

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

In the Matter of:

Case No. DM-19-0145

BRUYETTE & ASSOCIATES, LLC,

FINAL ORDER TO CEASE AND  
DESIST AND FINAL ORDER  
ASSESSING CIVIL PENALTIES,  
ENTERED BY DEFAULT

Respondent.

On April 14, 2020, the Director of the Department of Consumer and Business Services for the State of Oregon (the “Director”), through the Oregon Division of Financial Regulation (the “Division”), properly served Bruyette & Associates, LLC (“Bruyette” or the “company”) an Order to Cease and Desist, Proposed Order Assessing Civil Penalties, and Notice of Right to a Hearing (“Notice Order”) via regular and certified United States mail at the company’s last known business address and other known associated addresses.

On May 6, 2020, pursuant to ORS 63.731(2)(c) and (e), the Director, through the Division, served a true copy of the Notice Order via regular and certified United States mail on the Oregon Secretary of State as an agent for Bruyette at 255 Capitol Street NE, Ste 151, Salem, OR 97310.

The Notice Order offered Bruyette an opportunity for a hearing, if requested in writing within 20 days of service. The Notice Order further informed Bruyette that if a hearing was not conducted because the company did not timely request a hearing or otherwise defaulted, then the designated portion of the Division’s file, which includes all materials Bruyette submitted, would automatically become part of the contested case record to prove a *prima facie* case. Bruyette has not made a written request for a contested hearing, and the time to do so has expired.



1 After considering the relevant portions of the Division’s file in this matter, the  
2 Director finds that the record proves a *prima facie* case.

3 **FINDINGS OF FACT**

4 The Director FINDS that:

5 1. Bruyette is a Florida company that provides debt settlement and cancellation  
6 services for unsecured debt. Its last known business address is 3692 Okeechobee Circle,  
7 Casselberry, Florida 32707.

8 2. The company’s managing member and registered agent is Roy H. Bruyette.

9 3. Bruyette has never been registered with the Oregon Secretary of State to  
10 conduct business in Oregon nor registered with the Director, through the Oregon Division  
11 of Financial Regulation (“the Division”), as a debt management service provider  
12 (“DMSP”).

13 4. In or around March 2018, JT and MT, a couple residing in Oregon, availed of  
14 Bruyette’s services by signing the company’s Business Management & Financial Services  
15 Agreement (“Agreement”). Per the Agreement, Bruyette would provide JT and MT “some  
16 or all” of the services listed in the Agreement, including its “best efforts to settle (by way  
17 of elimination, reduction and/or adjustment) [their] Unsecured Debt.”

18 5. For its services, Bruyette charged JT and MT a fee of \$7,370 to be paid in  
19 monthly installments of \$593 for 12 months.<sup>1</sup>

20 6. On or about April 1, 2018, JT and MT sent Bruyette their first installment  
21 payment of \$593. In the course of nine months, the couple paid Bruyette a total of  
22 \$5,949.99 in fees. During that time, Bruyette failed to settle any of the couple’s unsecured  
23 debt, and there is no evidence that it attempted to do so.

24 \_\_\_\_\_  
25 <sup>1</sup> The monthly payment amount set forth in the Agreement is incorrect as \$593 multiplied by 12 equals \$7,116  
not \$7,370.



1 7. In January 2019, JT and MT cancelled Bruyette’s services for, among others,  
2 failing to keep accurate accounts, including an account of debts settled, and refusing to  
3 respond to their inquiries. That same month, they filed a complaint against Bruyette with  
4 the Oregon Department of Justice (“DOJ”), who forwarded the complaint to the Division.

5 8. During the Division’s investigation, Bruyette refunded the fees it collected from  
6 JT and MT.

7 9. Bruyette voluntarily dissolved on June 8, 2019.

8 **CONCLUSIONS OF LAW**

9 The Director CONCLUDES that:

10 10. By offering to settle JT and MT’s unsecured debts for a fee as described in  
11 paragraphs 4 and 5 of this Order, Bruyette performed debt management services, as defined  
12 in ORS 697.602(2)(c).

13 11. By offering to settle JT and MT’s unsecured debts for a fee as described in  
14 paragraphs 4 and 5 of this Order, Bruyette performed debt management services, as defined  
15 in ORS 697.602(2)(d).

16 12. By performing debt management services in Oregon without being registered  
17 with the Division as a DMSP, Bruyette violated ORS 697.612(1)(a).

18 13. By representing to JT and MT that Bruyette would settle their unsecured debts  
19 and then failing to even attempt to do so, Bruyette made an untrue or misleading statement,  
20 in violation of ORS 697.662(1).

21 14. By charging JT and MT \$593 before performing any services, Bruyette violated  
22 ORS 697.692(1)(a), which prohibits a DMSP from charging more than a \$50 initial fee.

23 15. By charging JT and MT a total fee of \$7,370 and accepting a total payment  
24 from them of \$5,949.99 in a span of nine months, Bruyette violated ORS 697.692(1)(d),  
25 which prohibits a DMSP from charging more than a \$65 monthly fee.



1 16. Because the Director has reason to believe that Bruyette has violated ORS  
2 697.612(1)(a), ORS 697.662(1), and ORS 697.692(1)(a) and (d), the Director is authorized  
3 under ORS 697.825(1)(a) to order Bruyette to cease and desist from violating these statutes.

4 17. ORS 697.832(1) authorizes the Director to assess up to a \$5,000 civil penalty  
5 against Bruyette per violation of the Oregon Debt Management Service Provider Law.

6 **ORDER**

7 Now therefore, the Director issues the following:

8 18. As authorized by ORS 697.825(1)(a), the Director ORDERS Bruyette to  
9 CEASE AND DESIST from violating ORS 697.612(1)(a), ORS 697.662(1), and ORS  
10 697.692(1)(a) and (d).

11 19. As authorized by ORS 697.832(1), the Director ORDERS Bruyette to pay  
12 \$20,000 in CIVIL PENALTIES, allocated as follows:

- 13 A. \$5,000 for violating ORS 697.612(1)(a);  
14 B. \$5,000 for violating ORS 697.662(1);  
15 C. \$5,000 for violating ORS 697.692(1)(a); and  
16 D. \$5,000 for violating ORS 697.692(1)(d).

17 20. This is a “Final Order” under ORS 183.310(6)(b). Subject to this provision, the  
18 entry of this Order does not limit further remedies that may be available to the Director  
19 under Oregon law.

20 SO ORDERED this 28<sup>th</sup> day of May, 2020.

21 ANDREW R. STOLFI, Acting Director  
22 Department of Consumer and Business Services

23  
24 /s/ Dorothy Bean  
25 Dorothy Bean, Chief of Enforcement  
26 Division of Financial Regulation



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**NOTICE OF RIGHT TO A JUDICIAL APPEAL**

Except as provided in ORS 697.825(2)(e), 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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