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**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCE AND CORPORATE SECURITIES**

**BEFORE THE DIRECTOR OF THE DEPARTMENT
OF CONSUMER AND BUSINESS SERVICES**

**In the Matter of:
State Recovery Services LLC and
Dany Olimpia Santizo**

Respondents.

**CA-09-0057
FINAL ORDER REVOKING
REGISTRATION, ORDER TO
CEASE AND DESIST, AND ORDER
ASSESSING CIVIL PENALTY BY
DEFAULT**

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



On October 19, 2009, the Director of the Department of Consumer and Business Services for the State of Oregon (hereafter the “Director”), acting through the Division of Finance and Corporate Securities (hereinafter the “Division”) pursuant to the authority of Oregon Revised Statutes 697.005 to 697.095 (hereinafter the “Collection Agency Laws”), issued Administrative Order No. CA-09-0057 Order Revoking Registration, Order to Cease and Desist, Order Assessing Civil Penalty and Notice of Right to Hearing (hereinafter “the Order”) against Respondents State Recovery Services LLC and Dany Olimpia Santizo.

On October 26, 2009, Respondents were mailed two true copies of the proposed order by regular, first class mail and by certified mail, postage prepaid, return receipt requested and addressed to Respondents at the following last known addresses on file with the Division: 10121 SE Sunnyside Rd Ste 300, Clackamas, OR 97015. On October 27, 2009, the United States Post Office confirmed delivery via certified mail. The mailing was signed for by Kelsey Bayless.

Respondent has not made a written request for a contested case hearing in this matter and



1 the time to do so has expired.

2 **NOW THEREFORE**, after consideration of the Investigation Report and accompanying
3 exhibits submitted in this matter by Jason Weber, Financial Enforcement Officer, the Director
4 hereby issues the following Findings of Fact, Conclusions of Law, and Final Order:

5 **FINDINGS OF FACT**

6 The Director **FINDS** that:

7 **A. Parties**

8 1. State Recovery Services LLC (hereinafter “State Recovery”) is a Domestic
9 Limited Liability Corporation registered with the Oregon Secretary of State, registration number
10 649539-88. The principle place of business is listed as 10121 SE Sunnyside Road, Suite 300,
11 Clackamas, Oregon, 97015. Dany Olimpia Santizo (hereinafter “Santizo”) is listed as the
12 manager, member, and registered agent for State Recovery. Hereinafter, State Recovery and
13 Santizo shall be referred to collectively as “Respondents.”

14 2. State Recovery was first registered as a collection agency by the Oregon Division
15 of Finance and Corporate Securities (hereinafter “the Division”) on October 14, 1998, registration
16 number CA 48561. State Recovery’s stated business hours are 8:00 a.m. to 9:00 p.m.

17 3. Santizo is listed with the following active companies and the associated addresses
18 registered with the Oregon Secretary of State: 1) Advantage One U.S.A., LLC, 8755 SW
19 Citizens Drive Suite 206-D, Wilsonville, Oregon, 97070; 2) Oregon Hispanic Center, LLC, 5050
20 SW Griffith Drive Suite 201, Beaverton, Oregon, 97005 and PO BOX 2775, Beaverton Oregon
21 97005; 3) Oregon Landscaping Services, LLC., 8755 SW Citizens Drive, Suite, 206; 4) USA
22 Paginas Amarillas, 8755 SW Citizens Drive Suite 206-C, Wilsonville, Oregon 97070.

23 4. On August 19, 2009, DFCS received a fax indicating that State Recovery’s new
24 physical address was 101121 SE Sunnyside Road, Suite 300, Clackamas, Oregon 97015. The
25 new mailing address per the fax was listed as P.O. Box 857, Clackamas, Oregon 97015.



