ORDER

BEFORE THE ADMINISTRATOR
STATE OF WISCONSIN
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF BANKING

TO: Debt Settlement of America
3325 Lorna Rd Ste 2319
Birmingham, AL 35216
Respondent

PURPOSE

1. This is an order issued by the Administrator, State of Wisconsin, Department of Financial Institutions, Division of Banking and directed to respondent.

JURISDICTION and AUTHORITY

2. The State of Wisconsin, Department of Financial Institutions, Division of Banking ("division") shall enforce all laws relating to adjustment service companies in the State of Wisconsin, and shall enforce and cause to be enforced every law relating to the supervision and control thereof. Sec. 220.02(2)(b), Stats.

3. The intent of s. 220.02(2)(b), Stats., is to give the division jurisdiction to enforce and carry out all laws relating to adjustment service companies in the State of Wisconsin. Sec. 220.02(3), Stats.

4. Respondent is not licensed under s. 218.02, Stats., with the division. Upon information and belief, respondent is located at the address indicated above.

5. Respondent is a regulated entity under the supervision and control of the division. Sec. 220.04(9)(a)2., Stats.

6. It shall be the duty of the division and the division shall have power, jurisdiction and authority to investigate the conditions and ascertain the facts with reference to such companies and upon the basis thereof to issue special orders in execution of or supplementary to s. 218.02, Stats. Sec. 218.02(7), Stats.

FINDINGS

The division finds as follows:

7. On or about August 14, 2007, the division received a complaint against respondent from [redacted], a Wisconsin resident. The complaint disclosed that respondent was operating as an unlicensed adjustment service company. **Ex. 1.**

8. On August 16, 2007, the division wrote to respondent concerning [redacted] complaint. **Ex. 2.**

9. On September 17, 2007, the division received a letter from respondent indicating that if [redacted] wanted to cancel her contract, respondent would refund all monies due to Huss. **Ex. 3.**

10. On September 18, 2007, the division wrote to respondent advising respondent to submit to the division by September 30, 2007, a complete payment history for [redacted] and a refund of all monies that [redacted] paid to respondent that had not been paid to [redacted] creditors. **Ex. 4.**

11. On October 18, 2007 and February 8, 2008, the division wrote to respondent regarding respondent's lack of response to the division's September 18, 2007 letter. **Exs. 5 and 6.**

12. The division has not received a response to its September 18, 2007 letter to respondent.

13. Pursuant to s. 218.02(2)(a)1., Stats., each adjustment service company shall apply to the division for a license to engage in such business.

14. Respondent violated s. 218.02(2)(a)1., Stats., by conducting adjustment service company business with Huss without first obtaining a license.

ORDER

Based on the foregoing, IT IS HEREBY ORDERED AS FOLLOWS:

15. Respondent shall not conduct or attempt to conduct adjustment service company business with Wisconsin residents.

16. Respondent shall immediately discontinue any and all violations of s. 218.02, Stats., and ch. DFI – Bkg 73, Admin. Code.

17. Respondent shall refund to [redacted] any and all moneys that have been paid to respondent by [redacted] that have not been remitted to [redacted] creditors.

18. Respondent shall forward to the division a copy of the refund check respondent sends to [redacted] The copy of the refund check must be received by the division by November 28, 2008.

19. The provisions of this order shall be binding upon respondent and respondent's directors, officers, employees, agents, successors, assigns, and other persons participating in the conduct of its affairs. The provisions of the order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this order shall have been modified, terminated, suspended, or set aside by the division.

20. The effective date of this order shall be the date it is served, and service is complete upon mailing. Secs. 227.48(1), Stats., and DFI—Bkg 11.09, Admin. Code.

21. Any person violating any of the provisions of s. 218.02, Stats., shall be punished by a fine of not more than $500 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment. Sec 218.02(10), Stats.

Dated and mailed at Madison, Wisconsin this 3rd day of November, 2008.

By: [redacted]

Michael J. Mach, Administrator
Wisconsin Department of Financial Institutions
Division of Banking
P.O. Box 7876
345 W. Washington Avenue, 4th Floor
Madison, WI 53707-7876
tel. (608) 266-0451
fax (608) 267-6889

APPEAL

The procedures to appeal this order are set forth in s. 227.42, Stats. Pursuant to s. 227.42(1), Stats., any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if:

(a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;

(b) There is no evidence of legislative intent that the interest is not to be protected;

(c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and

(d) There is a dispute of material fact.

All four criteria set for in s. 227.42(1), Stats., must be met for a person to have the right to a hearing. In particular, the attention of an individual or entity requesting a hearing is directed to the requirement to demonstrate that there is a dispute of material fact regarding the basis or bases for the action being taken by the division.

The request shall be sent to:

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NOTICE TO NON-RESIDENT ATTORNEYS

A non-resident attorney may file a pleading or appear at a proceeding in a matter before the administrator if he or she is 1) licensed to practice law in Wisconsin or 2) not licensed to practice law in Wisconsin but employed as in-house counsel for a single employer-client. *See* SCR 10.03(4), as interpreted in *Lee R. Krahenbuhl, DDS v. Wisconsin Department of Regulation and Licensing* (Memorandum Decision, February 26, 2003, Case No. 02-CV-1148, Dane County); *see also* SCR 20:5:5. Any questions regarding this matter should be directed to the Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, tel. (608) 267-1705.