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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF
BANKING AND SECURITIES

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| COMMONWEALTH OF PENNSYLVANIA : | |
| DEPARTMENT OF BANKING AND : | |
| SECURITIES, COMPLIANCE OFFICE : | |
| | |
| v. : | DOCKET NO. 17 <u>0070</u> BNK |
| | (ENT-CAO) |
| | |
| START NEW SETTLEMENT, LLC : | |
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CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking and Securities (“Department”), Compliance Office (“Office”), has reviewed the business practices of Start New Settlement, LLC (“Start New”), and its officers, employees and directors. Based on the results of its review, together with certain disclosures Start New has made to the Department, the Office believes that Start New operated in violation of the Debt Settlement Services Act (“DSSA”), 63 P.S. § 2501 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 DSSA.
2. The Office is primarily responsible for administering and enforcing the DSSA for the Department.
3. Start New’s principal place of business is located at 4345 Sawkaw Dr. NE, Suite A, Grand Rapids, MI 49525.

Unlicensed Period

4. The DSSA became effective on January 1, 2015.
5. The DSSA requires anyone marketing, soliciting, offering to provide or providing debt settlement services for a fee or other consideration to an individual residing in Pennsylvania at the time of the agreement to be licensed. 63 P.S. § 2521.
6. Start New is not, and never has been, licensed under the DSSA.
7. On or around August 2, 2017, Start New submitted an application (“Application”) for a debt settlement services license which is currently being reviewed.
8. During the course of the Department’s review of Start New’s Application, Start New disclosed to the Department that Start New operated as a debt settlement services company in Pennsylvania from approximately January 2017 to August 2017 without a license.

Authority of the Department

9. The DSSA grants the Department the authority to issue orders as may be necessary for enforcement. 63 P.S. § 2571.
10. The Department may “impose a civil penalty of up to \$10,000 for each violation of this act.” 63 P.S. § 2574.

VIOLATION

11. Start New violated the DSSA when it engaged in the business of a debt settlement services company while unlicensed. 63 P.S. § 2521.

RELIEF

12. Fine. Start New agrees to pay a fine of nine thousand dollars (\$9,000), within thirty (30) days of the Effective Date of the Order as defined in paragraph 20 below. The fine payment shall be remitted by certified check or money order made payable to the

“Department of Banking and Securities” and sent to the attention of: Department of Banking and Securities, Compliance Office, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101-2290.

13. Corrective Action. Upon the Effective Date of this Order, Start New shall not engage in the business of a debt settlement services company in Pennsylvania unless it is licensed.

FURTHER PROVISIONS

14. Consent. Start New hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau’s order authority under the DSSA and agree that it understands all of the terms and conditions contained herein. Start New, 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.

15. Consumer’s Rights. The Order shall not limit or impair a consumer’s rights under the DSSA. 63 P.S. § 2525.

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

17. 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 kinds whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Bureau and Start New.

18. Binding Nature. The Department, Start New, and all officers, owners, directors, employees, heir and assigns of Start New intend to be and are legally bound by the terms of this Order.

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

20. Effectiveness. Start New hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes this Order (“Effective Date”).

21. 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 Start New in the future regarding all matters not resolved by this Order.
- b. Start New 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.

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

23. Counterparts. This Order may be executed in separate counterparts and by facsimile or electronic mail in portable document format “PDF.”

24. 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 of Banking and Securities, Compliance Office and Start New Settlement, LLC intending to be legally bound do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
BANKING AND SECURITIES,
COMPLIANCE OFFICE**

**FOR START NEW SETTLEMENT,
LLC**

Redacted

Redacted

James Keiser, Chief
Compliance Office
Department of Banking and Securities

(Officer Signature)

L. DEAN SUNDRA

(Print Officer Name)

Date: November 1, 2017

MANAGING MEMBER
(Title)

Date: 10-31-17