1 **B. United States Bankruptcy Court**

2 5. On January 24, 2006, an attorney for the United States Trustee filed a complaint
3 against Santizo dba Access to the System, LLC, case no. 05-45941-elp7. The complaint alleged
4 that in three separate cases; 05-48547-rld7, 05-42984-rld7, and 05-41743-rld7, Santizo had
5 committed fraudulent, deceptive, and/or unfair conduct in violation of U.S.C. § 110(j) and 11
6 U.S.C. § 110(i). Specifically the complaint stated that Santizo “engaged in fraudulent, deceptive,
7 and/or unfair conduct by: Representing, through her advertisements, statements, and actions, that
8 she worked under the supervision of and consulted with an attorney, that an attorney would
9 review the bankruptcy documents she prepared, and that there was an attorney with whom her
10 customers consult.”

11 6. On March 13, 2006, a Stipulated Judgment was entered against Santizo in the
12 United States Bankruptcy Court case no. 06-03064-elp. The judgment, among other things,
13 permanently enjoined Santizo from engaging in activities that constitute providing legal
14 advise...”

15 **C. Washington County Circuit Court**

16 7. On August 16, 2007, in Washington County Circuit Court a complaint was filed
17 against Santizo alleging violations of Oregon’s Unlawful Trade Practices Act, Washington
18 County Circuit Court case no. C07-3495CV. On November 21, 2008, a three day trial on the
19 allegations against Santizo concluded. On December 4, 2008, the Honorable Judge Mark Gardner
20 issued a written decision.

21 8. The decision held that Santizo had violated Oregon’s Unlawful Trade Practices
22 Act by committing fraud. The court found that Santizo “falsely held herself out as being
23 qualified to perform legal services in dissolution of marriage cases when in fact she was not either
24 qualified or licensed to do so.” The court found that despite the Judgment entered in the United
25 States Bankruptcy Court in March of 2006, which prohibited Santizo from holding herself out as
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1 an attorney, Santizo continued to hold herself out as an attorney in June of 2006.

2 9. The court found that Santizo “acted with a reckless disregard of the truth or falsity
3 of her representations to the plaintiff.” The court further found by clear and convincing evidence,
4 that Santizo “showed a reckless and outrageous indifference to a highly unreasonable risk of harm
5 (that by attempting to perform legal services in a dissolution case involving a joint child, a
6 physically abusive and drug using husband, and personal property that she could severely
7 prejudice the plaintiff) and that she acted with a conscious indifference to the welfare of the
8 plaintiff and others.”

9 **D. Oregon Department of Justice**

10 10. On March 25, 2009, Santizo signed and agreed to the terms of an Assurance of
11 Voluntary Compliance (hereinafter “AVC”) with the Oregon Department of Justice’s (hereinafter
12 “DOJ”) Financial Fraud Division. On April 6, 2009, the AVC was entered against Santizo in
13 Marion County Circuit Court, case no. 09C13608.

14 11. The AVC required Santizo to pay Christina Gomez \$880 in restitution and Joel
15 Lopez \$1,120 in restitution. The AVC required Santizo to pay the restitution no later than 30
16 days from the date the court accepted the AVC. The court accepted the AVC on April 6, 2009.

17 12. On August 6, 2009, Assistant Attorney General Caren Rovics filed an affidavit
18 with the Marion County Circuit Court in case number 09C13608. In summary the affidavit stated
19 that Santizo had paid no restitution at all to the consumers named in the April 6, 2009 AVC.

20 13. On August 13, 2009, the Marion County Circuit Court entered an Order in case
21 number 09C13608 which stated in part that “Monies required paid by Defendants to State
22 pursuant to the Assurance of Voluntary Compliance, have not been paid.”

23 **E. Oregon State Bar complaints**

24 14. The Oregon State Bar (hereinafter “OSB”) has received three separate complaints
25 alleging that Santizo held herself out as an attorney even though she is not licensed to practice law
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1 in any state. Oregon State Bar case numbers 05-42, 06-09, and 07-53. The OSB did not take
2 independent action, relying instead on the DOJ's AVC in case number 09C13608 which
3 specifically prohibited Santizo from acting as an attorney without a license.

4 **F. Failure to Respond to Director**

5 15. On May 29, 2009, a Division examiner attempted to conduct an exam of State
6 Recovery during business hours. State Recovery was not open and records were not available for
7 inspection. The Division examiner contacted Santizo by phone. Santizo agreed to an
8 examination on June 3, 2009 at 1:30 p.m.

