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

In the Matter of:	Case No. CA-19-0089
DAVIS AND GOLDMARK, INC.,	ORDER TO CEASE AND DESIST, ORDER ASSESSING CIVIL PENALTY, AND CONSENT TO ENTRY OF ORDER
Respondent.	THIS IS A FINAL ORDER

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting in accordance with Oregon Revised Statutes ("ORS") 697.005 to 697.095 and Oregon Administrative Rules ("OAR") 441-810-0000 through 441-810-0260 ("Oregon Collection Agency Laws") has determined that Davis and Goldmark, Inc. ("Respondent") engaged in activities that violated the Oregon Collection Agency Laws.

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

Now, therefore, as evidenced by the authorized signatures subscribed on this Order, Respondent hereby CONSENTS to entry of this Order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is a California corporation with its principal place of business at 6974 Brockton Avenue, Suite 203, Riverside, CA 92506 and mailing address of PO Box 2009, Riverside, CA 92516.

2. On or around May 21, 2019, Respondent attempted to collect from Oregon resident "J.B." a debt allegedly owed to another person. Specifically, Respondent sent a

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letter to J.B. stating "[t]his is a request for immediate payment of this account which has been placed with us for collection."

3. On or around May 29, 2019, J.B. sent a letter to Respondent explaining that the debt had already been settled by her bank in her favor.

4. Between May 21, 2019 and June 6, 2019, Respondent contacted J.B. twice by telephone attempting to collect on the alleged debt.

5. On June 6, 2019, J.B. submitted a complaint about Respondent's debt collection activities to the Division of Financial Regulation ("Division").

6. On June 10, 2019, the Division sent a request (Division's Request) to Respondent with a copy of the complaint. The Division's Request instructed Respondent to stop all debt collection activities until Respondent has submitted an application and been issued a license by the Division. The Division's Request further instructed Respondent to provide a list of all Oregon consumers involved in Respondent's collection agency activities.

7. The Division's investigation revealed 65 occasions where Respondent collected or attempted to collect a debt from an Oregon consumer. Respondent succeeded in collecting money from five of those 65 consumers.

8. At no time has Respondent been registered with the Division as a collection agency in Oregon.

9. On December 9, 2019, as a result of the Division's investigation, Respondent submitted an application for registration as a collection agency.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

10. Pursuant to ORS 697.093(1)(d)(A), if the director has reason to believe that a person has violated, is violating or is about to violate ORS 697.015, 697.031, 697.045, 697.058, 697.091, 697.105 or 697.115 or a rule adopted under ORS 697.031, 697.085 or

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697.086, the Director may issue an order to cease and desist from the violation.

11. Pursuant to ORS 697.001(1)(a)(A), "Collection Agency" means a person that engages directly or indirectly 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.

12. Pursuant to ORS 697.015, a person shall not operate as a collection agency in this state unless the person registers with the Department of Consumer and Business Services under ORS 697.031 and maintains the registration in accordance with that section.

13. By operating as a collection agency without maintaining a Director-issued collection agency registration, Respondents violated ORS 697.015 in 65 instances.

14. Pursuant to ORS 697.095, a person who violates any provision of ORS 697.015 or 697.058 or any rule adopted under ORS 697.031, 697.085 or 697.086 is subject to forfeiture and payment of a civil penalty in an amount of not more than $1,000 for each offense.

ORDERS

Now therefore, the Director issues the following Orders:

15. As authorized by ORS 697.093(1)(d)(A), the Director ORDERS Respondent to CEASE AND DESIST from violating ORS 697.015 and ORS 697.058.

16. As authorized by ORS 697.095, the Director hereby imposes CIVIL PENALTIES in the amount of $31,400 for violations of ORS 697.015.

17. The Director hereby SUSPENDS payment of $28,400 of the $31,400 CIVIL PENALTY for a period of two years from the effective date of this Order, provided Respondent complies with the following terms:

(a) within 45 days of the effective date of this Order, Respondent shall obtain the registration to operate in Oregon as a collection agency required under ORS 697.031;

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(b) within 45 days of the effective date of this Order, Respondent shall reimburse all moneys collected from Oregon consumers prior to Respondent's obtaining of the registration required by ORS 697.031; and

(c) for the two years following the effective date of this Order, Respondent shall commit no new violations of the Oregon Collection Agency Laws or of any rules adopted thereunder.

18. The remaining $3,000 of the CIVIL PENALTY assessed herein is due and payable at the time this Order is returned to the Division.

19. The suspended CIVIL PENALTY will be waived two years from the effective date of this Order, provided Respondent has complied with the forgoing Order terms and does not commit any further violations of the Oregon Collection Agency Law. The Director reserves the right to immediately assess and collect the suspended civil penalty upon a determination that Respondent has violated any term of this Order or has committed any further violation of the Oregon Collection Agency Laws.

20. This Order is binding upon Respondent's successors and assigns.

21. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

SO ORDERED this 14th day of April, 2020.

Andrew R. Stolfi, Acting 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, Jennifer Mermilliod, state that I was an officer of DAVIS AND GOLDMARK, INC. and authorized to act on its behalf. I have read the foregoing Order and that I know and fully understand the contents hereof. I have been advised of DAVIS AND GOLDMARK, INC.'s right to a hearing and right to be represented by counsel in this matter. DAVIS AND GOLDMARK, INC. 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. DAVIS AND GOLDMARK, INC. understands that the Director reserves the right to take further actions against it to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Collection Agency Laws by DAVIS AND GOLDMARK, INC.. DAVIS AND GOLDMARK, INC. will fully comply with the terms and conditions stated herein.

DAVIS AND GOLDMARK, INC. understands that this Consent Order is a public document.

Signature: */s/* Jennifer Mermilliod 3/13/2020

Position Held: CEO/ CFO

State of __________

County of __________

Signed or attested before me on this ________day of __________, 2020

By _____.

____
Notary Public

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