

**ORDER**

*Sent regular + cert  
mail 1-30-09*

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

TO: Recovery Solutions, Inc.  
2525 N. Mayfair Road, Suite 80  
Milwaukee, WI 53226-1403  
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 collection agencies in the State of Wisconsin, and shall enforce and cause to be enforced every law relating to the supervision and control thereof, pursuant to s. 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, pursuant to s. 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 hereunder are being violated and for such purposes the division shall have all the powers conferred by ss. 218.04(4) and (5), Stats., pursuant to s. 218.04(13), Stats.

5. Respondent is licensed under s. 218.04, Stats., with the division, license #520. 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. The division may issue and serve on the official or regulated entity an order to cease and desist from the violation or practice. The order may require the official or regulated entity to correct the conditions resulting from the violation or practice. Sec. 220.04(9)(d), Stats.

8. As part of any such order, the division may impose a forfeiture of up to \$10,000 for each violation or practice. Sec. 220.04(9)(f), Stats.

9. A regulated entity who violates an order issued under s. 220.04(9)(d), Stats., shall, for each violation, forfeit not more than \$1,000 per day for each day the violation continues. Sec. 220.04(9)(f)2., Stats.

10. 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.

## FINDINGS

### The division finds as follows:

11. Respondent was properly served with a Complaint and Notice of Hearing and Notice of Prehearing Conference ("Notice") issued by the division. **Ex. I.** Pursuant to this Notice, respondent was directed to provide an answer, and appear at a prehearing conference and hearing.

12. Respondent's answer was received by the division on December 30, 2008. **Ex. II**

13. At the prehearing conference held on January 7, 2009, respondent stipulated to the findings in the Notice and the exhibits attached thereto. **Ex. III**

14. The hearing was held on January 22, 2009.

15. Pursuant to a consent order issued by the division on October 15, 2008 ("October 2008 Order"), respondent's June 30, 2008 financial statements were to be received by the division by October 30, 2008.

16. Pursuant to a consent order issued by the division on May 15, 2008 ("May 2008 Order"), respondent's September 30, 2008 financial statements were to be received by the division by October 30, 2008.

17. The division has not received respondent's June 30, 2008 or October 30, 2008 financial statements.

18. Respondent violated the October 2008 Order by not submitting its June 30, 2008 financial statements to the division by October 30, 2008.

19. Respondent violated the May 2008 Order by not submitting its September 30, 2008 financial statements to the division by October 30, 2008.

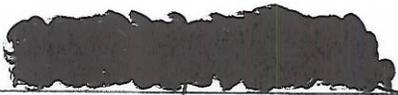
20. Pursuant to s. 218.04(5)(a)1., Stats., the division may suspend or revoke any license if the division finds that the licensee has violated any of the provisions of s. 218.04, Stats., or any lawful order of the division issued thereunder.

ORDER

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

21. Respondent's Wisconsin collection agency license #520 is **REVOKED**.
22. Respondent shall cease and desist from engaging in any and all business for which a license pursuant to s. 218.04, Stats., is required.
23. Respondent shall comply with the provisions of s. 218.04(6)(c), Stats., and s. 74.10(2) and (3), Admin. Code.
24. 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.
25. 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.
26. 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 30th day of January, 2009.

By: 

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

## APPEAL

Pursuant to ss. 227.48 and 227.49, Stats., respondent may file a petition for rehearing which shall be **received by the division within 20 days** after the effective date of this order. Rehearing will be granted only on the basis of some material error of law or fact, or the discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

The request shall be sent to:

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

Pursuant to ss. 227.48(2) and 227.52, Stats., respondent may file a petition for judicial review within 30 days after the effective date of this order. The identification of the party to be named as respondent therein is the Wisconsin Department of Financial Institutions.

## 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.