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

In Re:

MYRIAD CAPITAL MANAGEMENT, INC., a  
Florida corporation, dba STONE WHITMAN &  
ASSOCIATES,

Respondent.

Docket No. 2014-9-07

**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 MYRIAD CAPITAL MANAGEMENT, INC. dba STONE WHITMAN & ASSOCIATES (the Respondent), to immediately cease and desist from violating the Act.

**RESPONDENT**

1. The Respondent was formed as a Florida corporation on October 22, 2012, and operates as a third-party collection agency from 37 North Orange Avenue, Suite 500, Orlando, Florida 32801. The Respondent's President is Chris Rivera.

2. The Respondent has never held an Idaho collection agency license authorizing it to engage in collection activities in Idaho.

### **FINDINGS OF FACTS**

3. On June 2, 2014, K.A., an Idaho resident, forwarded to the Department a copy of a collection letter she received from the Respondent, dated May 22, 2014. Upon review of the letter, the Department determined that 1) the Respondent was engaged in debt collection activities in Idaho and that 2) the Respondent was not licensed under the Act to engage in collection activity against Idaho residents.

4. On June 3, 2014, a Department staff member sent a demand letter to the Respondent requiring that it provide a listing of all Idaho residents against whom the Respondent had attempted to collect.

5. The Department received a response to this request from the Respondent on June 16, 2014. The Respondent's representative claimed that it did not have any Idaho customers in its database.

6. On June 17, 2014, the Department provided the Respondent with a copy of the collection letter the Respondent sent to K.A. Along with that letter, the Department also requested that the Respondent examine its records to ensure that no collection efforts had been taken against other Idaho residents.

7. The Department's letter also required the Respondent to review the controls it had in place to ensure that no additional collection efforts would be made against Idaho residents unless the Respondent was licensed under the Act.

8. On June 17, 2014, Idaho resident, R.H., filed a complaint with the Consumer Protection Division of the Idaho Attorney General's Office asserting that the Respondent was

attempting to collect a debt from her on behalf of a third party, which she disputed that she even owed.

9. On or around June 26, 2014, the Idaho Attorney General's Office sent a letter to the Respondent requesting that it address each of the allegations made in R.H.'s complaint. On the same date, the Idaho Attorney General's Office also forwarded R.H.'s complaint to the Department.

10. On July 8, 2014, the Department received a response from the Respondent regarding its June 17, 2014, letter relating to K.A.'s complaint.

11. In its response, the Respondent asserted that it does not operate as a third-party collection agency, but rather only validates debts claimed by its clients. In its attempts to validate these debt claims, the Respondent stated that it sends "notifications to the consumers" via mail and phone calls.

12. The Respondent further indicated that once the debts are validated, it forwards the information to collection attorneys or collection agencies licensed by the states in which the consumer resides.

13. On July 10, 2014, the Department sent a certified letter to the Respondent outlining its position that the Respondent had engaged in unlicensed collection activity against at least two (2) Idaho residents and to cease and desist from continuing to do so unless it was properly licensed. The Department also required that the Respondent submit a written statement to the Department by July 24, 2014, that it would comply with the Department's directive.

14. The Respondent failed to submit a written statement to the Department by the deadline of July 24, 2014, and the Department sent a subsequent demand letter on August 7, 2014, again requiring the Respondent to comply with the Department's directive. The

Respondent had until August 25, 2014 to send in the written statement. As of today's date, the Respondent has made no indication to the Department that it has ceased collection activities against Idaho residents.

## CONCLUSIONS OF LAW AND VIOLATIONS

### *UNLICENSED COLLECTION ACTIVITY IN IDAHO*

15. The allegations set forth in paragraphs 1 through 14 above are fully incorporated herein by this reference.

16. 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.

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

18. The Respondent's acts of engaging in collection activities in Idaho without a license, as referenced in paragraphs 3 through 14 above, constitute violations of Idaho Code § 26-2223(1) and –(2), as set forth in paragraph 16 above. Each contact of Idaho residents by the Respondent for the purposes of collection constitutes a separate violation.

## REQUESTED RELIEF

19. 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,

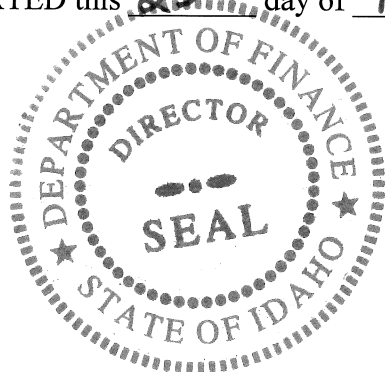
NOW, THEREFORE, the Director HEREBY FINDS that the Respondent has violated the Idaho Collection Agency Act as set forth above.

Pursuant to Idaho Code § 26-2244(1), IT IS HEREBY ORDERED that the 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 25<sup>TH</sup> day of NOVEMBER, 2014.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
GAVIN M. GEE, Director

**NOTICE**

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

The 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:

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

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 the Respondent make a timely request for a hearing, the Department shall schedule a hearing within the twenty-one (21) day time period.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal to the district court by filing a petition in the district court of the county in which:

- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

See IDAPA 04.11.01.740.02.b.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) of an order denying a motion for reconsideration, or (c) the failure within twenty-one (21)

days to grant or deny a motion for reconsideration or schedule a hearing, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to the district court does not itself stay the effectiveness or enforcement of the order under appeal. See IDAPA 04.11.01.740.02.c.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26<sup>th</sup> day of November, 2014, I caused a true and correct copy of the foregoing ORDER TO CEASE AND DESIST to be served on the following by the designated means:

Stone Whitman & Associates  
37 N. Orange Avenue, Suite 500  
Orlando, FL 32801

- U.S. mail, postage prepaid
- certified mail
- facsimile: (407) 641-8665
- email:

  
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Paralegal