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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING

PA DEPT OF BANKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING, BUREAU
OF COMPLIANCE AND LICENSING

v.

TABOR COMMUNITY SERVICES, INC.

Docket No. 11 0184 (ENF-CO)

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Examinations, conducted an investigation of Tabor Community Services, Inc. ("Tabor Community Services"), and its officers, employees and directors. Based on the results of the investigation, the Bureau of Compliance and Licensing ("Bureau") believes that Tabor Community Services operated in violation of the Debt Management Services Act, 63 P.S. § 2401 *et seq.* The parties to the above-captioned matter, in lieu of litigation, hereby stipulate that the following statements are true and correct in the settlement of the above-captioned matter and, intending to be legally bound, hereby agree to the terms of this Consent Agreement and Order ("Order").

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the Debt Management Services Act.
2. The Debt Management Services Act was effective as of February 2009.
3. The Bureau is primarily responsible for administering and enforcing the Debt Management Services Act for the Department.

4. Tabor Community Services applied for a Debt Management Services license on February 5, 2010 and is currently licensed under license number 31169.

5. Tabor Community Services is principally located at 308 East King Street, Lancaster, Pennsylvania 17602-5013.

6. Tabor Community Services' execution of this Order and adherence to its terms is not an admission of wrongdoing by Tabor Community Services.

Unlicensed Activity

7. While reviewing Tabor Community Services' application, the Bureau discovered that Tabor Community Services had already entered into debt management agreements with clients.

8. The Debt Management Services Act defines "debt management services" as "[t]he service of receiving funds periodically from a consumer and then distributing those funds to creditors of the consumer in partial or full payment of the consumer's personal debts." 63 P.S. § 2402.

9. Upon the Bureau's request, Tabor Community Services provided the Bureau with a list of all debt management agreements that Tabor Community Services entered into after the February 2009 effective date of the Debt Management Services Act.

10. Tabor Community Services provided the Bureau with a list of thirty-eight (38) debt management agreements.

11. Section 2403(a) of the Debt Management Services Act provides "that no person may advertise, solicit, state or represent that it can offer, obtain or procure debt management services to or for a consumer or provide debt management services to a consumer unless the person is licensed by the department under this act." 63 P.S. § 2403(a).

12. Because Tabor Community Services had not yet obtained a debt management services license from the Bureau, the thirty-eight (38) debt management agreements it entered into after February 2009 are a violation of the Debt Management Services Act.

Authority of the Department

13. The Debt Management Services Act grants the Department the authority to issue orders as may be necessary for the proper conduct of the debt management services business and the enforcement of the Debt Management Services Act. 63 P.S. § 2417(4).

14. Section 2416(a) of the Debt Management Services Act provides, in relevant part, that, as a "General rule...the department may impose a civil penalty up to \$10,000 for each violation of this act." 63 P.S. § 2416(a).

VIOLATION

15. Tabor Community Services violated Section 2403(a) of the Debt Management Services Act when it entered into debt management agreements with consumers without first obtaining a license.

RELIEF

16. Fine. Tabor Community Services agrees to pay a fine of three thousand eight hundred dollars (\$3,800) which shall be due and payable within thirty (30) days of the Effective Date of this Order. The payment shall be remitted by a certified check or money order made payable to the Pennsylvania Department of Banking and sent to the attention of: Pennsylvania Department of Banking, Bureau of Compliance and Licensing, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

FURTHER PROVISIONS

17. Consent. Tabor Community Services hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the Mortgage Licensing Act and agrees that it understands all of the terms and conditions contained herein. Tabor Community Services, by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Order.

18. Publication. The Department will publish this Order pursuant to its authority in Section 302.A.(5) of the Department of Banking Code. 71 P.S. § 733-302.A.(5).

19. Entire Agreement. This Order contains the whole agreement between the parties. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kind whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Bureau and Tabor Community Services.

20. Binding Nature. The Department, Tabor Community Services, and all officers, owners, directors, employees, heirs and assigns of Tabor Community Services intend to be and are legally bound by the terms of this Order.

21. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

22. Effectiveness. Tabor Community Services hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (the "Effective Date").

23. Other Enforcement Action.

a. The Department reserves all of its rights, duties, and authority to enforce all statutes, rules and regulations under its jurisdiction against Tabor Community Services in the future regarding all matters not resolved by this Order.

b. Tabor Community Services acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department or office regarding matters within this Order.

24. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

25. Counterparts. This Order may be executed in separate counterparts, by facsimile and by PDF.

26. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Department and Tabor Community Services, Inc. intending to be legally bound, do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING, BUREAU OF
COMPLIANCE AND LICENSING**

John R. Talalai, Administrator
Bureau of Compliance and Licensing
Department of Banking

Date: 11-29-2011

FOR TABOR COMMUNITY SERVICES, INC.

(Officer Signature)

President

(Print Officer Name)

(Title)

Date: 11/10/11