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Howard F. Pitkin
Commissioner

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IN THE MATTER OF: * **ORDER TO CEASE AND DESIST**
 *
BRUCE S. WEINER * **ORDER OF REPAYMENT OF FEES**
ATTORNEY AT LAW * **AND**
d/b/a CONSULT LEGAL GROUP * **ORDER IMPOSING CIVIL PENALTY**
 ("Respondent") *
 ***** *

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 ("Department"), conducted an investigation of the activities of Respondent, pursuant to the authority granted by Section 36a-17(a) of the 2012 Supplement to the General Statutes, to determine if it had violated, was violating or was about to violate the provisions of the Connecticut General Statutes within the jurisdiction of the Commissioner;

WHEREAS, on August 21, 2012, the Commissioner, acting pursuant to Section 36a-52(b) of the Connecticut General Statutes, Section 36a-671a(b) of the 2012 Supplement to the General Statutes 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 Respondent, which Notice is incorporated herein by reference;

WHEREAS, on August 22, 2012, the Notice was sent by certified mail, return receipt requested, to Respondent (Certified Mail Nos. 70110470000225730287, 70110470000225730447, 70110470000225730539 and 70110470000225730546);

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

WHEREAS, on August 24, 2012, Respondent received the Notice sent by Certified Mail No. 70110470000225730287;

WHEREAS, on August 25, 2012, Respondent received the Notice sent by Certified Mail No. 70110470000225730447;

WHEREAS, on August 27, 2012, Respondent received the Notice sent by Certified Mail No. 70110470000225730539;

WHEREAS, on August 31, 2012, the Notice sent to Respondent by Certified Mail No. 70110470000225730546 was returned to the Department marked "Return to Sender - Insufficient Address - 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, Respondent failed to request a hearing within the prescribed time period;

WHEREAS, the Commissioner alleged in the Notice, with respect to the activity described therein, that Respondent's engaging 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 pursuant to Section 36a-671a(b) of the 2012 Supplement to the General Statutes and Section 36a-52(a) of the Connecticut General Statutes, and impose a civil penalty pursuant to Section 36a-671a(b) of the 2012 Supplement to the General Statutes and Section 36a-50(a) of the Connecticut General Statutes;

WHEREAS, also in the Notice, the Commissioner found that the fees charged by Respondent for debt negotiation services were excessive and ordered, pursuant to Section 36a-671a(c) of the 2012 Supplement to the General Statutes and Section 36a-52(b) of the Connecticut General Statutes, that not later than 10 days from Respondent's receipt of the Notice, Respondent provide repayment of \$2,995 to the Connecticut resident identified in Exhibit A to the Notice and all fees paid to Respondent by the Connecticut residents identified in Exhibit B to the Notice, and among other things, provide evidence of such repayment to the Director of the Consumer Credit Division;

WHEREAS, no evidence of such repayment was provided to the Director of the Consumer Credit Division;

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 1 through 8, inclusive, of Section II of the Notice, shall constitute findings of fact within the meaning of Section 4-180(c) of the Connecticut General Statutes, and that the conclusion, as set forth in 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 Respondent has engaged in acts or conduct which, pursuant to Section 36a-671a(b) of the 2012 Supplement to the General Statutes and Section 36a-52(a) of the Connecticut General Statutes, forms the basis to issue an order to cease and desist against Respondent, and, pursuant to Section 36a-671a(b) of the 2012 Supplement to the General Statutes and Section 36a-50(a) of the Connecticut General Statutes, forms the basis to impose a civil penalty upon Respondent.
3. The Commissioner finds that the payment of fees by the Connecticut residents identified in Exhibits A and B of the Notice to be excessive, upon consideration of the Schedule of Maximum Fees issued by the Commissioner, the debt negotiation services contract was not successfully completed and the Connecticut residents received no benefit from such contract.
4. 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 Sections 36a-671a(b) and 36a-671a(c) of the 2012 Supplement to the General Statutes, and Sections 36a-52(a) and 36a-50(a) of the Connecticut General Statutes, that:

1. Bruce S. Weiner Attorney At Law d/b/a Consult Legal Group **CEASE AND DESIST** from violating Section 36a-671(b) of the Connecticut General Statutes, in effect prior to October 1, 2011;
2. Bruce S. Weiner Attorney At Law d/b/a Consult Legal Group **REPAY FEES** in the amount of Two Thousand Nine Hundred Ninety-Five Dollars (\$2,995) to the Connecticut resident identified in Exhibit A attached hereto and **REPAY ALL FEES** paid to Bruce S. Weiner Attorney At Law d/b/a Consult Legal Group by the Connecticut residents identified in Exhibit B attached hereto by cashier's check, certified check or money order, no later than ten (10) days from the date this Order is mailed, and shall provide Carmine Costa, Director, Consumer Credit Division, Department of Banking, 260 Constitution Plaza, Hartford, Connecticut 06103-1800, or carmine.costa@ct.gov, evidence of such repayments;
3. A **CIVIL PENALTY** of One Hundred Thousand Dollars (\$100,000) be imposed upon Bruce S. Weiner Attorney At Law d/b/a Consult Legal Group, 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
4. This Order shall become effective when mailed.

Dated at Hartford, Connecticut
this 22nd day of October 2012.

_____/s/
Howard F. Pitkin
Banking Commissioner

This Order was sent by certified mail,
return receipt requested, to
Respondent on October 23, 2012.

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