty-two (42) days of the date of the entry of the order, and
- e. Imposing such further and additional relief as the Director deems appropriate, including those provided in Idaho Code § 26-2246.

## NOTICE OF DUTY TO ANSWER AND NOTICE OF RIGHT TO HEARING

15. Pursuant to Idaho Code § 26-2227(1), Idaho Code § 67-5254, and IDAPA 04.11.01.270.01 a hearing will be granted to the Licensee if a written Answer and a Request for Hearing is received by the Department, within twenty-one (21) days following the mailing of this Notice, the date of which is set forth in the below Certificate of Mailing. The Answer and Request for Hearing must be mailed to the following address:

Attn: Lisa Baker  
Assistant to the Director  
Idaho Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031

A copy of such Answer and Request for Hearing shall also be served on the Department's counsel:

Erick M. Shaner  
Deputy Attorney General  
Idaho Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031

Alternatively, the Answer and Request for Hearing may be served upon counsel for the Department electronically at the email address set forth on the top of page one.

16. Upon receipt of the Answer and Request for Hearing, the Director will likely appoint a Hearing Officer. The Hearing Officer shall set the time and place for the hearing and the procedures for the hearing shall be in compliance with the Idaho Administrative Procedures Act (title 67, chapter 52, Idaho Code) and the Idaho Rules of Administrative Procedure (IDAPA 04.11.01).

17. Failure of the Licensee to file and serve an Answer and Request for Hearing within the time prescribed shall be deemed a waiver of the opportunity for a hearing and to contest the

allegations in the Complaint, and the Department will seek to have the Director enter a default order granting the relief sought in this Notice revoking Licensee's collection agency license.

DATED this 18<sup>th</sup> day of July 2022.

STATE OF IDAHO  
OFFICE OF ATTORNEY GENERAL



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ERICK M. SHANER  
Deputy Attorney General


VERIFICATION

STATE OF IDAHO     )  
                                  ) ss.  
County of Ada        )

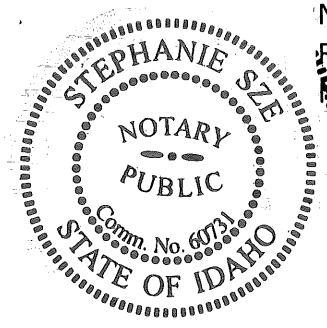
ERIN VAN ENGELEN, Consumer Finance Bureau Chief of the Department of Finance,  
State of Idaho, being first duly sworn, deposes and says:

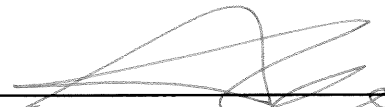
I have read the foregoing Verified Complaint for Revocation of Idaho Collection Agency  
License and Notice of the Opportunity to Request a Hearing and know the contents thereof;  
and that the same are true to the best of my knowledge and belief.

DATED this 18<sup>th</sup> day of July 2022.

  
\_\_\_\_\_  
ERIN VAN ENGELEN

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of July 2022.



  
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Notary Public for Idaho  
Residing at: Meridian, ID  
My Commission Expires: 11/30/2024

**CERTIFICATE OF SERVICE**

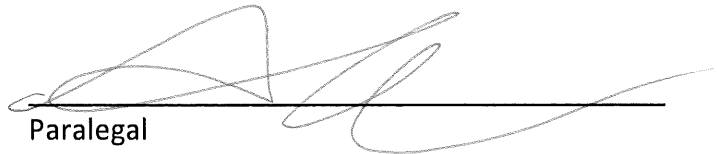
I HEREBY CERTIFY that on this 18<sup>th</sup> day of July 2022, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT FOR REVOCATION OF IDAHO COLLECTION AGENCY LICENSE AND NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING to be served on the following by the designated means:

Mammoth Tech, Inc  
250 Geneva Boulevard  
Defiance, Ohio 43512

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile:
- Email: mtilicensure@mammothtech.com

Business Filings Incorporated  
921 S Orchard St, Ste G  
Boise, ID 83705

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile:
- Email:

  
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Paralegal