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

In the Matter of:

TC GROUP & ASSOCIATES dba  
TOWER CONSULTING, LLC,

Respondent.

Docket No. 2023-9-5

**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 TC GROUP & ASSOCIATES dba TOWER CONSULTING, LLC (Respondent) to immediately cease and desist from violating the Act.

## RESPONDENT

1. According to its website, <https://tcgroupandassociates.com/>, Respondent conducts a third-party collection business. The only address listed on Respondent's website is 4695 MacArthur Court Ste. #1100, Newport Beach, CA 92660.

2. The Department's Consumer Affairs Officer (Department CAO), however, was unable to locate or confirm that Respondent is a registered entity with the California 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 January 18, 2023, and it represented the following to potential clients:

- "TC Group & Associates uses the latest collections technology and innovative collections techniques; we have set a new standard for recovery. This collection program includes a variety of collections tools that are designed to locate, contact, report and secure payment on all accounts placed."
- "COMPETENCE & CREDIBILITY IN COLLECTIONS
  - NO Collection – NO Charge With this commission only program (no recovery no charge), recovering your outstanding accounts has never been more economical.
  - Medical • Retail • Commercial
  - Judgment Enforcement
  - Phone Check System capabilities and credit cards"

➤ “When it comes to Civil Litigation Practice, we have achieved excellent results in a wide range of legal matters, including:

- Class Action Suits
- After a Judgment: Collecting Money
- Resolution Before Trial: Settlement
- Alternative Dispute Resolution
- Fact-Finding and Discovery
- General civil litigation”

### ACTIVITY

5. On August 19, 2022, the Department received a complaint via the Idaho Office of the Attorney General, from Idaho resident, R.P., regarding Respondent’s collection activity against him.

6. R.P. later provided a copy of a letter he received from Respondent, dated May 15, 2022. In this letter, Respondent stated that it was attempting to collect a debt against R.P. and further indicated that it was allowing “a settlement amount of \$2,015.00 if payment received before July 25, 2022” to settle the matter on behalf of the alleged original creditor, Chase Manhattan Bank. R.P. indicated that he also received numerous emails and phone calls from Respondent in an attempt to collect this alleged debt.

7. R.P. reported that in two of the phone calls, Respondent’s representatives identified themselves as a “county clerk”. R.P. also indicated that Respondent threatened R.P. with jail time, putting liens on his property, and freezing his bank accounts.

8. After determining that Respondent was not licensed by the Department to conduct collection business in Idaho, on September 8, 2022, the Department sent a certified letter to Respondent at the address listed on the letter Respondent sent to R.P. 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 R.P. The Department also directed Respondent to cease all third-party 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 the requested information by September 29, 2022. No response was received by the Department and, according to the certified tracking receipt, the letter was delivered on September 12, 2022.

9. On April 24, 2023, the Department sent a similar letter to the one sent September 8, 2022, to Respondent with a corrected address.

10. On May 3, 2023, the Department's April 24, 2023, was returned because of an unknown addressee.

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

12. 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*

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

14. 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.

\* \* \*

(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.

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 \_\_\_31st\_\_\_ day of August 2023.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
\_\_\_\_\_  
PATRICIA R. PERKINS, Director

**NOTICE**

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

Respondents 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 Respondents 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.

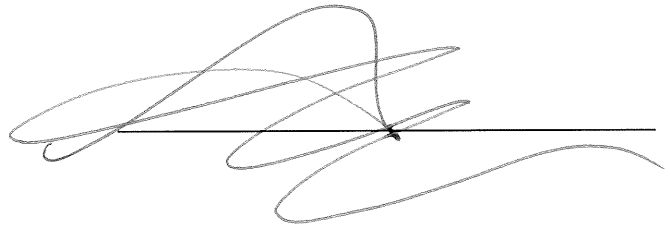
Should Respondents make a timely request for a hearing, the Director will vacate this final order and appoint a hearing officer to review the matter de novo and issue a preliminary order and the matter shall proceed pursuant to the Administrative Procedures Act and IRAP.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 31<sup>st</sup> day of August 2023, 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:

TC Group & Associates dba Tower Consulting, LLC	<input checked="" type="checkbox"/>	U.S. mail, postage prepaid
4695 MacArthur Court, Suite 1100	<input checked="" type="checkbox"/>	certified mail
Newport Beach, CA 92660	<input type="checkbox"/>	facsimile:
	<input type="checkbox"/>	email:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.