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3 STATE OF OREGON  
4 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
5 DIVISION OF FINANCIAL REGULATION

6 In the Matter of:

Case No. DM-20-0052

7 TOTAL FINANCIAL FREEDOM LLC, a  
8 Massachusetts Limited Liability Company,

ORDER TO CEASE AND DESIST,  
ORDER ASSESSING CIVIL  
PENALTY, AND CONSENT TO  
ENTRY OF ORDER

9 Respondent.

10 The Director of the Department of Consumer and Business Services for the State  
11 of Oregon (“Director”), acting in accordance with Oregon Revised Statutes (“ORS”)  
12 697.602 et seq. and Oregon Administrative Rules (“OAR”) 441-910-0000 through 441-  
13 910-0200 (collectively, “Oregon Debt Management Service Provider Law”), conducted an  
14 investigation into the activities of Total Financial Freedom LLC (“Respondent”) and  
15 determined that Respondent engaged in activities constituting violations of the Oregon  
16 Debt Management Service Provider Law.

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

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

21 FINDINGS OF FACT

22 The Director FINDS that:

23 1. Respondent is a Massachusetts limited liability company with a principal place  
24 of business located at 13 Pauline St., Suite C, Winthrop, MA 02152. Respondent’s  
25 Nationwide Multistate Licensing System (“NMLS”) number is 1994302.

26 2. From in or around August 2017 through the present, Respondent contracted

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1 with 18 Oregon residents (“Oregon Clients”) to reduce or attempt to reduce their third-  
2 party consumer debt obligations.

3 3. At no time has Respondent been registered to perform debt management  
4 services in Oregon.

5 4. Respondent charged the Oregon Clients fees equivalent to 40 percent of the  
6 savings they earned on their enrolled debts through Respondent’s efforts. In total,  
7 Respondent collected \$29,186.45 in fees from the Oregon Clients.

8 5. Respondent has fully cooperated with the Director’s investigation of this  
9 matter.

10 CONCLUSIONS OF LAW

11 The Director CONCLUDES that:

12 6. Obtaining or attempting to obtain concessions from a creditor on behalf of a  
13 consumer, such as a reduction in the amount owed under a debt obligation, constitutes a  
14 “debt management service” as defined under ORS 697.602(2).

15 7. By performing the foregoing debt management services for the Oregon Clients,  
16 Respondent acted as a “debt management service provider” as defined under ORS  
17 697.602(2)(c).

18 8. By acting as a debt management service provider without being registered with  
19 the Director, Respondent violated ORS 697.612(1)(a) in 18 instances.

20 9. By charging the Oregon Clients fees equivalent to 40 percent of the savings  
21 they earned on their enrolled debts, Respondent charged excessive fees and violated ORS  
22 697.692(1) in 18 instances.

23 10. Because the Director has reason to believe that Respondent has engaged in  
24 violations of the Oregon Debt Management Service Provider Law, the Director may issue  
25 an order to Respondent to cease and desist from violations of the Oregon Debt Management  
26 Service Provider Law under ORS 697.825(1)(a).

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1 11. The Director may impose a civil penalty on a person in an amount not to exceed  
2 \$5,000 for each violation of ORS 697.612 or 697.642 to 697.702, rules adopted under ORS  
3 697.632 or order issued under ORS 697.825.

4 ORDERS

5 Now therefore, the Director issues the following Orders:

6 12. As authorized by ORS 697.825(1)(a), the Director ORDERS Respondent to  
7 CEASE AND DESIST from violating ORS 697.612(1)(a) and ORS 697.692(1).

8 13. As authorized by ORS 697.832(1), the Director hereby ORDERS that  
9 Respondent be subject to a CIVIL PENALTY of \$36,000 as follows:

10 A. \$18,000 for violating ORS 697.612(1)(a); and

11 B. \$18,000 for violating ORS 697.692(1).

12 14. The Director hereby suspends payment of \$31,000 of the CIVIL PENALTY for  
13 a period of three years, provided Respondent:

14 A. Complies with the terms of this Order;

15 B. Does not violate the Oregon Debt Management Service Provider Law.  
16 within the three-year time period; and

17 C. Pays \$29,186.45 to the Oregon Clients within one (1) year from the  
18 effective date of this Order and provides the Division with documentation of such  
19 payments within that timeframe.

20 15. The non-suspended CIVIL PENALTY (\$5,000) is due and payable at the time  
21 this Order is submitted to the Director.

22 16. The suspended CIVIL PENALTY (\$31,000) will be waived three years from  
23 the date this Order is finalized, provided Respondent has complied with the foregoing  
24 Order terms. The Director reserves the right to immediately assess and collect the  
25 suspended civil penalty upon a determination that Respondent has violated any term of this  
26 Order.

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17. This Order is binding upon Respondent’s successors and assigns.

18. 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 15<sup>th</sup> day of October, 2020.

ANDREW R. STOLFI, 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, Joseph Aufiero, state that I am an officer of Respondent and am authorized to act on its behalf. I have read the foregoing Order and know and fully understand the contents hereof. I have been advised of Respondent’s right to a hearing and right to be represented by counsel in this matter. Respondent 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. Respondent 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 Debt Management Service Provider Law with the terms and conditions stated herein.

Respondent further assures the Director that neither Respondent nor its officers, directors, employees, or agents will effect debt management services in Oregon unless such activities are in full compliance with the Oregon Debt Management Service Provider Law. Respondent understands that this Consent Order is a public document.

Signature: Joseph Aufiero

Position Held: CFO

State of Massachusetts

County of Suffolk

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