

FILED

2019 FEB -1 AM 11:32

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

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

v. :

DOCKET NO. 19 0008 (BNK-CAO)

DEBTHELP, INC. :

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 DebtHelp, Inc. ("DebtHelp"), and its officers, employees and directors. Based on the results of its review, together with certain disclosures DebtHelp has made to the Department, the Office believes that DebtHelp 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. DebtHelp's principal place of business is located at 1103 Schrock Rd., Suite 106, Columbus, OH 43229.

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

7. DebtHelp provided debt settlement services to Pennsylvania consumers.

8. DebtHelp has ceased accepting new clients when it learned of the licensing requirements but has continued to serve its existing clients.

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(4).

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

VIOLATION

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

RELIEF

12. Fine. DebtHelp agrees to pay a fine of twenty-one thousand, two hundred fifty dollars (\$21,250). The payment is due within thirty (30) days of the Effective Date of the Order as defined in paragraph 21. 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.

13. Corrective Action. Upon the Effective Date of this Order, DebtHelp shall not perform debt settlement services for a fee in Pennsylvania unless it is licensed

14. DebtHelp shall refund all fees and considerations in the amount of \$69,712.69 to all Pennsylvania clients within 30 days of the Effective Date of this Order. DebtHelp shall provide to the Department confirmation all fees have been refunded to Pennsylvania clients

FURTHER PROVISIONS

15. Consent. DebtHelp 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. DebtHelp, 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.

16. Consumer's Rights. The Order shall not limit or impair a consumer's rights under the DSSA.

17. 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).

18. 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 Office and DebtHelp.

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

20. 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.

21. Effectiveness. DebtHelp hereby stipulates and agrees that the Order shall become effective on the date that the Department's Legal Division docket and executes this Order ("Effective Date").

22. 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 DebtHelp in the future regarding all matters not resolved by this Order.

b. DebtHelp 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.

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

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

25. 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 DebtHelp, Inc. 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

Redacted

James Keiser, Chief
Compliance Office
Department of Banking and Securities

Date January 25, 2019

FOR DEBTHELP, INC.

Redacted

(Officer Signature)

Gail Fetter
(Print Officer Name)

President
(Title)

Date: 1-22-19