9 16. On June 3, 2009, at 1:20 p.m. a Division examiner arrived at State Recovery
10 during business hours to conduct an examination. The examiner waited at the business until 2:15
11 p.m. The business was closed and records were not available for inspection. The Division
12 examiner contacted Santizo by phone. Santizo agreed to an examination on June 4, 2009 at 1:00
13 p.m.

14 17. On June 4, 2009, at 12:55 p.m. the examiner arrived at State Recovery during
15 business hours to conduct an examination. The examiner waited at the business until 1:30 p.m.
16 The business was closed and records were not available for inspection. The examiner called
17 Santizo and left a voice message. To date Santizo has not returned the examiners call.

18 18. The Division has made numerous subsequent attempts to contact Santizo and
19 review State Recovery's business records. Santizo has refused to comply with these requests and
20 has not made State Recovery's business records available to the Division.

21 **CONCLUSIONS OF LAW**

22 The Director **CONCLUDES** that:

23 19. The Director may revoke State Recovery's registration pursuant to ORS
24 697.039(1)(f) because Santizo engaged in dishonest, fraudulent, or illegal practices or conduct in
25 any business or profession when she: 1) acted as an attorney without a license as documented in
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1 United States Bankruptcy Case No. 05-45941-elp7, Washington County Circuit Court Case No.
2 C07-3495CV, and OSB complaint numbers 05-42, 06-09, and 07-53; 2) agreed to pay \$2,000 in
3 restitution within thirty days and then failed to make any payments whatsoever toward the
4 payment of restitution as documented in Marion County Circuit Court Case No. 09C13608; 3) on
5 two separate occasions, agreed to meet with a DFCS examiner and then failed to meet with the
6 examiner or otherwise make her business records available for review.

7 20. Respondents violated ORS 697.058(2) three times by failing to keep the business
8 open to the public during reasonable, stated business hours.

9 21. Respondents violated ORS 697.058(7) two times by failing to make their books
10 and records available to the Director for examination or audit.

11 22. Pursuant to ORS 697.039(1)(c), the Director may refuse to issue or renew or may
12 revoke or suspend any registration issued under ORS 697.031 if the Director determines that a
13 person has violated the provision of ORS 697.058.

14 23. Pursuant to ORS 697.063(1), when the Director revokes a registration, the Director
15 may take possession of all business records and all bank accounts of the registrant.

16 ORDER

17 The Director, pursuant to the authority of the Oregon Collection Agency Laws, including
18 but not limited to ORS 697.039, hereby **ORDERS** that the collection agency registration for State
19 Recovery Services LLC is hereby **REVOKED**. The Director, pursuant to ORS 697.063(1),
20 further **ORDERS** Respondents deliver all business records and all bank accounts to the Division
21 of Finance and Corporate Securities. If Respondents fail to deliver the business records and all
22 bank accounts to the Division pursuant to this Order, the Director reserves the right to seek the
23 remedies available under ORS 697.063 including but not limited to the appointment of a receiver
24 and the liquidation of Respondents' bank accounts.

25 The Director, pursuant to ORS 697.095(1), hereby Orders Respondents jointly and



1 severally to a pay a **\$4,400 CIVIL PENALTY**. The civil penalty is calculated as follows: \$400
2 for the first violation of ORS 697.058(2) pursuant to OAR 441-810-0140; \$1,000 each for the two
3 subsequent violations of ORS 697.058(2); and \$1,000 each for the two violations of ORS
4 697.058(7).

5 The entry of this Order in no way limits further remedies which may be available to the
6 Director under Oregon law.

7 Dated this 20th day of November, 2009 at Salem, Oregon, NUNC PRO TUNC October
8 19, 2009.

9
10 CORY STREISINGER, Director
11 Department of Consumer and Business Services

12 /s/ David C. Tatman
13 David C. Tatman, Administrator
14 Division of Finance and Corporate Securities

15 NOTICE: You are entitled to judicial review of this Order. Judicial review may be
16 obtained by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the
17 service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon
18 Court of Appeals.

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