

LAWRENCE WASDEN
Attorney General

THOMAS A. DONOVAN – I.S.B. #4377
Deputy Attorney General
State of Idaho
Department of Finance
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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE
OF THE STATE OF IDAHO**

In re:

NIAGARA CREDIT SOLUTIONS, INC.
Collection Agency License No. CCA-5025,

Licensee.

Docket No. 2020-9-04

**NOTICE OF PROPOSED DEFAULT ORDER
REVOKING IDAHO COLLECTION AGENCY
LICENSE**

The State of Idaho, Department of Finance (the “Department”), being authorized and directed to administer and enforce the Idaho Collection Agency License Act § 26-2201 *et seq.* (the Act), hereby gives notice of proposed default order pursuant to Idaho Code § 67-5242(4) and Idaho Rules of Administrative Procedure 04.11.01.270.01 and 04.11.01.700.

The Default Order is proposed to be issued because of the failure of NIAGARA CREDIT SOLUTIONS, INC. (the Licensee) to file an answer to the Verified Complaint for Revocation of Collection Agency License (the Verified Complaint), which was issued and served upon the

Licensee on August 7, 2020. The Licensee also failed to assert its right to request an administrative hearing on the matter twenty-one (21) days after it was served with the Verified Complaint.

Within seven (7) days after service of this notice and the proposed default order, attached as Exhibit A, the Licensee may file a written petition requesting the proposed order be vacated and not entered as a final order. The petition must state the grounds why the petitioning party believes that default should not be entered. A copy of the written petition shall be served on the Department's counsel in this matter:

Thomas A. Donovan
Deputy Attorney General
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031
Tom.donovan@finance.idaho.gov

If the Licensee fails to file a written petition as described above, the proposed default order will be submitted to the Director for issuance.

DATED this 31st day of August, 2020.

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL



THOMAS A. DONOVAN
Deputy Attorney General

CERTIFICATE OF SERVICE

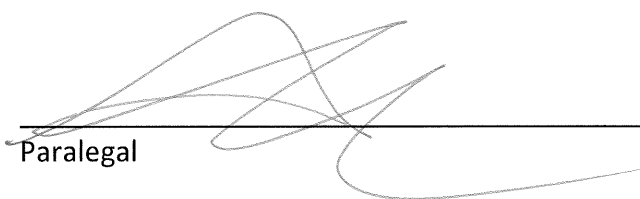
I HEREBY CERTIFY that on this 1st day of September, 2020, I caused a true and correct copy of the foregoing NOTICE OF PROPOSED DEFAULT ORDER REVOKING IDAHO COLLECTION AGENCY LICENSE to be served on the following by the designated means:

Niagara Credit Solutions, Inc.
Attn: Kyle Morgan
1212 Abbot Rd., Ste. D
Lackawanna, NY 14218

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile:
- Email: kmorgan@niagaracs.com

Corporation Service Company
12550 W. Explorer Dr. Ste. 100
Boise, ID 83713

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



Paralegal

EXHIBIT A

LAWRENCE WASDEN
Attorney General

Thomas A. Donovan – I.S.B. #4377
Deputy Attorney General
State of Idaho
Department of Finance
P.O. Box 83720
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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE
OF THE STATE OF IDAHO**

In re:

NIAGARA CREDIT SOLUTIONS, INC.
Collection Agency License No. CCA-5025,

Licensee.

Docket No. 2020-9-04

**DEFAULT ORDER REVOKING IDAHO
COLLECTION AGENCY LICENSE**

Upon issuance and service of the Verified Complaint for Revocation of Idaho Collection Agency License and Notice of the Opportunity to Request a Hearing (Notice), NIAGARA CREDIT SOLUTIONS, INC. (the Licensee), failed to assert its right to request an administrative hearing on the matter twenty-one (21) days after it was served. Following that, on September 1, 2020, the Idaho Department of Finance (Department) served a Notice of Proposed Default Order upon the Licensee. The seven (7) day period within which to file a petition showing good cause why a default order should not be entered has expired. The Director takes official notice of these documents filed in the administrative record and, by presentation of this Order to the Director,

Department staff represents that it is not aware of a response from the Licensee. Therefore, the Director makes the following Findings of Fact, Conclusions of Law, and enters the following Order.

FINDINGS OF FACT

1. The Director of the Department of Finance has jurisdiction over this matter.
2. The Licensee is a New York corporation, conducting business from 71212 Abbot Road, Suite D, Lackawanna, New York 14218. The Licensee has been registered to conduct business in Idaho with the Idaho Secretary of State since at least February 2013.
3. The Licensee is licensed by the Department as a collection agency and has been since approximately October 26, 2005, holding License No. CCA-5025, 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 May 27, 2020, the Department received notice that the Licensee's surety bond would be cancelled effective June 17, 2020.
5. The Department issued two notices on May 29 and June 18, 2020, via mail and email to inform the Licensee of its need to replace the \$15,000 bond no later than June 17, 2020, and then June 25, 2020.
6. To date, the Licensee has failed to replace its bond as required.

CONCLUSIONS OF LAW

7. Paragraphs 1 through 6 above are fully incorporated herein by this reference.
8. 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 of the preceding year computed to the next highest one thousand dollars (\$1,000), whichever sum is greater”

9. 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 which 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....”

10. The Licensee’s failure to comply with Idaho Code § 26-2232(3) by virtue of the June bond cancellation demonstrates a violation of the required bond by the Licensee.

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

ORDER

Based upon the foregoing and pursuant to the Idaho Collection Agency License Act, Idaho Code § 26-2201 *et seq.*; the Idaho Administrative Procedure Act, Idaho Code § 67-5242(4); and the Idaho Rules of Administrative Procedure, Rule 04.11.01.702, Idaho Collection Agency License No. CCA-5025 held by the Licensee is hereby revoked.

NOTIFICATION OF RIGHTS

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code.

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to 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.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Section 67-5274, Idaho Code.

This matter is hereby concluded.

IT IS SO ORDERED.

DATED this _____ day of September, 2020.

STATE OF IDAHO
DEPARTMENT OF FINANCE

PATRICIA PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of September, 2020, I served a true and correct copy of the foregoing DEFAULT ORDER REVOKING IDAHO COLLECTION AGENCY LICENSE on the following by the designated means:

Niagara Credit Solutions, Inc.
Attn: Kyle Morgan
1212 Abbot Rd., Ste. D
Lackawanna, NY 14218

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile:
- Email: kmorgan@niagaracs.com

Corporation Service Company
12550 W. Explorer Dr. Ste. 100
Boise, ID 83713

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

Paralegal