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

In the Matter of: Accurate Collection Service, L.L.C. and Taci Philbrook, Respondents.	Case No. CA-15-0030 FINAL ORDER TO CEASE AND DESIST, ORDER ASSESSING CIVIL PENALTIES, ENTERED BY DEFAULT

On April 6, 2015, the Director of the Department of Consumer and Business Services for the State of Oregon (the "Director"), acting under the authority of the Oregon statutes regulating collection agencies, Oregon Revised Statutes ("ORS") 697.005 to 697.095, and Oregon Administrative Rules ("OAR") chapter 441, division 810, duly served Accurate Collection Service, L.L.C. and Taci Philbrook (collectively, the "Respondents") with a true copy of Administrative Order CA-15-0030, Order to Cease and Desist, Proposed Order Assessing Civil Penalties, and Notice of Right to an Administrative Hearing (the "Notice Order").

In accordance with OAR 137-003-0670, the Notice Order designated the Division's file, including all materials submitted by a party, as the record for the purpose of making a prima facie case in the event that the Director entered a final order by default.

The Respondents did not timely request a hearing.

Now, therefore, on consideration of the record, the Director issues the following Findings of Fact, Conclusions of Law, and Orders.

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FINDINGS OF FACT

The Director FINDS:

1. Accurate Collection Service, L.L.C. ("ACS") was a limited liability company

that became registered with the Oregon Secretary of State, Corporation Division, on January 8, 2009. ACS administratively dissolved on March 7, 2014.

2. At times material to this Order, the ACS's principal place of business was at 708 Main St Ste 204, Oregon City, Oregon 97045.

3. ACS was a collection agency that was registered with the Division of Finance and Corporate Securities ("DFCS") from September 30, 2010 to June 10, 2014. The collection agency registration number for ACS is #CA-49727.

4. At times material to this order, Taci Philbrook was the owner and manager of ACS.

5. When a collection agency permanently closes an office, it is required to notify the Director, in writing, within five days from closure and provide information concerning the disposition or location of records and clients' moneys, and the name and address of a contact person for future inquiries. OAR 441-810-0080.

6. In 2014, the Respondents closed a collection agency office without notifying the Director in writing within five days from closure. Furthermore, the Respondents failed to provide DFCS the required information regarding the disposition or location of records and clients' moneys, and the name and address of a contact person for future inquiries.

7. Generally, a collection agency is required to report and pay to its customers monthly the net proceeds due and payable of all collections made during that month. ORS 697.058(6).

8. Between 2011 and 2014, the Respondents did not timely report or pay to at least three clients/customers of ACS the net proceeds due and payable of all collections made.

9. DFCS received complaints from three of ACS's former clients/customers.

10. The Respondents failed to respond to inquiries from DFCS regarding the

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Respondents' business activities.

CONCLUSIONS OF LAW

The Director CONCLUDES:

11. The Respondents violated OAR 441-810-0080 by failing to notify the Director, in writing, within five days of the closure of ACS's office, and by failing to provide required information to the Director regarding disposition or location of records and clients' moneys, and the name and address of a contact person for future inquiries.

12. The Respondents failed to timely report and pay three customers of ACS the net proceeds due and payable of all collections made, in violation of ORS 697.058(6).

ORDERS

Now, therefore, the Director issues the following ORDERS:

Order to Cease and Desist

13. Pursuant to ORS 697.093(1)(d)(A), the Respondents, their successors and assignees, are ORDERED TO CEASE AND DESIST from violating ORS 697.058(6) and OAR 441-810-0080.

Order Assessing Civil Penalties

14. In accordance with ORS 697.095 and OAR 441-810-0140, 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 to the Department of Consumer and Business Services in an amount of not more than $400 for the first offense and $1,000 for each subsequent offense.

15. Pursuant to the authority of ORS 697.095 and OAR 441-810-0140, the DIRECTOR orders the Respondents, jointly and severally, to pay CIVIL PENALTIES totaling $3,400 (three thousand, four hundred dollars), as follows:

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A. One civil penalty of $400 (four hundred dollars) for violating OAR 441-810-0080, by failing to file the required notice and information with the Director within five days from closure of the ACS office; and

B. Three civil penalties of $1,000 (one thousand dollars) each for violations of ORS 697.058(6), failure to timely report and pay three of ACS's customers the net proceeds due and payable of all collections made.

OTHER REMEDIES AVAILABLE TO THE DIRECTOR

16. 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 1st day of May, 2015 at Salem, Oregon.

PATRICK M. ALLEN, Director
Department of Consumer and Business Services

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

NOTICE OF APPEAL RIGHTS

Except as provided in ORS 697.094, you could be entitled to judicial review of this Order. Any such appeal would take place before the Oregon Court of Appeals (the "Court") pursuant to the provisions of ORS 183.482 – ORS 183.484. If you are entitled to judicial review, a petition for review must be filed with the Court within 60 days from the date of service of this Order.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS

Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil.

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