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Attorney for Department of Finance Consumer Finance Bureau Staff

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

In the Matter of:

OLIVER WRIGHT & ASSOCIATES,  
  
Respondent.

Docket No. 2022-9-08

**ORDER TO CEASE AND DESIST**

The State of Idaho, Department of Finance staff (Department), pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act), represents the following facts that constitute a basis for the issuance of an order pursuant to § 26-2244(1) of the Act, requiring Oliver Wright & Associates (Respondent), to immediately cease and desist from violating the Act.

## RESPONDENT

1. According to its website, <https://oliverwright.biz/>, Respondent conducts a third-party collection business. The only address listed on Respondent's website is PO Box 479, Lockport, New York 14095

2. The Department's Consumer Affairs Officer (Department CAO), however, was unable to locate or confirm that Respondent is a registered entity with the New York Secretary of State or the Idaho Secretary of State.

3. Respondent has never applied for nor ever been issued any license under the Act.

4. The Department CAO reviewed Respondent's website, which is still active as of October 5, 2022, and it represents the following to potential clients, "OLIVER, WRIGHT & ASSOCIATES is a leading competitor in the Accounts Receivable Management. We take pride in our abilities to deliver successful solutions for a company's growth & advancement. Our team of handpicked, highly experienced Collections staff has been proven to increase recovery rates & profitability without questioning integrity. Our goal is simple. Provide unmatched client relationship management & consumer satisfaction at all costs."

5. The website continues with the statement that "OLIVER, WRIGHT & ASSOCIATES can help you build an effective, reliable collection strategy that will help boost your cash flow and alleviate any concerns regarding the process. With decades of experience in the industry our management staff has a commitment to set the industry standard for liquidation rates, and maximize recovery. With the collection strategy we have in place, you can devote your time to

other key elements important to the ongoing success of your business. We will handle everything from top to bottom when it comes to recovery of outstanding debts.”

#### ACTIVITY

6. On May 23, 2022, the Department received a complaint from Idaho resident, J.S., regarding Respondent’s collection activity against him.

7. Along with his complaint, J.S. also provided a copy of a letter he received from Respondent, dated March 29, 2022. In this letter, Respondent stated that it was attempting to collect a debt against J.S. and further indicated that it was “willing to accept \$743.06 as paid in full” to settle the matter on behalf of the alleged original creditor, Capital One. J.S. indicated that this letter has been the only communication he has received from Respondent.

8. On June 9, 2022, the Department sent a certified letter to Respondent at the address listed on the letter Respondent sent to J.S. regarding its unlicensed debt collection activity in Idaho. In that letter, the Department requested all of Respondent’s documents relating to the assignment of the debt against J.S. The Department also directed Respondent to cease all collection activities in Idaho and to provide information necessary for the Department to determine the extent of Respondent’s unlicensed debt collection activities in Idaho. Further, that letter advised Respondent of the license requirement for engaging in collection activities regulated under the Act in Idaho, and informed Respondent of the possible sanctions under the Act for unlicensed activity. The letter also informed Respondent of the process for obtaining a license. The Department required that Respondent provide all of the requested information by July 1, 2022, but the letter was returned as undeliverable (the undelivered letter was returned on July 29, 2022).

9. On July 8, 2022, the Department sent a second certified letter, along with a copy of the letter dated June 9, 2022, requesting that Respondent respond by July 29, 2022, to Respondent's alleged unlicensed third-party collection activity in Idaho. To date, no response has been received by the Department, however, according to the certified tracking receipt, the second letter was successfully delivered on July 19, 2022, and signed for by an individual named Ashley Morgan.

10. To date, Respondent has failed to respond to the Department's correspondence or file an application for licensure with the Department.

11. Based on information provided to the Department and described above, the Respondent has engaged in debt collection activity in Idaho and is not licensed, in violation of the Act.

### **CONCLUSIONS OF LAW AND VIOLATIONS**

#### *UNLICENSED COLLECTION ACTIVITY IN IDAHO*

12. The allegations set forth in paragraphs 1 through 12 above are fully incorporated herein by this reference.

13. 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.
- (3) Solicit or advertise in this state to collect or receive payment for another of any account, bill, claim or other indebtedness.

\* \* \*

- (5) Engage in any activity in this state which indicates, directly or indirectly, that a third party is or may be involved in effecting any collection.
- (6) Engage or offer to engage in this state, directly or indirectly, in the business of collecting any form of indebtedness for that person's own account if the indebtedness was acquired from another person and if the indebtedness was either delinquent or in default at the time it was acquired.

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

15. Respondent's acts of engaging in collection activities in Idaho without a license, as referenced above, constitute violations of Idaho Code § 26-2223. Each contact made by Respondent to the Idaho resident for the purposes of collection constitutes a separate violation.

16. Idaho Code § 26-2244(1) provides that whenever it appears to the Director that it is in the public interest, she 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 Respondent has violated the Idaho Collection Agency Act as set forth above.

Pursuant to Idaho Code § 26-2244(1), IT IS HEREBY ORDERED that 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 11<sup>th</sup> day of October 2022.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
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PATRICIA R. PERKINS, Director

**NOTICE**

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

Respondent may file a motion for reconsideration or request for hearing concerning this final order within twenty-one (21) days of the service date of this order. Any such motion for reconsideration or request for hearing must be in writing, addressed to:

Erin Van Engelen  
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, Erick M. Shaner, Deputy Attorney General, at the same address.

Alternatively, the Respondent may email any request for reconsideration or hearing to: [CFLegal@finance.idaho.gov](mailto:CFLegal@finance.idaho.gov).

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 Respondent make a timely request for a hearing, the Director will vacate this final order and appoint a hearing officer to review the matter de novo and issue a preliminary order and the matter shall proceed pursuant to the Administrative Procedures Act and IRAP.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of October 2022, I caused a true and correct copy of the foregoing fully-executed ORDER TO CEASE AND DESIST to be served on the following by the designated means:

Oliver Wright & Associates  
PO Box 479  
Lockport, NY 14095-0749

U.S. mail, postage prepaid  
 certified mail  
 facsimile:  
 email: admin@oliverwright.biz

  
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Paralegal