STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of ALPINE CAPITAL RECOVERY LLC, Respondent.	Case No. CA-19-0037 FINAL ORDER TO CEASE AND DESIST AND FINAL ORDER ASSESSING CIVIL PENALTIES, ENTERED BY DEFAULT

On April 18, 2019, the Director of the Department of Consumer and Business Services for the State of Oregon (the "Director"), by and through the Division of Financial Regulation (the "Division"), properly served an Order to Cease and Desist, Proposed Order Assessing Civil Penalties, and Notice of Right to an Administrative Hearing ("Notice Order") on Alpine Capital Recovery LLC ("Respondent"). The Notice Order alleged violations of Oregon Revised Statutes ("ORS") 697.005 to 697.115 and the Oregon Administrative Rules ("OAR") promulgated under those laws (collectively, the "Oregon Collection Agency Law").

The Notice Order was served on the following addresses of Respondent via certified and first-class United States mail, postage pre-paid:

A. Alpine Capital Recovery LLC, c/o Brendan Little, Registered Agent, 50 Fountain Plaza, Suite 1700, Buffalo, New York 14202 (USP certified mailing number 7017 0530 0001 1459 0805); and

B. Alpine Capital Recovery LLC, 200 Union Street, Suite 200 Lakewood, Colorado 80227 (USPS certified mailing number 7017 0530 0001 1459 0799).

Both certified mailings were delivered on April 22, 2019. The Division received return receipts confirming those deliveries.

The Notice Order offered Respondent an opportunity for a hearing if requested

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within 20 days of service of the Notice Order. The Notice Order further informed Respondent that if a hearing were not conducted because Respondent did not timely request a hearing or otherwise defaulted, then the designated portion of the Division's file and all materials submitted by Respondent in this case would automatically become part of the contested case record for the purpose of proving a prima facie case, in accordance with OAR 137-003-0670(3)(a)-(b).

Respondent has not made a request for a contested case hearing and the time to do so has expired. Therefore, the Director did not conduct a hearing.

The Director finds that the record in this proceeding proves a prima facie case.

Now, therefore, after consideration of the record, the Director issues the following Findings of Fact, Conclusions of Law, and Final Orders.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is a limited liability company with a principal place of business at 50 Fountain Plaza, Suite 1700, Buffalo, New York 14202.

2. In or about September 2018, Respondent contacted an Oregon resident identified herein as RC.

3. Respondent informed RC that it was attempting to collect a debt owed to a third party. RC indicated he would be willing to establish a payment plan for that debt.

4. RC later discovered that Respondent was not licensed in Oregon as a collection agency, and subsequently filed a complaint with the Oregon Department of Justice. That complaint was forwarded to the Division.

5. At no time has Respondent been registered with the Oregon Secretary of State to do business in Oregon, nor has Respondent been registered with the Division as a collection agency in Oregon.

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CONCLUSIONS OF LAW

The Director CONCLUDES that:

6. Under ORS 697.005(1)(a)(A), "Collection agency" means a person directly or indirectly engaged in soliciting a claim for collection, or collecting or attempting to collect a claim that is owed, due, or asserted to be owed or due to another person or to a public body at the time the person solicits, collects or attempts to collect the claim.

7. By contacting RC and attempting to collect on a claim that is owed, due, or asserted to be owed or due to another person, Respondent operated as a collection agency under ORS 697.005(1)(a)(A).

8. Under ORS 697.031(1), the Director shall establish by rule a program for registration of persons operating as collection agencies that are required to register with the Department of Consumer and Business Services (the "Department").

9. The Director has established by rule requirements for registration as a collection agency in Oregon under OAR chapter 441, division 810.

10. By operating as a collection agency without registering with the Department pursuant to the established rules, Respondent violated rules adopted under ORS 697.031(1).

11. Under ORS 697.095(1), in addition to any other penalty provided by law, a person who violates any provision of any rule adopted under ORS 697.031 is subject to forfeiture and payment of a civil penalty to the Department in an amount of not more than $1,000 for each offense.

12. Under OAR 441-810-0140, civil penalties shall be $400 for the first offense and $1,000 for each subsequent offense.

13. Because Respondent has violated rules adopted under ORS 697.031, Respondent is subject to a civil penalty of $400.

14. Under ORS 697.093(1)(d)(A), if the Director has reason to believe that a person

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has violated, is violating, or is about to violate ORS 697.031 or a rule adopted thereunder, the Director may issue an order to cease and desist from the violation.

15. Because the Director has reason to believe that Respondent has violated and is violating ORS 697.031 and rules adopted thereunder, the Director may issue an order against Respondent to cease and desist from that violation.

ORDERS

The Director issues the following:

Order to Cease and Desist

16. Pursuant to ORS 697.093(1)(d)(A), the Director hereby ORDERS Respondent, and all entities owned or controlled by Respondent, its successors and assignees, to CEASE AND DESIST from violating any provision of the Oregon Collection Agency Law, ORS 697.005 to 697.115 or any administrative rule adopted by the Director under those statutes.

Order Assessing Civil Penalties

17. Pursuant to the authority of ORS 697.095(1), the Director hereby ORDERS the assessment of CIVIL PENALTIES against Respondent in the amount of four hundred ($400) for operating as a collection agency without registering with the Department, in violation of ORS 697.031(1) and the rules adopted thereunder.

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18. This is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order in no way limits or prevents further remedies, sanctions, or actions which may be available to the Director under Oregon law.

IT IS SO ORDERED.

Dated this 13th day of May, 2019.

CAMERON SMITH, Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

NOTICE OF RIGHT TO JUDICIAL APPEAL

Except as provided in ORS 697.094(5), you may be entitled to judicial review of this Order under ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date this Order is served.

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