

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 10-004
3 State of New Hampshire Banking)
4 Department,) Final Order: Dargon Law Firm P.L.L.C.
5 Petitioner,) (a/k/a www.dargonlaw.com), and Daniel
6 and) Paul Dargon, Esq.
7 Dargon Law Firm P.L.L.C. (a/k/a)
8 www.dargonlaw.com), Daniel Paul Dargon,)
9 Esq., Stephen R. Kasmar, Esquire,)
10 Joseph D. Becher, Esquire, Eric J.)
11 Simenson, Esquire, Joseph R. Russell,)
12 Esquire, Patricia Ellis, Esquire,)
13 Jeffery B. Merrill, Esquire, Peter)
14 Larkowich, Michelle Preve, and Lacie)
15 Kingsbury,)
16 Respondents)
17)

18
19 I. PROCEDURAL BACKGROUND

20 An adjudicative hearing decision (the "Order") was issued in this
21 matter on February 11, 2011. In the Order, a number of claims made by the
22 Department against Dargon Law Firm and Attorney Dargon ("Collectively
23 "Dargon") were granted. The Order also granted the Department's request for
24 a show cause hearing. A prehearing conference for the show cause hearing was
25

1 held on March 10, 2011 and on May 17, 2011 in order to narrow the remaining
2 issues. The remaining issues are as follows:

- 3 1. The Department's request to ban Attorney Dargon from office as a
4 New Hampshire Loan Originator;
- 5 2. Whether refunds should be ordered, and, if so, in what amount;
- 6 3. Whether Dargon should be ordered to pay the Department the cost of
7 the investigation;
- 8 4. Whether there were profits, and, if so, what amount should be
9 disgorged;
- 10 5. The number of violations of RSA Chapter 397-A (not to exceed 92)
11 and/or RSA Chapter 399-D (not to exceed 29)¹; and
- 12 6. Any other matter at the discretion of the Presiding Officer.

13
14 **ORDER**

15 Subsequent to the prehearing conference, the Department filed a
16 supplemental brief dated May 27, 2011 (the "Brief"). As described on page 2
17 of the Brief, Attorney Dargon stated on the record at the hearing that,
18 despite numerous requests, he is unable to provide financial information
19 that might bear on the amount to be awarded for restitution, fines,
20 penalties, costs, and disgorgement of profits. There is, therefore, no need
21 for a show cause hearing on Dargon's financial condition. The Department
22 stated on the record that it would rely on the existing record and its
23 supplemental brief. Thus, both parties have waived the show cause hearing.

24 _____
25 ¹ In the Order, the Presiding Officer identified exhibits regarding
unlicensed attorney Larkowich and one exhibit regarding unlicensed attorney
Ellis.

1 This final order is based on the record as it now exists. The record is
2 HEREBY CLOSED.

3 Prior to the filing of the Brief, the Department sought that Attorney
4 Dargon be banned from office as a New Hampshire Mortgage Loan Originator.
5 *Order p.7, lines 1-3.* In the Brief, the Department requests that Attorney
6 Dargon be ordered to cease and desist from violating RSA Chapter 397-A, its
7 rules and orders as issued by the Department. This request is GRANTED. To
8 the extent that the request for banishment remains, it is DENIED.²

9 Previously, the Department sought the disgorgement of profits. This
10 request has not been raised in the Brief and it may fairly be subsumed in
11 the request for restitution. In any event, to the extent that the request
12 for disgorgement of profits remains as an independent claim, it is DENIED.

13 The Order requested that the Department identify, by exhibit number,
14 each violation of RSA Chapter 397-A by Dargon as an originator and each
15 violation of RSA Chapter 399-D by an unlicensed attorney. *Order P.10.* In
16 its Brief, the Department provided Exhibit A listing 98 violations.³ The
17 Department seeks administrative fines of \$2,500.00 for each transaction
18 separately against each Respondent for collecting advance fees for loan
19 modification in violation of RSA 397-A:14, IV(m), a total of \$460,000.00. In
20 a number of cases, no advance fees were collected. The amount sought,
21 \$2,500.00, is the maximum fine. As stated in the Order, the Respondents were
22 unaware of the laws they violated. While ignorance of the law is no excuse,

24 ² The Department's restraint in foregoing a ban is commendable. A ban is
strong medicine and should be used sparingly.

