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Howard F. Pitkin
Commissioner

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IN THE MATTER OF: *
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HOME CREDIT LAW CENTER * **ORDER TO CEASE AND DESIST**
("Home Credit") *
 * **AND**
UNITED PROCESSING * **ORDER IMPOSING CIVIL PENALTY**
CENTER, INC. *
("United Processing") *
 *
(collectively "Respondents") *
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I. PRELIMINARY STATEMENT

WHEREAS, the Banking Commissioner ("Commissioner") is charged with the administration of Sections 36a-671 to 36a-671e, inclusive, of the Connecticut General Statutes contained in Part II of Chapter 669 of the Connecticut General Statutes, "Debt Adjusters and Debt Negotiation";

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking, conducted an investigation of the activities of Respondents, pursuant to the authority granted by Section 36a-17(a) of the 2012 Supplement to the General Statutes, to determine if they had violated, were violating or were about to violate the provisions of the Connecticut General Statutes within the jurisdiction of the Commissioner;

WHEREAS, on April 26, 2012, the Commissioner, acting pursuant to Section 36a-52(b) of the Connecticut General Statutes, Section 36a-671a(b) of the Connecticut General Statutes, in effect prior to July 13, 2011, and Sections 36a-52(a) and 36a-50(a) of the Connecticut General Statutes, issued a Temporary Order to Cease and Desist, Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing (collectively "Notice") against Respondents which Notice is incorporated herein by reference;

WHEREAS, on April 27, 2012, the Notice was sent by certified mail, return receipt requested, to Home Credit (Certified Mail No. 7011200000247358000);

WHEREAS, on April 27, 2012, the Notice was sent by certified mail, return receipt requested, to United Processing's agent (Certified Mail No. 70112000000247358208);

WHEREAS, the Notice provided Respondents with the opportunity for a hearing, and stated that if a hearing was not requested by any Respondent within 14 days of each Respondent's receipt, the Commissioner would issue an order that such Respondent cease and desist from violating Section 36a-671(b) of the Connecticut General Statutes, in effect prior to October 1, 2011, and may order a civil penalty in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation to be imposed upon such Respondent;

WHEREAS, on April 30, 2012, Home Credit received the Notice and on May 11, 2011, Home Credit requested a hearing, which hearing is currently scheduled for June 19, 2012;

WHEREAS, on May 7, 2012, the Notice sent to United Processing was returned to the Department marked "Return to Sender, Attempted - Not Known, Unable to Forward";

WHEREAS, Section 36a-52(a) of the Connecticut General Statutes provides, in pertinent part, that "[t]he notice shall be deemed received by the person on the earlier of the date of actual receipt or seven days after mailing or sending";

WHEREAS, Section 36a-50(a)(1) of the Connecticut General Statutes provides, in pertinent part, that "[t]he notice shall be deemed received by the person on the earlier of the date of actual receipt or seven days after mailing or sending";

WHEREAS, no request for a hearing has been received by the Commissioner from United Processing;

WHEREAS, the Commissioner alleged in the Notice, with respect to the activity described therein, that each Respondents' offering to engage in debt negotiation in this state without obtaining the required license constitutes a violation of Section 36a-671(b) of the Connecticut General Statutes, in effect prior to October 1, 2011. Such violation forms the basis to issue an order to cease and desist against each Respondent pursuant to Section 36a-671a(b) of the Connecticut General Statutes, in effect prior to July 13, 2011, and Section 36a-52(a) of the Connecticut General Statutes and impose a civil penalty upon each Respondent pursuant to Section 36a-671a(b) of the Connecticut General Statutes, in effect prior to July 13, 2011, and Section 36a-50(a) of the Connecticut General Statutes;

WHEREAS, Section 36a-52(a) of the Connecticut General Statutes provides, in pertinent part, that "[i]f the person does not request a hearing within the time specified in the notice or fails to appear at the hearing, the commissioner shall issue an order to cease and desist against the person. No such order shall be issued except in accordance with the provisions of chapter 54";

WHEREAS, Section 36a-50(a)(2) of the Connecticut General Statutes provides, in pertinent part, that "[i]f such person does not request a hearing within the time specified in the notice or fails to appear at the hearing, the commissioner may, as the facts require, order that a civil penalty not exceeding one hundred thousand dollars per violation be imposed upon such person";

WHEREAS, Section 36a-50(a)(3) of the Connecticut General Statutes provides, in pertinent part, that "[e]ach action undertaken by the commissioner under this subsection shall be in accordance with the provisions of chapter 54";

AND WHEREAS, Section 36a-1-31(a) of the Regulations of Connecticut State Agencies provides, in pertinent part, that "[w]hen a party fails to request a hearing within the time specified in the notice, the allegations against the party may be deemed admitted. Without further proceedings or notice to the party, the commissioner shall issue a final decision in accordance with section 4-180 of the Connecticut General Statutes and section 36a-1-52 of the Regulations of Connecticut State Agencies".

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commissioner finds that the matters asserted, as set forth in paragraphs 3 and 5 of Section II of the Notice, to the extent applicable to United Processing, shall constitute findings of fact within the meaning of Section 4-180(c) of the Connecticut General Statutes, and that the conclusions, as set forth in paragraph 2 of Section III of the Notice, shall constitute conclusions of law within the meaning of Section 4-180(c) of the Connecticut General Statutes and Section 36a-1-52 of the Regulations of Connecticut State Agencies.
2. The Commissioner finds that United Processing has engaged in acts or conduct which, pursuant to Section 36a-671a(b) of the Connecticut General Statutes, in effect prior to July 13, 2011, and Section 36a-52(a) of the Connecticut General Statutes, forms the basis to issue an order to cease and desist against United Processing, and, pursuant to Section 36a-671a(b) of the Connecticut General Statutes, in effect prior to July 13, 2011, and Section 36a-50(a) of the Connecticut General Statutes, forms the basis to impose a civil penalty upon United Processing.
3. The Commissioner finds that the Notice was given in compliance with Sections 36a-52(a), 36a-50(a) and 4-177 of the Connecticut General Statutes.

III. ORDER

Having read the record, **I HEREBY ORDER**, pursuant to Section 36a-671a(b) of the Connecticut General Statutes, in effect prior to July 13, 2011, and Sections 36a-52(a) and 36a-50(a) of the Connecticut General Statutes, that:

1. United Processing Center, Inc., **CEASE AND DESIST** from violating Section 36a-671(b) of the Connecticut General Statutes, in effect prior to October 1, 2011;
2. A **CIVIL PENALTY** of One Hundred Thousand Dollars (\$100,000) be imposed upon United Processing Center, Inc., to be remitted to the Department of Banking by cashier's check, certified check or money order, made payable to "Treasurer, State of Connecticut", no later than thirty (30) days from the date this Order is mailed; and
3. This Order shall become effective when mailed.

Dated at Hartford, Connecticut
this 4th day of June 2012.

_____/s/
Howard F. Pitkin
Banking Commissioner

This Order was sent by certified mail,
return receipt requested, to
Respondents on June 5, 2012.

Home Credit Law Center Certified Mail No. 70110470000225730164
c/o Robert M. Frost, Jr.
129 Church Street, Suite 226
New Haven, CT 06510

United Processing Center, Inc. Certified Mail No. 70110470000225730089
Attention: Eric Shiwall, Agent
14252 Culver Drive #520
Irvine, California 92604

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