
*
IN THE MATTER OF: *
*
V & R RECOVERY *
*
*
(“Respondent”) *
*

ORDER TO CEASE AND DESIST

AND

ORDER IMPOSING CIVIL PENALTY

I. PRELIMINARY STATEMENT

WHEREAS, the Banking Commissioner (“Commissioner”) is charged with the administration of Part XII of Chapter 669, Sections 36a-800 to 36a-814, inclusive, of the Connecticut General Statutes, “Consumer Collection Agencies”, and the regulations promulgated thereunder, Sections 36a-809-6 to 36a-809-17, inclusive, of the Regulations of Connecticut State Agencies (“Regulations”);

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking (“Department”), conducted an investigation of the activities of Respondent, pursuant to the authority granted by Section 36a-17 of the Connecticut General Statutes, as amended by Public Act 18-173, to determine if it had violated, was violating or was about to violate the provisions of the Connecticut General Statutes or Regulations within the jurisdiction of the Commissioner;

WHEREAS, on October 22, 2018, the Commissioner, acting pursuant to Section 36a-804(b) of the Connecticut General Statutes, as amended by Public Act 18-173, and Sections 36a-52(a) and 36a-50(a) of the 2018 Supplement to the General Statutes, issued a Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing (collectively “Notice”) against Respondent, which Notice is incorporated herein by reference;

WHEREAS, on October 25, 2018, the Notice was caused to be mailed by certified mail, return receipt requested, to Respondent (Certified Mail No. 70123050000069995613);

WHEREAS, the Notice provided Respondent with the opportunity for a hearing, and stated that if a hearing was not requested by Respondent within 14 days of its receipt or if Respondent failed to appear at any such hearing, the allegation would be deemed admitted, and the Commissioner would issue an order that Respondent cease and desist from violating Section 36a-801(a) of the 2018 Supplement to the General Statutes, as amended by Public Act 18-173, and may order a civil penalty in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation be imposed upon Respondent;

WHEREAS, on October 31, 2018, Respondent received the Notice and failed to request a hearing within the prescribed time period;

WHEREAS, the Commissioner alleged in the Notice, with respect to the activity described therein, that Respondent's acting within this state as a consumer collection agency without a consumer collection agency license constitutes a violation of Section 36a-801(a) of the 2018 Supplement to the General Statutes, as amended. Such violation forms the basis to issue an order to cease and desist pursuant to Section 36a-804(b) of the Connecticut General Statutes, as amended, and Section 36a-52(a) of the 2018 Supplement to the General Statutes, and to impose a civil penalty pursuant to Section 36a-804(b) of the Connecticut General Statutes, as amended, and Section 36a-50(a) of the 2018 Supplement to the General Statutes;

WHEREAS, Section 36a-52(a) of the 2018 Supplement to the General Statutes provides, in pertinent part, that "[i]f the person does not request a hearing within the time specified in the notice or fails to appear at the hearing, the commissioner shall issue an order to cease and desist against the person. No such order shall be issued except in accordance with the provisions of chapter 54";

WHEREAS, Section 36a-50(a)(2) of the 2018 Supplement to the General Statutes provides, in pertinent part, that "[i]f such person does not request a hearing within the time specified in the notice or fails to appear at the hearing, the commissioner may, as the facts require, order that a civil penalty not exceeding one hundred thousand dollars per violation be imposed upon such person";

WHEREAS, Section 36a-50(a)(3) of the 2018 Supplement to the General Statutes provides that “[e]ach action undertaken by the commissioner under this subsection shall be in accordance with the provisions of chapter 54”;

AND WHEREAS, Section 36a-1-31(a) of the Regulations of Connecticut State Agencies provides, in pertinent part, that “[w]hen a party fails to request a hearing within the time specified in the notice, the allegations against the party may be deemed admitted. Without further proceedings or notice to the party, the commissioner shall issue a final decision in accordance with section 4-180 of the Connecticut General Statutes and section 36a-1-52 of the Regulations of Connecticut State Agencies”.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commissioner finds that the matters asserted, as set forth in paragraphs 1 through 6, inclusive, of Section II of the Order and Notice, shall constitute findings of fact within the meaning of Section 4-180(c) of the Connecticut General Statutes, and that the conclusions, as set forth in Section III of the Order and Notice, shall constitute conclusions of law within the meaning of Section 4-180(c) of the Connecticut General Statutes and Section 36a-1-52 of the Regulations of Connecticut State Agencies.

2. The Commissioner finds that Respondent has engaged in acts or conduct which, pursuant to Section 36a-804(b) of the Connecticut General Statutes, as amended, and Section 36a-52(a) of the 2018 Supplement to the General Statutes, forms the basis to issue an order to cease and desist against Respondent, and, pursuant to Section 36a-804(b) of the Connecticut General Statutes, as amended, and Section 36a-50(a) of the 2018 Supplement to the General Statutes, forms the basis to impose a civil penalty upon Respondent.

3. The Commissioner finds that the Notice was given in compliance with Sections 36a-52(a) and 36a-50(a) of the 2018 Supplement to the General Statutes and Section 4-177 of the Connecticut General Statutes.

III. ORDER

Having read the record, **I HEREBY ORDER**, pursuant to Section 36a-804(b) of the Connecticut General Statutes, as amended, and Sections 36a-52(a) and 36a-50(a) of the 2018 Supplement to the General Statutes, that:

1. V & R Recovery **CEASE AND DESIST** from violating Section 36a-801(a) of the 2018 Supplement to the General Statutes, as amended;
2. A **CIVIL PENALTY** of One Hundred Thousand Dollars (\$100,000) be imposed upon V& R Recovery, to be remitted to the Department of Banking by wire transfer, cashier's check, certified check or money order, made payable to "Treasurer, State of Connecticut", no later than thirty (30) days from the date this Order is mailed; and
3. This Order shall become effective when mailed.

Dated at Hartford, Connecticut,
this 27th day of December 2018.

_____/s/_____
Jorge L. Perez
Banking Commissioner

This Order was sent by certified mail,
return receipt requested, to
Respondent on December 31, 2018.

V & R Recovery
239 S. Dearborn Street, 5th Floor
Chicago, Illinois 60604

Certified Mail No. 7016 2710 0000 5896 9339