

LAWRENCE G. 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

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

STATE OF IDAHO, DEPARTMENT OF
FINANCE, CONSUMER FINANCE
BUREAU,

Complainant,

vs.

ORION PAYMENT SOLUTIONS, LLC,
d.b.a. ORION PROCESSING
SOLUTIONS, LLC

and

PCR MANAGEMENT GROUP, LLC

Respondents.

Docket No. 2022-09-09

**CONSENT ORDER REGARDING
RESPONDENT ORION PAYMENT
SOLUTIONS, LLC, d.b.a. ORION
PROCESSING SOLUTIONS, LLC**

This matter concerns the activities in Idaho of ORION PAYMENT SOLUTIONS, LLC, d.b.a. ORION PROCESSING SOLUTIONS, LLC (OPS), as they relate to the State of Idaho, Department of Finance through its Consumer Finance Bureau (Department) collectively the Parties. PCR MANAGEMENT GROUP, LLC (PCR) is not a party to this Consent Order. In support of entry of this Consent Order and to fully resolve the matters referenced herein, the Department and

**CONSENT ORDER REGARDING RESPONDENT ORION PAYMENT SOLUTIONS,
LLC, d.b.a. ORION PROCESSING SOLUTIONS – Page 1**

OPS agree and consent to the following, and to entry of same by the Director in this Consent Order. This Consent Order is entered into pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.* (the Act).

FACTUAL BACKGROUND

1. The Idaho Department of Finance is an executive agency of the State of Idaho and is charged with the administration of the Act.

2. OPS has been registered as a domestic limited-liability company under the laws of New York since February 2, 2010. OPS's main business address is 3840 East Robinson Rd #161, Amherst, NY 14228.

3. According to documents provided to the Department by OPS's legal counsel, David E. Gutowski, Esq. at Zdarsky, Sawicki, & Agostinelli LLP, 1600 Main Place Tower, 350 Main Street, Buffalo, New York 14202, the President of OPS is identified as Jeremy Poehler.

4. OPS has not registered to conduct business in Idaho with the Idaho Secretary of State, nor has it ever been issued any license by the Department under the Act.

5. On or about February 11, 2021, the Department's Consumer Affairs Officer (CAO) received a phone call from an Idaho resident, M.A., who received numerous phone call collection attempts from PCR regarding an account placed for collections. Later, M.A. forwarded to the Department a copy of a signed form she received from OPS that required M.A.'s signature authorization for OPS to be able to withdraw payments from M.A.'s bank account pursuant to a listed payment schedule.

6. After further investigation and based on the Cease and Desist Order issued in this matter on October 25, 2022, and served on OPS on November 3, 2022, the Department determined

that OPS has engaged in debt collection activity in Idaho by processing payments for a debt collection agency without holding an Idaho license, in violation of the Act.

7. On October 27, 2022, Mr. Gutowski, attorney for OPS, contacted the Department about resolving this matter.

8. The Department and OPS have negotiated a settlement in this matter.

9. OPS admits that it is subject to licensure under the Act.

10. OPS shall not engage in debt collection activities in Idaho without first obtaining a license from the Department under the Act. OPS agrees to make application for a license with the Department no later than December 15, 2022.

11. OPS agrees to pay to the Department the sum of \$2,500 as a settlement payment per Idaho Code §26-2244.

12. OPS agrees to restore to M.A. \$351.84 in consideration OPS acquired in violation of this Act per Idaho Code §26-2244.

13. The settlement payment of \$2,500 will be made by OPS to the Department no later than December 15, 2022.

14. The payment of \$351.84 will be made by OPS to M.A. no later than December 15, 2022.

15. The Department will not take any action against OPS, or its members, managers, attorneys, or agents based on the facts giving rise to this matter and known as of the date of the Consent Order provided OPS remains in compliance with the terms and provisions of this Consent Order. The Department is not precluded from taking action against OPS in the future based upon any new facts should they become known or new complaints should they occur.

16. The Parties shall bear their own costs and attorney fees.

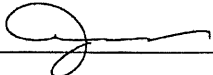
17. OPS acknowledges that the entry of this Consent Order is a reportable event that will require disclosure and possibly an explanation in future licensing applications submitted by OPS both in Idaho and in other states.

18. The Parties knowingly and voluntarily agree to the contents of and to the entry of this Consent Order to resolve the issues raised herein and to obviate the need for any further proceedings, and the Department and OPS further waive their rights to a hearing before the Director, to present evidence, and to seek any further review of the entry of this final Consent Order. By her signature below, the Director deems it appropriate and based on good cause to enter the Consent Order.

19. The Parties understand and agree that if and when the Director adopts the terms of this Consent Order by affixing her signature, this Consent Order will become a final order, and the Parties further agree to waive all rights to seek reconsideration and judicial review of this Consent Order.

DATED this 9th day of November, 2022.

**ORION PAYMENT SOLUTIONS, LLC, d.b.a.
ORION PROCESSING SOLUTIONS**

By:  _____


Jeremy Poehler

(Printed name)

Title: Member

DATED this 14th day of November, 2022.

STATE OF IDAHO
DEPARTMENT OF FINANCE



ERIN VAN ENGELEN
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED and EFFECTIVE this 14th day of November, 2022.

STATE OF IDAHO
DEPARTMENT OF FINANCE




PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

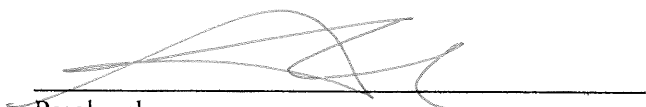
I HEREBY CERTIFY that on the 16th day of November 2022, I caused a true and correct copy of the foregoing fully executed **CONSENT ORDER REGARDING RESPONDENT ORION PAYMENT SOLUTIONS, LLC, d.b.a. ORION PROCESSING SOLUTIONS, LLC** to be served on the following by the designated means:

Orion Payment Solutions, LLC	<input type="checkbox"/>	U.S. mail, postage prepaid
C/O David E. Gutowski, Esq.	<input type="checkbox"/>	Certified mail
ZDARSKY, SAWICKI, &	<input type="checkbox"/>	Facsimile:
AGONSTINELLI, LLP	<input checked="" type="checkbox"/>	Email: dgutowski@zsa.cc
1600 Main Place Tower, 350 Main Street,		jsullivan@zsa.cc
Buffalo, NY 14202		

PCR Management Group, LLC	<input checked="" type="checkbox"/>	U.S. mail, postage prepaid
c/o Paul Guadagno	<input checked="" type="checkbox"/>	Certified mail
2001 Niagara Falls Blvd, Suite 5	<input type="checkbox"/>	Facsimile: _____
Amherst, NY 14228	<input type="checkbox"/>	Email: _____

PCR Group, Inc.	<input checked="" type="checkbox"/>	U.S. mail, postage prepaid
c/o Paul Guadagno	<input checked="" type="checkbox"/>	Certified mail
3380 Sheridan Dr #191	<input type="checkbox"/>	Facsimile: _____
Amherst, NY 14226	<input type="checkbox"/>	Email: _____

Erick M. Shaner	<input type="checkbox"/>	U.S. mail, postage prepaid
Idaho Department of Finance	<input type="checkbox"/>	Certified mail
PO Box 83720	<input type="checkbox"/>	Facsimile: _____
Boise, ID 83720-0031	<input type="checkbox"/>	Email: _____
		erick.shaner@finance.idaho.gov



Paralegal