

1 State of New Hampshire Banking Department

2 In re the Matter of:)Case No.: 09-094
)
 3 State of New Hampshire Banking)
)
 4 Department,)
)
 5 Petitioner,)Consent Order
)
 6 and)
)
 7 Consumer Credit Counseling Service of)
)
 8 Greater Atlanta, Inc. d/b/a Credability,)
)
 9 Respondent)
)

10 CONSENT ORDER

11 The State of New Hampshire Banking Department (the "Department") finds and
12 Orders as follows:

13 Respondent

- 14 1. Consumer Credit Counseling Service of Greater Atlanta Inc. d/b/a
 15 Credability ("Credability") is a non-profit corporation duly formed in
 16 the State of Georgia on October 21, 1963 with its principal location
 17 in Atlanta, Georgia. In New Hampshire, Credability was formerly known
 18 as Credibility CCCS of Greater Atlanta and initially registered on
 19 November 10, 2003.
- 20 2. Credability has been licensed as a Debt Adjuster by the Department
 21 since January 11, 2008 (with an amended license date of January 10,
 22 2011).

23 Jurisdiction

- 24 3. The Department is authorized to regulate debt adjusters pursuant to
 25 RSA Chapter 399-D. RSA 399-D:1 and RSA 399-D:3.

1 4. The Commissioner has jurisdiction to issue orders to show cause and to
2 cease and desist from violations under RSA Chapter 399-D and to
3 revoke, deny, or suspend a license of a licensee and/or assess
4 penalties pursuant to RSA Chapter 399-D. Chapter 399-D. RSA 399-D:13
5 and RSA 399-D:23.

6 **Facts**

7 5. Since 1998, Credability has been conducting debt adjuster activity for
8 New Hampshire consumers but licensure was only needed since September
9 12, 2004 due to the change in law that no longer exempted Credability
10 from licensure.

11 6. Since September 12, 2004 until its licensure date of January 11, 2008,
12 Credability conducted unlicensed debt adjuster activity for fourteen
13 (14) New Hampshire consumers (Consumers A through N). Fees charged
14 and collected by Credability for Consumer A through N total \$3,120.00
15 as follows:

16 Consumer A: \$0.00;	Consumer H: \$58.29;
17 Consumer B: \$0.00;	Consumer I: \$16.66;
18 Consumer C: \$0.00;	Consumer J: \$359.81;
19 Consumer D: \$145.73;	Consumer K: \$22.20;
20 Consumer E: \$408.33;	Consumer L: \$388.66;
21 Consumer F: \$768.35;	Consumer M: \$172.82; and
22 Consumer G: \$94.35;	Consumer N: \$685.00.

23 7. During the examination of Credability, Credability cooperated and
24 provided the information to show it did conduct business in New
25 Hampshire prior to obtaining a Debt Adjuster license from the

1 Department.

2 **Violation(s) of Law and Penalties**

3 8. Credability is a "Person" as defined by RSA 399-D:2,VII.

4 9. Credability, for each debt adjuster contract detailed above in
5 Paragraph 6, may be assessed an administrative fine not to exceed
6 \$2,500.00 as to each transaction for a total maximum administrative
7 penalty of \$35,000.00. RSA 399-D:24,IV.

8 10. The back retail seller license fees owed from 2004 through 2007 total
9 \$400.00. RSA 399-D:5,II(a).

10 11. Mitigating factors include but are not limited to:

11 a. Credability has cooperated with the Department;

12 b. To date, no evidence has been presented to the Department that
13 Credability has conducted unfair or deceptive activity;

14 c. Credability has complied with other applicable laws under RSA
15 Chapter 399-D; and

16 d. To date, the Department has no evidence of consumer complaints
17 filed against Credability.

18 **Respondent's Consent**

19 12. Credability does not deny the facts, statements, or violations
20 contained herein and Credability hereby agrees to the entry of this
21 Consent Order.

22 13. Credability hereby acknowledges, understands, and agrees that there is
23 the right to notice, hearing, and/or a civil action and hereby waives
24 said rights.

1 16. This Consent Order is binding on all heirs, assigns, and/or successors
2 in interest.

3 17. This Consent Order shall become effective upon the date the
4 Commissioner signs this Consent Order.

5 18. Once this Consent Order is effective, the Department agrees not to
6 seek further reimbursement, refunds, penalties, fines, costs, or fees
7 regarding the facts, allegations, or findings of violations contained
8 herein.

9 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
10 Order, upon its execution by Robert A. Fleury, Deputy Bank Commissioner.

11
12 Recommended this 9th day of May, 2011 by

13 _____
/s/

14 Maryam Torben Desfosses, Hearings Examiner, Banking Department

15
16 Executed this 25th day of May, 2011 by

17 _____
/s/

18 Suzanne E. Boas, President, on behalf of Consumer Credit Counseling Service
19 of Greater Atlanta, Inc. d/b/a Credability

20
21 **SO ORDERED.**

22
23 _____
/s/

24 Robert A. Fleury,
Deputy Bank Commissioner

Dated: May 31, 2011