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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.

MCGUIGAN LAW OFFICE, LLC,

Respondent.

Docket No. 2012-9-08

CONSENT ORDER

The Director of the State of Idaho, Department of Finance (Director) has conducted a review of the collection activities in Idaho of MCGUIGAN LAW OFFICE, LLC (Respondent). Pursuant to such review, it appears to the Director that Respondent has violated provisions of the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act). The Director and Respondent have agreed to resolve this matter through this Consent Order rather than through a formal administrative proceeding or civil action. Therefore, the Director deems it appropriate and in the public interest that this Consent Order be entered. Respondent voluntarily consents to the entry of this Consent Order.

RESPONDENT

1. Respondent was formed as a Pennsylvania professional limited liability company on July 25, 2011. Respondent is a law firm doing business as a collection agency. Such business includes Respondent collecting or receiving payment for others of any account, bill, claim or other indebtedness. Respondent conducts business in Idaho from 311 Veterans Highway, Suite 100A, Levittown, Pennsylvania. Its managing member/owner is Michael Francis McGuigan.

FACTS

2. Mr. McGuigan is licensed to practice law in the state of Pennsylvania. He does not hold a license to practice law in the state of Idaho.

3. Respondent has never applied for nor ever held a license under the Idaho Collection Agency Act, authorizing it to engage in collection activities in Idaho.

4. On January 26, 2012, the Department received a complaint from D.R., a resident of Meridian, Idaho. D.R. reported that Respondent had repeatedly contacted her and her family, friends, and previous employer over the time period between January 20, 2012 through January 26, 2012, in an attempt to collect on a debt allegedly owed by D.R.

5. After receiving D.R.'s complaint and noting that Respondent has never had an Idaho collection agency license, the Department began an investigation of Respondent's collection activities in Idaho. The Department's investigation included communicating with Respondent regarding the matters being investigated.

6. On January 31, 2012, as part of its investigation, the Department sent a letter to Respondent concerning D.R.'s complaint, and Respondent's apparent unlicensed collection activity in Idaho. In that letter, the Department requested that Respondent provide information

necessary for the Department to determine the extent of Respondent's unlicensed collection activity in Idaho.

7. On February 16, 2012, Respondent submitted to the Department an application for a license under the Act.

8. On April 10, 2012, the Department received a letter from Mr. McGuigan dated April 9, 2012 in response to the Department's January 31, 2012 request representing that Respondent began collecting in Idaho in or around November or December 2011. However, Mr. McGuigan provided the Department with documents showing that Respondent had collected against a number of Idaho residents during the time period between at least August 2011 and February 2012, while it failed to hold a license under the Act.

FINDINGS

ENGAGING IN UNLICENSED COLLECTION ACTIVITIES IN IDAHO

9. The allegations set forth in paragraphs 1 through 8 above are fully incorporated herein by this reference.

10. 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 permit 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.

...

11. "Collection agency" means a person who engages in any of the activities enumerated in subsections (1) or (2) of Idaho Code § 26-2223, which are set forth in the previous paragraph.

12. 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), as set forth in paragraphs 10 and 11 above. Each act of collecting constitutes a separate violation.

REMEDIES

13. Respondent admits to violations of Idaho Code § 26-2223(1) and -(2), by engaging in collection activity in Idaho while not licensed under the Act, as referenced above.

14. Respondent agrees to immediately cease and desist from engaging in any and all collection activities in Idaho, to include collecting or receiving payment for others of any account, bill, claim or other indebtedness; making telephone calls related to collection activities, including automated calls; and mailing, faxing, e-mailing, or otherwise delivering communications to Idaho residents in connection with collection activities until such time as it obtains a license under the Act authorizing it to do so.

15. Respondent agrees to pay to the Department the sum of three thousand dollars (\$3,000) as an administrative penalty in settlement of the violations contained herein, and an additional amount of five hundred dollars (\$500) constituting investigative expenses and attorney fees incurred by the Department in pursuing this matter, for a total payment to the Department of three thousand five hundred dollars (\$3,500), by no later than September 18, 2012.

16. When Respondent has executed this Consent Order and timely paid to the Department the three thousand five hundred dollar (\$3,500) payment referenced in paragraph 15 above, the Department agrees to accept and consider the license application already submitted by Respondent. Further, the Department agrees that it will not consider this Consent Order as the basis for denial of Respondent's license application.

17. 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.

18. The Department agrees not to seek further penalties or fees from Respondent for the violations addressed in this Consent Order, other than as set forth in paragraph 15 above, if Respondent timely and fully complies with all provisions of this Consent Order.

19. 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.

20. 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.

DATED this 14th day of September, 2012.

MCGUIGAN LAW OFFICE, LLC

By: Michael J. McGuigan

Title: Managing Member

DATED this 17th day of September, 2012.

STATE OF IDAHO
DEPARTMENT OF FINANCE

Michael Larsen

MICHAEL LARSEN
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED this 17th day of September, 2012.



STATE OF IDAHO
DEPARTMENT OF FINANCE

Gavin M. Gee
GAVIN M. GEE
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of September, 2012, I served a true and correct copy of the foregoing CONSENT ORDER upon the following by the designated means:

McGuigan Law Office, LLC
Attn: Michael Francis McGuigan, Owner
311 Veterans Highway, Ste. 100A
Levittown, PA 19056

- U.S. mail, postage prepaid
- Certified mail
- Facsimile: (215) 526-2618
- Email:

R. Fitzgibbon
Paralegal