

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](mailto: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,	)	
	)	
Complainant,	)	Docket No. 2011-9-06
	)	
vs.	)	<b>CONSENT ORDER</b>
	)	
TODD, BREMER & LAWSON, INC., a South Carolina corporation,	)	
	)	
Respondent.	)	

The Director of the State of Idaho, Department of Finance, Consumer Finance Bureau (Director) has conducted a review of the collection activities in Idaho of TODD, BREMER & LAWSON, INC. (the Respondent). Pursuant to such 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 proceeding 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 was formed as a South Carolina corporation on December 23, 1974. The Respondent conducts business as a collection agency in Idaho from 560 South Herlong Avenue, Rock Hill, South Carolina 29732-9360. James Harold Todd is the Respondent's president/CEO/director/owner.

## FACTS

2. From December 10, 2001 through March 15, 2009, the Respondent held Idaho Collection Agency License No. CCA 3641, authorizing it to engage in collection activities in Idaho.

3. Idaho Code § 26-2231(1) and –(2) provide that a collection agency licensee must file with the Director a license renewal form providing complete information as required by the Director, and pay a fee of \$100 by the 15<sup>th</sup> of March of each year, in order for a license to be renewed. Failure to do so results in the automatic expiration of the license as of March 15 of the applicable year.

4. The Respondent failed to meet the requirements for renewing its Idaho collection agency license by March 15, 2009.

5. On March 25, 2009, the State of Idaho, Department of Finance, Consumer Finance Bureau (Department) sent a letter to the Respondent at its address of record with the Department informing the Respondent that Idaho Collection Agency License No. CCA 3641 was cancelled by operation of law on March 16, 2010, due to the Respondent's failure to comply with the renewal requirements of the Act. That letter also notified the Respondent that it was prohibited from engaging in collection agency activities in Idaho without holding a license issued under the Act.

6. On October 22, 2010, the Respondent submitted to the Department an application for a new Idaho collection agency license.

7. On October 27, 2010, after reviewing the Respondent's October 22, 2010 license application, the Department notified the Respondent via e-mail that its license application was deficient in several respects. Additionally, the Department's e-mail requested that the Respondent submit information to the Department concerning its collection activities in Idaho after its Idaho collection agency license had been cancelled effective March 16, 2009. The Department gave the Respondent thirty (30) days to cure the deficiencies contained in its license application, and again warned the Respondent that it was not authorized to engage in collection activities in Idaho until such time as it was issued a license under the Act.

8. On January 3, 2011, the Department received a response to its October 27, 2010 e-mail to the Respondent, but found the information provided still deficient. On January 4, 2011, the Department again notified the Respondent via e-mail that its licensing application was incomplete, and notified the Respondent that it was not authorized to engage in collection activity in Idaho until it became licensed under the Act.

9. On or about January 14, 2011, the Department received a response to its January 4, 2011 deficiency notice. Such response included information showing that the Respondent had continued collecting against Idaho residents after its Idaho collection agency license had been cancelled for failure to renew on March 15, 2009. The Department concluded from the information provided by the Respondent that the Respondent had engaged in unlicensed collection activities in Idaho against at least ten (10) Idaho residents between March 15, 2009 and January 14, 2011, which activities resulted in the Respondent's collection of at least eleven thousand three-hundred ninety-eight dollars and eighty-eight cents (\$11,398.88).

## FINDINGS

### *ENGAGING IN UNLICENSED COLLECTION ACTIVITIES IN IDAHO*

10. The allegations set forth in paragraphs 1 through 9 above are fully incorporated herein by this reference.

11. 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 . . . 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.

...

12. “Collection agency” means a person who engages in any of the activities enumerated in subsections (2) through (6) of Idaho Code § 26-2223, which are set forth in the previous paragraph.

13. The Respondent’s acts of engaging in collection activities in Idaho without a license, as referenced in paragraph 9 above, constitute violations of Idaho Code § 26-2223(1) and –(2), as set forth in paragraphs 11 and 12 above. Each act of collecting constitutes a separate violation.

## REMEDIES

14. The Respondent admits to violations of Idaho Code § 26-2223(1) and –(2) by operating as a collection agency in Idaho and collecting or receiving payments for others of any account, bill, claim or other indebtedness, while not licensed under the Act, as referenced above.

15. The Respondent agrees to immediately cease and desist from engaging in any and all collection activities in Idaho, to include making telephone calls related to collection activities, including automated calls; and mailing, faxing, e-mailing, or otherwise delivering

communications to Idaho residents in connection with collection activities until such time as it obtains a license under the Act authorizing it to do so.

16. The Respondent agrees to pay to the Department the sum of ten thousand dollars (\$10,000) as an administrative penalty in settlement of the violations contained herein, and an additional amount of one thousand dollars (\$1,000) constituting investigative expenses and attorney fees incurred by the Department in pursuing this matter, for a total payment to the Department of eleven thousand dollars (\$11,000), by no later than March 9, 2011.

17. When the Respondent has executed this Consent Order and timely paid to the Department the eleven thousand dollar (\$11,000) payment referenced in paragraph 16 above, the Department agrees to accept and consider the license application already submitted by the Respondent. Further, the Department agrees that it will not consider this Consent Order as the basis for denial of the Respondent's license application.

18. The Respondent agrees to comply with all provisions of the Idaho Collection Agency Act, rules promulgated thereunder, and relevant federal law and regulations at all times in the future.

19. The Department agrees not to seek further penalties or fees from the Respondent for the violations addressed in this Consent Order, other than as set forth in paragraph 16 above, if the Respondent timely and fully complies with all provisions of this Consent Order.

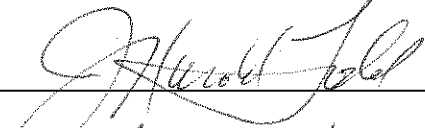
20. The Respondent acknowledges and understands that this Consent Order is an administrative action that must be disclosed to the Department on future licensing and renewal forms. The disclosure requirements of other states may also require disclosure of the same.

21. The Respondent acknowledges and understands that should the Department learn of additional violations by the Respondent of the Act, rules promulgated under the Act, or

applicable federal laws and regulations relating to the Respondent's collection activities in Idaho, the Department may pursue further legal action and seek additional remedies.

DATED this 2<sup>nd</sup> day of March, 2011.

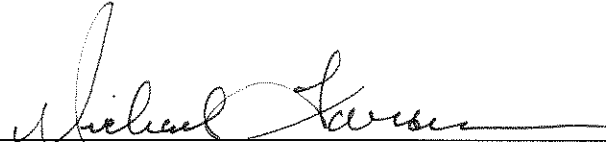
TODD, BREMER & LAWSON, INC.

By: 

Title: President / CEO

DATED this 3<sup>rd</sup> day of March, 2011.

STATE OF IDAHO  
DEPARTMENT OF FINANCE



MICHAEL LARSEN  
Consumer Finance Bureau Chief

**IT IS SO ORDERED.**

DATED this 3<sup>rd</sup> day of March, 2011.



STATE OF IDAHO  
DEPARTMENT OF FINANCE



GAVIN M. GEE  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3 day of March, 2011, I served a true and correct copy of the foregoing CONSENT ORDER upon the following by the designated means:

Todd, Bremer & Lawson, Inc.  
Attn: James Harold Todd  
PO Box 36788  
Rock Hill, SC 29732-0512

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

  
\_\_\_\_\_  
Paralegal