

7/17/13 Sent Regular &
Certified Mail

ORDER

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

TO: Rauch-Milliken International Inc
4400 Trenton Street, Suite A
Metairie, LA 70006
Respondent

PURPOSE

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

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.

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.

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.

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

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

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.

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:

1. On July 28, 2011, respondent was issued Wisconsin collection agency license #667. On June 30, 2013, respondent's license was terminated by expiration.
2. Pursuant to s. DFI-Bkg 74.10(2), Admin. Code, within 5 days of license termination, all accounts and any valuable papers which have been given to the agency in connection with any Wisconsin client accounts placed with it for collection shall be returned to the person placing the account for collection.
3. Pursuant to s. 218.04(6)(c), Stats., and s. DFI-Bkg 74.10(3), Admin. Code, within 10 days of license termination, every licensee shall furnish the division with an affidavit certifying that proper remittance has been made to all claimants or forwarders on money collected; all accounts have been returned to the claimants or forwarders; and all valuable papers given to the licensee by the claimant or forwarder in connection with claims have been returned to the claimants or forwarders.
4. Pursuant to s. 218.04(6)(c), Stats., and s. DFI-Bkg 74.10(3), Admin. Code, within 10 days of license termination, every licensee shall furnish the division copies of the letter sent to each Wisconsin client. The letter shall be accompanied by a list of all accounts being returned, showing the name of the debtor, the original amount of the account placed with the agency for collection, the present uncollected balance, the date of last payment and if a remittance is due, the number and the amount of the remittance check.
5. Pursuant to s. DFI-Bkg 74.10(2), Admin. Code, whenever the license of a collection agency is terminated, all agreements between the collection agency and the creditor or forwarder are automatically cancelled as of the date on which the license is terminated. All debtor payments received after the date on which the license is terminated shall be immediately forwarded in full to the applicable creditor without the collection agency retaining any fee or commission.
6. Respondent's affidavit and letter copies were due in the division's office by July 10, 2013. The division has not received the affidavit or letter copies.

ORDER

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

All agreements between respondent and Wisconsin clients authorizing respondent to collect accounts on behalf of said Wisconsin clients are automatically cancelled as of 12:01 a.m. on July 1, 2013.

All debtor payments received by respondent on behalf of a Wisconsin client after June 30, 2013, shall be immediately forwarded in full to said client without respondent retaining any fee or commission.

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.

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.

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 17th day of JULY, 2013.

By: _____
Michael J. Mach, Administrator
Wisconsin Department of Financial Institutions
Division of Banking
P.O. Box 7876
201 W. Washington Avenue, Suite 500
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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