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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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PA DEPARTMENT OF
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF BANKING AND :
SECURITIES, COMPLIANCE OFFICE :

v. :

DOCKET NO. 18 0100 (BNK-CAO)

FRESH START CREDIT SOLUTIONS LLC :
:

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 Fresh Start Credit Solutions LLC ("Fresh Start"). Based on the results of its review, together with certain disclosures Fresh Start has made to the Department, the Office believes that Fresh Start 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 Compliance Office is primarily responsible for administering and enforcing the DSSA for the Department.
3. Fresh Start's principal place of business is located at 4907 N Florida Ave Tampa, FL 33603.

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. Fresh Start is not, and never has been, licensed under the DSSA.

7. Fresh Start has been providing debt settlement services to Pennsylvania consumers while not licensed to do so.

8. Fresh Start ceased accepting new clients when it learned of the licensing requirements.

9. Fresh Start cooperated with the Department regarding the matters addressed in this Order.

Authority of the Department

10. The DSSA grants the Department the authority to issue orders as may be necessary for enforcement. 63 P.S. § 2571(4).

11. The Department may “impose a civil penalty of up to \$10,000 for each violation of this act.” 63 P.S. § 2574(a).

VIOLATION

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

RELIEF

13. Fine. Fresh Start agrees to pay a fine of twenty thousand dollars (\$20,000) due within thirty (30) days of the Effective Date of the Order. The fine payment shall be made by ACH or wire transfer or, if ACH or wire transfer is unavailable, by certified check, cashier’s check, teller’s check or money order made payable to “The Department of Banking and Securities” and shall be mailed or delivered in person to the Compliance Office located at 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

14. Corrective Action. Upon the Effective Date of this Order, Fresh Start shall not perform debt settlement services for a fee in Pennsylvania unless it is licensed to do so.

15. Fresh Start may continue to service its clients under a debt settlement program as long as Fresh Start does not charge any fees for doing so.

16. Fresh Start shall refund all fees and considerations in the amount of nine thousand two hundred forty-eight dollars and forty-two cents (\$9,248.42) to all Pennsylvania clients within 30 days of the Effective Date of this Order. Fresh Start shall provide to the Department confirmation all fees have been refunded to Pennsylvania clients.

FURTHER PROVISIONS

17. Consent. Fresh Start hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Department's order authority under the DSSA and agrees that it understands all of the terms and conditions contained herein. Fresh Start, 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. Consumer's Rights. The Order shall not limit or impair a consumer's rights under the DSSA.

19. 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).

20. 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 Department and Fresh Start.

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

22. Counsel. This Order is subject to review by the Department's Legal Division. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

23. Effectiveness. Fresh Start hereby stipulates and agrees that the Order shall become effective on the date that the Department's Legal Division docketed and executes this Order ("Effective Date").

24. 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 Fresh Start in the future regarding all matters not resolved by this Order.
- b. Fresh Start 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.

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

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

27. 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 Fresh Start Credit Solutions 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 FRESH START CREDIT SOLUTIONS LLC

Redacted

Redacted

James Keiser, Chief
Compliance Office
Department of Banking and Securities

(Officer Signature)

Travis Seibert

(Print Officer Name)

Date: November 26, 2018

Managing Member

(Title)

Date: 11-23-18

