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3 **STATE OF OREGON**  
4 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**  
5 **DIVISION OF FINANCE AND CORPORATE SECURITIES**  
6 **ENFORCEMENT SECTION**

7 **BEFORE THE DIRECTOR OF THE DEPARTMENT**  
8 **OF CONSUMER AND BUSINESS SERVICES**

9 **In the Matter of**

**CA-05-0074**

10 **BCS GLOBAL HOLDINGS, LTD.,**  
11 **a Texas limited partnership,**  
12 **dba Atkins, Harris & Brown, LLC,**

**FINAL ORDER ASSESSING**  
**CIVIL PENALTIES ENTERED BY**  
**DEFAULT**

13 **Respondent.**

14 On October 21, 2005, the Director of the Department of Consumer and Business  
15 Services for the State of Oregon (hereafter "the Director"), acting by and pursuant to the  
16 authority of the Oregon Revised Statutes ("ORS") 697.005 to 697.095, issued  
17 Administrative Order No. CA-05-0074 to ASSESSING CIVIL PENALTIES AND NOTICE  
18 OF RIGHT TO HEARING ("the Notice Order") against BCS GLOBAL HOLDINGS, LTD.,  
19 dba Atkins, Harris & Brown, LLC.

20 On October 26, 2005, BCS GLOBAL HOLDINGS LTD. was duly served with a  
21 true copy of the Notice Order by certified mail, postage prepaid, and addressed to  
22 BCS's Oregon registered agent, LexisNexis Document Solutions, Inc., 285 Liberty  
23 Street NE, Salem, Oregon 97301.

24 BCS GLOBAL HOLDINGS, LTD. has not made a written request for a contested  
25 case hearing in this matter and time to do so has expired.

26 **NOW THEREFORE**, after consideration of the Investigation Report and  
accompanying exhibits submitted in this matter by Charles Donald, Manager, Non-  
Depository Programs, Division of Finance and Corporate Securities, the Director hereby

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350 Winter Street NE, Suite 410  
Salem, OR 97301-3881  
Telephone: (503) 378-4387



1 issues the following Findings of Fact, Conclusions of Law, and Final Order.

2 **FINDINGS OF FACT**

3 The Director **FINDS** that:

4 1. BCS GLOBAL HOLDINGS, LTD. is a Texas limited partnership doing  
5 business as a collection agency in Oregon under the assumed business name Atkins,  
6 Harris & Brown, LLC (hereinafter referred to as "Respondent" or "BCS"). BCS is  
7 registered with the Director to operate a collection agency in Oregon pursuant to ORS  
8 697.031. By information and belief, BCS has offices located at 4800 Sugar Grove Blvd,  
9 Suite 500, Stafford, Texas 77477. Bennett Blow ("Blow"), Raymond Charles Rae and  
10 Steven James Guignard are the general partners of the firm. Blow is president of BCS.

11 2. In 1999, Deschutes Ready Mix Concrete took a judgment against Mark  
12 Loy ("Loy"), an Oregon resident. The claim against Loy was for debts arising in Oregon,  
13 specifically for concrete supplies and materials. Subsequently, D. Arrow Management,  
14 LLC ("D. Arrow") purchased Deschutes Ready Mix Concrete ("Deschutes Ready Mix")  
15 along with Loy's account and the judgment against Loy. On August 31, 2001, Bend  
16 Ready Mix Concrete Supplies, LLC ("Bend Ready Mix") also took a judgment against  
17 Loy. Hooker Creek Companies, LLC ("Hooker Creek") is the assignee of D. Arrow and  
18 Bend Ready Mix.

19 3. In June 2002, BCS solicited Hooker Creek to collect, or attempt to collect,  
20 claims owed to Hooker Creek. In July 2002, Hooker Creek entered into an oral  
21 agreement with BCS whereby the latter would collect on three accounts, including the  
22 judgments obtained against Loy in the amount of \$16,184.45. The only term specified  
23 under the oral agreement was that BCS was entitled to a commission of 33 percent of  
24 any funds collected.

25 4. From February 2003 to July 2004, Loy and other debtors paid funds to  
26 BCS on claims referred for collection by Hooker Creek. BCS occasionally reported

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1 funds received to Hooker Creek and sent checks as the creditor's portion of those  
2 collected funds. BCS did not provide Hooker Creek with regular monthly statements of  
3 the status of the accounts referred for collection. On at least one occasion in January  
4 2003, one of Hooker Creek's debtors paid a debt directly to Hooker Creek, who then  
5 remitted the collection agency share of the collected funds to BCS.

