

FILED

COMMONWEALTH OF PENNSYLVANIA 2019 APR -4 AM 10: 53  
DEPARTMENT OF BANKING AND SECURITIES

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

PA DEPARTMENT OF  
BANKING AND SECURITIES

v. :

DOCKET NO. 18 <sup>9</sup> 0043 (BNK-CAO)

PACIFIC ASSOCIATES CORP. :

**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 Pacific Associates Corp. ("Pacific Associates"). Based on the results of its review, together with certain disclosures Pacific Associates has made to the Department, the Office believes that Pacific Associates 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. Pacific Associates' principal place of business is located at 19900 MacArthur Blvd, Suite 890, Irvin, CA 92612.

**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. Pacific Associates is not, and never has been, licensed under the DSSA.

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

8. Pacific Associates ceased marketing to new clients when it learned of the licensing requirements.

9. Pacific Associates 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. Pacific Associates violated the DSSA when it engaged in the business of a debt settlement services company while not licensed to do so. 63 P.S. § 2521.

#### **RELIEF**

13. Fine. Pacific Associates agrees to pay a fine of fifteen thousand dollars (\$15,000) with the payment 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 attention of: Department of Banking and Securities, Compliance Office, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290.

14. Corrective Action. Pacific Associates has applied for licensure under the DSSA. Within five (5) business days of the Effective Date of this Order, the Department will license Pacific Associates under the DSSA.

15. Pacific Associates shall refund all fees and considerations collected thus far in the amount of \$20,177.29 to all Pennsylvania clients within 30 days of the Effective Date of this Order. The refunds may be accomplished by crediting the refund amount to the client's settlement account. Pacific Associates shall provide to the Department confirmation all fees have been refunded to Pennsylvania clients.

#### FURTHER PROVISIONS

16. Consent. Pacific Associates 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. Pacific Associates, 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.

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

18. 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).

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 kinds whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Office and Pacific Associates.

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

21. 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.

22. Effectiveness. Pacific Associates hereby stipulates and agrees that the Order shall become effective on the date that the Department's Legal Division docket this Order ("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 Pacific Associates in the future regarding all matters not resolved by this Order.
- b. Pacific Associates 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 and by facsimile or electronic mail in portable document format "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.

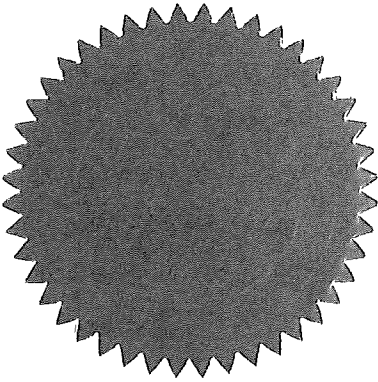
**WHEREFORE**, in consideration of the foregoing, including the recital paragraphs, the Department of Banking and Securities, Compliance Office, and Pacific Associates Corp. intending to be legally bound do hereby execute this Consent Agreement and Order.

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

Redacted

~~11-1-14-11 11-1-14-11~~  
John T'Alalai, Administrator  
Compliance Office  
Department of Banking and Securities

Date: 3-26-2019



**FOR PACIFIC ASSOCIATES CORP.**

Redacted

\_\_\_\_\_  
(Officer Signature)

Shain Mercer

\_\_\_\_\_  
(Print Officer Name)

President

\_\_\_\_\_  
(Title)

Date: 3-26-19