

LAWRENCE G. WASDEN
Attorney General

A. RENÉ MARTIN – I.S.B. #3188
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
rene.martin@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,)	Docket No. 2009-9-14
)	
Complainant,)	CONSENT ORDER
)	
vs.)	
)	
SUNRISE CREDIT SERVICES, INC.,)	
)	
Respondent.)	
)	

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

RESPONDENT

1. The Respondent is a New York domestic business corporation doing business as a collection agency. The Respondent conducts its collection agency business from 260 Airport Plaza, Farmingdale, New York 11735. Richard G. Doane is the Respondent's chairman or chief executive officer.

FACTS

2. The Respondent was licensed by the State of Idaho, Department of Finance, Consumer Finance Bureau (Department) as an Idaho collection agency from June 4, 2003 through March 15, 2009.

3. Idaho Code § 26-2231(1) provides that a licensee under the Act must file with the Department a license renewal form providing complete information as required by the Director, along with a \$100 renewal fee, by no later than March 15 of each year, to renew a license issued under the Act. The Respondent failed to file a license renewal form by March 15, 2009, for the licensing period from March 15, 2009 to March 15, 2010.

4. Due to the Respondent's failure to comply with the March 15, 2009 renewal deadline, the Respondent's Idaho collection agency license automatically expired, effective March 15, 2009, pursuant to Idaho Code § 26-2231(2).

5. On March 25, 2009, the Department sent the Respondent a letter notifying the Respondent that its Idaho collection agency license had expired for failure to timely renew, which cancellation was effective March 16, 2009. The Department's March 25, 2009 letter also informed the Respondent that if it wished to engage in collection activities in Idaho in the future, it would need to complete a new application for licensure under the Act. That letter further

notified the Respondent that until it was properly licensed under the Act, the Respondent was prohibited from engaging in collection activities in Idaho.

6. On April 3, 2009, the Department received a license renewal form from the Respondent. On April 6, 2009, the Department returned to the Respondent the license renewal form it had submitted to the Department, along with a letter notifying the Respondent of the steps it must take to again become licensed by the Department as a collection agency in Idaho.

7. On or about June 4, 2009, the Department received a consumer complaint submitted by Idaho resident P.S., asserting that an agent of the Respondent had contacted her for collection purposes on or about May 19, 2009, when the Respondent was not licensed to engage in collection activities in Idaho.

8. On June 15, 2009, a representative of the Department contacted the Respondent by letter regarding the consumer complaint submitted by Idaho resident P.S., asking for the Respondent's response to such complaint, and also requesting information concerning the Respondent's collection activities in Idaho from March 15, 2009, to the date of that letter.

9. On July 20, 2009, the Department received a letter from the Respondent's counsel. Such letter included information sought by the Department concerning the Respondent's collection activities in Idaho during the period after its Idaho collection agency license had expired. Such letter also provided details concerning the complaint submitted by P.S., and expressed the Respondent's desire to become properly licensed under the Act.

10. On July 24, 2009, the Respondent's licensing application materials submitted for the purposes of obtaining a new collection agency license under the Act were deemed by the Department to be complete.

11. From the information the Respondent's counsel provided to the Department on July 20, 2009, during the time period between March 15, 2009 and June 22, 2009, the Respondent engaged in collection activities in Idaho against a total of twenty-two (22) Idaho residents while the Respondent failed to maintain a collection agency license as required by the Act.

FINDINGS OF VIOLATION

UNLICENSED COLLECTION AGENCY ACTIVITY

12. The allegations set forth in paragraphs 1 through 11 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.

...

14. The Respondent's acts of engaging in debt collection activity in Idaho without a license, as referenced in paragraphs 2 through 11 above, constitute violations of Idaho Code § 26-2223(1) and -(2).

REMEDIES

15. The Respondent admits to the allegations contained in this Consent Order.

16. Upon the execution of this Consent Order, the Respondent agrees to pay to the Department an administrative penalty in the amount of five thousand dollars (\$5,000), 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 fifty-five hundred dollars (\$5,500).

17. When the Respondent has executed this Consent Order and paid the fifty-five hundred dollars (\$5,500) referenced in paragraph 16 above, the Department agrees to accept and consider the licensing application submitted by the Respondent, and that it will not consider this Consent Order the basis for denial of the Respondent's licensing application.

18. The Respondent agrees to abide by all provisions of the Idaho Collection Agency Act and rules promulgated thereunder at all times in the future.

19. The Respondent agrees that the findings of fact and violations contained herein may be asserted by the Department in any subsequent proceeding resulting from any breach of the terms of this Consent Order or future violations of the Act, rules promulgated thereunder, or relevant federal laws and rules by the Respondent.

20. The Department agrees not to seek further penalties or fees for the violations identified in this Consent Order other than as set forth above, as long as the Respondent fully complies with the terms of this Consent Order.

21. The 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.

DATED this 13th day of August, 2009.

SUNRISE CREDIT SERVICES, INC.

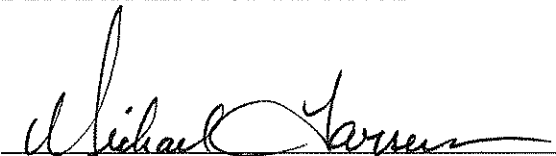
By: [Signature] VP/General Counsel

Benjamin Caraccio
Printed name

VP/General Counsel
Title

DATED this 17th day of August, 2009.

STATE OF IDAHO
DEPARTMENT OF FINANCE


MICHAEL LARSEN
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED this 17th day of August, 2009.



STATE OF IDAHO
DEPARTMENT OF FINANCE



GAVIN M. GEE, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of August, 2009,
I caused a true and correct copy of the foregoing fully-executed CONSENT ORDER to be
served on the following by the designated means:

Sunrise Credit Services, Inc. [] U.S. mail, postage prepaid
Attn: Richard G. Doane [] certified mail
260 Airport Plaza [] hand delivery
Farmingdale, New York, 11735 [] facsimile _____

Adam L. Plotkin, Esq. [] U.S. mail, postage prepaid
Steven J. Wienczkowski, Esq. [] certified mail
ADAM J. PLOTKIN, P.C. [] hand delivery
621 ~~Seventeenth~~^{17th} Street, Suite 2400 [] facsimile _____
Denver, Colorado 80293


Paralegal