



CONNECTICUT DEPARTMENT OF BANKING

- Home
- About Us
- Programs & Services
- Forms
- Contact Us



Howard F. Pitkin
Commissioner

- Verify a License
- Find a Bank
- Find a Credit Union
- Legal Resources
- Enforcement
- Newsroom
- Alerts
- Helpful Links



 *
IN THE MATTER OF:
 *
 *
LAW OFFICES OF
TIMOTHY MCCABE, P.A.
("McCabe")
 *
ORDER TO CEASE AND DESIST
 *
AND
 *
CONSUMER ASSISTANCE
PROJECT, CORP
f/k/a BACK OFFICE LAW
PROJECT, CORP
("Consumer Assistance Project")
 *
(Collectively, "Respondents")
 *

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 Respondents, pursuant to the authority granted by Section 36a-17(a) of the Connecticut 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 February 28, 2014, as a result of such investigation, the Commissioner, acting pursuant to Sections 36a-52(b), 36a-50(c), 36a-671a(b), 36a-52(a) and 36a-50(a) of the Connecticut General Statutes, issued a Temporary Order to Cease and Desist, Order to Make Restitution ("Order to Make Restitution"), Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing (collectively "Order and Notice") against Respondents, which Order and Notice is incorporated herein by reference;

WHEREAS, on March 3, 2014, the Order and Notice was sent by certified mail, return receipt requested, to McCabe (Certified Mail Nos. 70121010000173173172 and 70121010000173173189); to Consumer Assistance Project (Certified Mail Nos. 70121010000173173196, 70121010000173173219 and 70121010000173173226); and to Consumer Assistance Project's registered agent (Certified Mail No. 70121010000173173202);

WHEREAS, the Order and 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 Order to Make Restitution shall remain in effect and become permanent against such Respondent and the Commissioner would issue an order that such Respondent cease and desist from violating Section 36a-671(b) of the Connecticut General Statutes, 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 March 10, 2014, McCabe received the Order and Notice, and no request for a hearing has been received by the Commissioner;

WHEREAS, on March 7, 2014, Consumer Assistance Project received the Order and Notice, and no request for a hearing has been received by the Commissioner;

WHEREAS, the Commissioner alleged in the Order and Notice, with respect to the activity described therein, that each Respondent engaged in debt negotiation in this state without obtaining the required license, in violation of Section 36a-671(b) of the Connecticut General Statutes. Such violation forms the basis to issue an order to cease and desist pursuant to Sections 36a-671a(b) and 36a-52(a) of the Connecticut General Statutes, issue an order to make restitution pursuant to Sections 36a-671a(b) and 36a-50(c) of the Connecticut General Statutes, and impose a civil penalty pursuant to Sections 36a-671a(b) and 36a-50(a) of the Connecticut General Statutes;

WHEREAS, as part of the Order to Make Restitution, the Commissioner ordered, pursuant to Section 36a-50(c) of the Connecticut General Statutes, that Respondents make restitution of any sums obtained as a result of each Respondent's violation of Section 36a-671(b) of the Connecticut General Statutes, plus interest at the legal rate set forth in Section 37-1 of the Connecticut General Statutes. Specifically, the Commissioner ordered that not later than thirty (30) days from the date the Order to Make Restitution becomes permanent, each Respondent shall repay an identified Connecticut resident an identified amount plus interest, and repay to any other Connecticut resident who entered into an agreement for debt negotiation services with Respondents on and after October 1, 2009, any fees paid by such resident plus interest, and provide evidence of such repayments to the Director of the Consumer Credit Division;

WHEREAS, on April 17, 2014, the Commissioner entered into a Consent Order with Consumer Assistance Project resolving the allegation against Consumer Assistance Project;

WHEREAS, the Order to Make Restitution remains in effect and became permanent against McCabe on March 25, 2014;

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 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, 3 through 5, inclusive, and 10 of Section II of the Order and Notice, shall constitute findings of fact within the meaning of Section 4-180(c) of the 2014 Supplement to the General Statutes with respect to McCabe, and that the conclusions, as set forth in paragraph 1 of Section III of the Order and Notice, shall constitute conclusions of law within the meaning of Section 4-180(c) of the 2014 Supplement to the General Statutes and Section 36a-1-52 of the Regulations of Connecticut State Agencies with respect to McCabe.
2. The Commissioner finds that McCabe has engaged in acts or conduct which, pursuant to Sections 36a-671a(b) and 36a-52(a) of the Connecticut General Statutes, forms the basis to issue an order to cease and desist against McCabe, and, pursuant to Sections 36a-671a(b) and 36a-50(a) of the Connecticut General Statutes, forms the basis to impose a civil penalty upon McCabe.
3. The Commissioner finds that the Order and Notice was given in compliance with Section 36a-52(a), subsections (a) and (c) of Section 36a-50 and Section 4-177 of the Connecticut General Statutes.

III. ORDER

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

1. Law Offices of Timothy McCabe, P.A. **CEASE AND DESIST** from violating Section 36a-671(b) of the Connecticut General Statutes;
2. A **CIVIL PENALTY** of One Hundred Thousand Dollars (\$100,000) be imposed upon Law Offices of Timothy McCabe, P.A., 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 22nd day of April 2014.

_____/s/
Howard F. Pitkin
Banking Commissioner

This Order was sent by certified mail, return receipt requested, to Law Offices of Timothy McCabe, P.A. on April 23, 2014.

Law Offices of Timothy McCabe, P.A. Certified Mail No. 7012 1010 0001 7264 7230
30 S. M. Street
Lake Worth, Florida 33460

Law Offices of Timothy McCabe, P.A. Certified Mail No. 7012 1010 0001 7264 7247
1350 East Newport Center Drive, Suite 100
Deerfield Beach, Florida 33442

[Administrative Orders and Settlements](#)

[Printable Version](#)

