

State of New Hampshire

**State of New Hampshire
Banking Department**

v.

**PDL Assistance, Inc.,
Respondent**

Docket # 10-173

**Order to Show Cause
and Cease and Desist**

Notice of Order to Show Cause and Cease and Desist (“Order”)

1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 399-D (including RSA 399-D:13, I, RSA 399-D:23, I and II, RSA 399-D:24, IV and V and RSA 399-D:25, IV) and RSA Chapter 541-A.
2. The Commissioner may impose administrative fines up to a maximum of \$2,500.00 for each violation. RSA 399-D:24, IV and V.

Respondents

3. PDL Assistance, Inc. (“Respondent”) is a corporation duly incorporated in the State of Alabama on September 10, 2007 with a principal office location of 1210 Hill Crest Road Mobile, AL 36695. Respondent PDL is a “Person.” RSA 399-D:2, VII.
4. The New Hampshire Banking Department’s (“Department”) records indicate that Respondent has never held a New Hampshire Debt Adjuster license.

Right to a Hearing

5. Respondent has the right to request a hearing of this Order. A hearing shall be held not later than ten (10) days after the Commissioner receives the Respondent’s written request for a hearing. The Respondent may request a hearing and waive the ten (10) day hearing requirement. The hearing shall comply with RSA Chapter 541-A, RSA 399-D:13, I and RSA 399-D:23, I and II.

6. If any person fails to request a hearing within thirty (30) days of receiving this Order, then such person shall likewise be deemed in default, all allegations may be deemed true, and the Order shall, on the thirty-first (31st) day, become permanent and shall remain in full force and effect until modified or vacated by the Commissioner for good cause shown. RSA 399-D:13, I and RSA 399-D:23, I and II.
7. A default may result in administrative fines as described in Paragraph 2 above.

Statement of Allegations

8. On June 4, 2009, the Department received information that Respondent was engaged in unlicensed debt adjustment activity.
9. Respondent had run radio advertisements in New Hampshire promoting “payday loan settlement” through its website “pdlassistance.com.”
10. Respondent’s website advertises, “Once we receive your initial start up payment, we will counsel you on the payday loan settlement process that help you pay off your payday loan debts at a fraction of the actual balance. While you save we help you keep the payday loan companies at bay and work out favorable settlements with your creditors.”
11. Respondent had contracted with a New Hampshire consumer (“Consumer A”) in 2009 to settle Consumer A’s debts, in violation of RSA 399-D:3, I.
12. On October 19, 2009, the Department sent a letter via U.S. Certified Mail return receipt requested to Respondent at its principal office location requesting a description of Respondent’s business model. Respondent received the letter on October 22, 2009.
13. Respondent failed to respond, in violation of RSA 399-D:22, II.
14. On September 21, 2010, the Department sent a second letter via facsimile, email, and U.S. Certified Mail return receipt requested to Respondent at its principal place of

business, requesting that they submit an application for licensure and information concerning Respondent's New Hampshire customers. Respondent received the facsimile and email copies on September 21, 2010. Respondent received the September 21, 2010 Department correspondence on September 27, 2010.

15. Respondent failed to respond, in violation of RSA 399-D:22, II.
16. To date, Respondent's website remains active and accessible from within New Hampshire. The website now states that "PDL Assistance is not currently accepting new clients beginning on October 27, 2010," and links to provide information to PDL are disabled.

Alleged Violations

Respondent PDL Assistance,
Inc.:

1 Count for unlicensed activity as a debt
adjuster;

RSA 399-D:3, I

2 Counts for failure to produce requested
documents;

RSA 399-D:22, II

Respectfully Submitted:

_____/s/_____
Raef J. Granger
Hearings Examiner
N.H. Banking Department

Date: 04/08/11

Order

17. I hereby find as follows:

- a. Pursuant to RSA 399-D:13, I, the facts as alleged above, if true, show Respondent is operating or has operated in violation of RSA Chapter 399-D and form the legal basis for this Order;

- b. Pursuant to RSA 399-D:25, VI, this Order is necessary and appropriate to the public interest and for the protection of consumers and consistent with the purpose of New Hampshire banking laws;
- c. Pursuant to RSA 399-D:23, II, reasonable cause exists to issue an order to cease and desist; and
- d. Pursuant to RSA 399-D:13, I and RSA 399-D:23, II, if Respondent fail to respond to this Order and/or default then all facts as alleged herein are deemed as true.

18. Accordingly, it is hereby ORDERED that:

- a. Respondent shall immediately cease and desist from violating RSA Chapter 399-D and rules or orders thereunder;
- b. Respondent shall within fourteen (14) days of the date of this Order provide to the Department a list of all New Hampshire consumers for whom Respondent has conducted or contracted to conduct debt adjustment activities. This list must include the names and contact information of the New Hampshire consumers, along with all monies charged, collected and waived (if applicable). The list shall also be accompanied by all contracts, checks to and from the consumer and any other documents in the New Hampshire consumers' files;
- c. Respondent shall show cause why the Commissioner should not enter an order of disgorgement of profits;
- d. Respondent shall show cause why the Commissioner should not recover costs for investigation of this matter in the minimum amount of \$2,250.00;
- e. Respondent shall show cause why administrative fines totaling \$7,500.00 should not be imposed; and

- f. Nothing in this Order shall prevent either 1) the Department from taking any further administrative and legal action as necessary under New Hampshire law or 2) the New Hampshire Office of the Attorney General from bringing an action against the above-named Respondent in any New Hampshire superior court, with or without prior administrative action by the Commissioner.

SO ORDERED,

Entered this April 11, 2011.

/s/

Robert A. Fleury, Deputy Bank Commissioner
New Hampshire Banking Department