6 5. On July 14, 2003, Cynthia Borowitz ("Borowitz") of Hooker Creek wrote  
7 BCS to cancel the collection arrangement between BCS and Hooker Creek and to  
8 withdraw the remaining accounts from collection by BCS. The letter also contained a  
9 demand for remittance of all funds collected on the accounts referred by Hooker Creek,  
10 minus any fees due BCS, and a demand for an account status report. After receipt of  
11 the letter, BCS did not halt collection efforts on the Hooker Creek accounts and did not  
12 provide Hooker Creek with the requested account status report. BCS contended that  
13 Hooker Creek had received funds directly from Loy and other debtors and would not  
14 halt collection efforts until Hooker Creek made an accounting to BCS.

15 6. On March 18, 2004, Borowitz again wrote to BCS to cancel the collection  
16 arrangement, demand that BCS remit all funds owing to Hooker Creek and provide  
17 Hooker Creek with a status report of the accounts referred to BCS for collection. BCS  
18 did not provide the status report. BCS maintained that Hooker Creek had received  
19 funds directly from Loy and other debtors and would not halt collection efforts until  
20 Hooker Creek made an accounting to BCS.

21 7. After the March 2004 notification of the account closure from Hooker  
22 Creek, BCS continued to collect on the Loy account. BCS collected approximately  
23 \$11,000 from Loy in April 2004 and did not remit to Hooker Creek the creditor's share of  
24 the funds.

25 8. On June 2, 2005, Gail Smith ("Smith"), a Financial Examiner for the State  
26 of Oregon, Division of Finance and Corporate Securities, wrote to Blow to demand that



1 BCS immediately pay Hooker Creek the net proceeds due and payable on accounts in  
2 collection with BCS since July 2002. Smith also required BCS to file an itemized status  
3 report for the accounts referred to BCS for collection by Hooker Creek. BCS did not pay  
4 Hooker Creek and did not provide the requested account status report.

### 5 **CONCLUSIONS OF LAW**

6 The Director **CONCLUDES** that:

7 9. BCS violated ORS 697.058(6) by failing to provide Hooker Creek with  
8 monthly account status reports during the period February 2002 to July 2004.

9 10. BCS violated ORS 697.045(2) by failing to allow Hooker Creek to  
10 withdraw its claims or accounts from BCS without condition or charge after Cynthia  
11 Borowitz's letter of July 14, 2003.

12 11. BCS violated ORS 697.058(6) by failing to remit to Hooker Creek the net  
13 proceeds due and payable to Hooker Creek after receiving the July 14, 2003 letter from  
14 Cynthia Borowitz canceling the contract between BCS and Hooker Creek.

15 12. BCS violated OAR 441-810-0070 by failing to cease all collection attempts  
16 after the account was cancelled by Hooker Creek in July 2003.

17 13. BCS violated OAR 441-810-0070 by failing to cease all collection efforts  
18 and return client accounts after being notified to do so by letter dated June 2, 2005 from  
19 Gail Smith.

### 20 **FINAL ORDER**

21 **NOW, THEREFORE, THE DIRECTOR MAKES THE FOLLOWING ORDER:**

22 14. The Director, pursuant to the authority of ORS 697.095 and OAR 441-810-  
23 0140, hereby **ORDERS** that Respondent BCS Global Holdings, Ltd. be assessed **CIVIL**  
24 **PENALTIES** in the amount of \$4,400 (four thousand four hundred dollars) for violations  
25 of the Oregon statutes and administrative rules regulating collection agencies as  
26 described above in the Conclusions of Law, Paragraphs 9 through 13, and as detailed

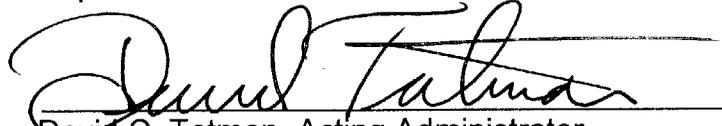
1 as follows:

- 2 a. A civil penalty of \$400 (four hundred dollars) for the first violation of
- 3 ORS 697.058(6);
- 4 b. A civil penalty of \$1,000 (one thousand dollars) for the second
- 5 violation of ORS 697.058(6);
- 6 c. A civil penalty of \$1,000 (one thousand dollars) for violation of ORS
- 7 697.045(2);
- 8 d. A civil penalty of \$1,000 (one thousand dollars) for the first violation
- 9 of OAR 441-810-0070; and
- 10 e. A civil penalty of \$1,000 (one thousand dollars) for the second
- 11 violation of OAR 441-810-0070.

12 **IT IS SO ORDERED.**

13 Dated this 16<sup>th</sup> day of November, 2005 at Salem, Oregon, NUNC PRO  
14 TUNC October 21, 2005.

15 CORY STREISINGER, Director  
16 Department of Consumer and Business Services

17   
18 David C. Tatman, Acting Administrator  
19 Division of Finance and Corporate Securities

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