ORDER

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

TO: National EMS Billing, Inc.
W62 N244 Washington Avenue
Cedarburg, WI 53012
Respondent

Sent regular and certified mail 9/8/08.

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 collection agencies 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 collection agencies in the State of Wisconsin. Sec. 220.02(3), Stats.

4. The division shall have the duty, power, jurisdiction and authority to investigate, ascertain and determine whether s. 218.04, Stats., or lawful orders issued thereunder are being violated and for such purposes the division shall have all the powers conferred by ss. 218.04(4) and (5), Stats. Sec. 218.04(13), Stats.

5. Respondent is not licensed under s. 218.04, Stats., with the division. Upon information and belief, respondent is located at the address indicated above.

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

7. Pursuant to ss. 218.04(7)(a) and (d), Stats., the division may issue any special order in execution of or supplementary to ch. 218, Stats., to protect the public from oppressive or deceptive practices of licensees and to prevent evasions of this chapter, and to make all necessary or proper orders for the administration and enforcement of s. 218.04, Stats.

8. Pursuant to s. 218.04(5)(am), Stats., the division shall restrict a license for any of the matters set forth therein.

FINDINGS

The division finds as follows:

9. On or about January 4, 2008, the division received a portion of respondent's submission to the City of Sheboygan's Request For Proposal. The documentation disclosed that respondent was operating as a collection agency in Wisconsin. **Ex. 1.**

10. On or about March 17, 2008, the division received an incomplete collection agency license application from respondent.

11. On September 5, 2008, the division issued a Notice to Deny respondent's collection agency license application. **Ex. 2.**

ORDER

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

12. Respondent shall not conduct or attempt to conduct collection agency business in Wisconsin.

13. Respondent shall immediately discontinue any and all violations of s. 218.04, Stats., and ch. DFI-Bkg 74, Admin. Code.

14. 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.

15. 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.

16. Any person who shall violate any provision of s. 218.04, Stats., shall be guilty of a misdemeanor and, for each and every such offense shall, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment. Sec. 218.04(12), Stats.

Dated and mailed at Madison, Wisconsin this 8th day of September, 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:

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

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.