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

In the Matter of:	Case No. DM-18-0110
OCEAN LEGAL GROUP, P.A.,	FINAL ORDER TO CEASE AND DESIST, FINAL ORDER ASSESSING CIVIL PENALTY AND CONSENT TO ENTRY OF ORDER
Respondent.	

The Director of the Department of Consumer and Business Services for the State of Oregon (the "Director") conducted an investigation of Ocean Legal Group, P.A. ("Respondent") and determined that Respondent violated certain provisions of Oregon Revised Statutes ("ORS") 697.602 through 697.842 and Oregon Administrative Rules ("OAR") 441-910-0000 through 441-910-0200 (collectively, the "Oregon Debt Management Service Provider Laws and Rules").

Respondent wishes to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the authorized signature(s) subscribed in this Order, Respondent hereby consents to entry of this Order upon the Director's Findings of Fact and Conclusions of Law as stated below.

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is a Florida corporation with a principal business address of 824 US Highway 1, Suite 110, North Palm Beach, FL 33408.

2. At all times material, James F. Caplan was the owner and officer for Respondent.

3. On or around August 19, 2015, the Division of Finance and Corporate Securities, now known as the Division of Financial Regulation (collectively, the

"Division") received a complaint from a housing counselor on behalf of Oregon consumers "LH" and "CH." The complaint included the following:

> In the spring of 2015, the homeowners did a search online for groups that would help them negotiate with their mortgage servicer an affordable payment. They found Ocean Legal Group and contacted them.
>
> Ocean Legal Group told the homeowners they would contact servicer and get them a better offer and provide legal services if needed. They charged an initial fee of $1,500…

4. Respondent has never been registered with the Oregon Secretary of State to do business in Oregon nor registered in Oregon as a debt management service provider.

5. On August 24, 2015, the Division sent a letter to Respondent requesting a list of Oregon consumers that have entered into debt management service agreements with Respondent.

6. On September 24, 2015, Respondent, through its attorney, provided a list of twenty-four (24) Oregon consumers with whom Respondent entered into debt management service agreements. Additionally, Respondent, through its attorney, agreed to stop all engagement with Oregon clients.

7. According to the website[1] for the State of Florida Division of Corporations, Respondent underwent an administrative dissolution on September 22, 2017. On September 13, 2018, James F. Caplan stated in an email to the Division that "[t]his email shall confirm that myself and Ocean Legal Group, P.A. are no longer engaging in any debt management services in Oregon and has not done so for many years."

CONCLUSIONS OF LAW

The Director CONCLUDES that:

8. Pursuant to ORS 697.602(2)(c), "debt management service" means an activity for which a person receives money or other valuable consideration or expects to receive

[1] http://search.sunbiz.org

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money or other valuable consideration in return for modifying or offering to modify terms and conditions of an existing loan from or obligation to a third party.

9. Respondent engaged in debt management service as described in Paragraph 3 and Paragraph 6.

10. Pursuant to ORS 697.602(3), "debt management service provider" means a person that resides or does business in this state; and provides or performs, or represents that the person can or will provide or perform a debt management service in return for or in expectation of money or other valuable consideration.

11. Respondent acted as a debt management service provider as described in Paragraph 3 and Paragraph 6.

12. Pursuant to ORS 697.612(1)(a), a person that has not registered with the Director under ORS 697.632 may not engage in business in this state in the course of which the person performs a debt management service.

13. By performing debt management services as defined in ORS 697.602(2)(c) without being registered in Oregon as a debt management service provider, Respondent violated ORS 697.612(1)(a).

14. Pursuant to ORS 697.825(1)(a), The Director may, if the Director has reason to believe that a person violated, is violating or is about to violate ORS 697.612, 697.642 to 697.702 or 697.752, a rule adopted under ORS 697.632 or an order issued under ORS 697.652 or 697.732, issue an order to cease and desist from the violation.

15. Pursuant to ORS 697.832(1), the Director may impose a civil penalty on a person in an amount not to exceed $5,000 for each violation of ORS 697.612 or 697.642 to 697.702, rules adopted under ORS 697.632 or order issued under ORS 697.825.

ORDERS

Now therefore, the Director issues the following Orders:

16. As authorized by ORS 697.825(1)(a), the Director ORDERS Respondent to

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CEASE AND DESIST from violating ORS 697.612, 697.642 to 697.702 or 697.752, a rule adopted under ORS 697.632 or an order issued under ORS 697.652 or 697.732.

17. As authorized by ORS 697.832(1), the Director hereby ORDERS Respondent to pay a total civil penalty in the amount of $5,000.00 for violating ORS 697.612(1)(a) as described in Paragraph 13.

18. The Director SUSPENDS the $5,000.00 civil penalty for a period of two years from the date of this Order, as long as Respondent does not violate the Oregon Debt Management Service Provider Laws and Rules or the terms of this Order. If Respondent commits any such violation, the suspended civil penalty will become immediately due and payable. If Respondent does not violate the Oregon Debt Management Service Provider Laws and Rules or the terms of this Order during the prescribed two-year period, the civil penalty will be waived.

19. The entry of this Order in no way limits further remedies, which may be available to the Director under Oregon Law.

SO ORDERED this 8th day of January, 2019.

CAMERON C. SMITH, Director
Department of Consumer and Business Services

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

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ENTITY CONSENT TO ENTRY OF ORDER

I, James Caplan, am an officer or manager of Ocean Legal Group, P.A. I am authorized to act and sign on behalf of Ocean Legal Group, P.A. I have read the foregoing Order, and I know and fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. Ocean Legal Group, P.A. voluntarily consents to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order. Ocean Legal Group, P.A. understands that the Director reserves the right to take further action to enforce this Order or to take appropriate action upon discovery that Ocean Legal Group, P.A. has committed other violations of the Oregon Debt Management Service Provider Laws and Rules. Ocean Legal Group, P.A., along with its officers, directors, employees, or agents, will fully comply with the terms and conditions stated herein.

Ocean Legal Group, P.A. understands that this consent Order is a public document.

/s/ James Caplan
James Caplan

ACKNOWLEDGMENT

State of FL

County of Palm Beach

Signed or attested before me on the 3rd of January, 2019.

/s/ Carol Schmidt
Notary Public

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