25 ³ Some of the Transactions in Exhibit A were previously withdrawn. The total
number of violations actually claimed by the Department is 92.

1 it may mitigate the amount of a fine. If the maximum fine is charged to an
2 individual or entity that is unaware of the law, it will be difficult to set
3 an appropriate fine for a different individual who consciously violates this
4 law. The amount of the fine in this case is set at \$500.00 per violation.
5 The number of counts must also be reduced. Based on a review of the 92
6 exhibits, the number of counts for actually receiving advance fees is set at
7 79.⁴

8 The issue of joint and several liability will be addressed a number of
9 times in this order.

10 In regard to the receipt of advanced fees, the number of violations
11 alleged and found is the same for each respondent, Dargon Law Firm PLLC and
12 Attorney Dargon.

13 The Department uses "Dargon" to include both the law firm and Attorney
14 Dargon. Paragraph 7 of the Brief requests an award against "Dargon" and
15 requests that the award be a total of the maximum fine for all violations.
16 The paragraph lists the violations which are separated into four (4)
17 categories for the law firm and six (6) categories for Attorney Dargon. In
18 regard to these counts, both respondents are equally culpable. The
19 Department's requests that both Respondents violated RSA 397-A:14, IV(m) and
20 be equally fined are GRANTED.

21 Dargon Law Firm PLLC is ordered to pay an administrative fine of
22 \$39,500.00 for collection of advance fees for loan modification. The
23

24 ⁴ There is insufficient evidence of the receipt of fees in thirteen (13)
25 exhibits: Ex. 11, Ex. 29, Ex. 30, Ex. 43, Ex. 64, Ex. 65, Ex. 74, Ex. 75,
Ex. 78, Ex. 80, Ex. 92, Ex. 93, and Ex. 96.

1 Respondents Dargon Law Firm PLLC and Attorney Dargon are jointly and
2 severally liable.

3 Attorney Dargon is ordered to pay an administrative fine of \$39,500.00
4 for collecting advance fees for loan modifications.

5 The Departments seeks an administrative fine of \$2,500 per violation
6 against Dargon Law Firm PLLC for 92 counts of unlicensed loan origination
7 and 92 counts of entering into "best efforts" contracts.

8 Applying the same analysis, the fine for unlicensed loan origination
9 is reduced to \$500.00 per violation. Following a review of the 92 exhibits,
10 the number of counts for unlicensed loan origination is reduced to 84.⁵

11 Dargon Law Firm PLLC is ordered to pay an administrative fine of \$42,000.00
12 for unlicensed loan origination.

13 By the same logic, the fine for entering into best efforts contracts
14 is reduced to \$500.00 per violation. Following a review of the 92 exhibits,
15 the number of counts against Dargon Law Firm PLLC is reduced to 86.⁶ Dargon
16 Law Firm PLLC is ordered to pay an administrative fine of \$43,000.00.

17 The final item for Dargon Law Firm PLLC is 29 counts of unlicensed
18 debt settlement services in violation of RSA Chapter 399-D. The Order
19 identified 10 violations of RSA Chapter 399-D by unlicensed attorneys. Order
20 P.28-29. The number of counts is reduced to 10. The amount of the fine is
21 reduced to \$500.00 per violation of RSA Chapter 399-D. Dargon Law Firm PLLC
22
23

24 ⁵ There is insufficient evidence that loan information was received in eight
25 (8) exhibits: Ex. 29, Ex. 30, Ex. 43, Ex. 64, Ex. 65, Ex. 74, Ex. 78, and
Ex. 92.

⁶ There is insufficient evidence that a contract existed in six (6) exhibits:
Ex. 29, Ex. 30, Ex. 74, Ex. 92, Ex. 93, and Ex. 96.

1 is ordered to pay \$5,000.00 in administrative fines for violations of RSA
2 Chapter 399-D.

3 Resuming the analysis of awards against Attorney Dargon, the
4 Department seeks a \$2,500.00 fine for 10 counts of entering into best
5 efforts contracts. The amount of the fine is reduced to \$500.00 per
6 violation. The number of counts remains at 10 for a total fine of \$5,000.00.

7 The Department also seeks a \$2,500.00 fine against Attorney Dargon for
8 8 counts of unlicensed loan origination. The amount of the fine is reduced
9 to \$500.00 per violation. The number of counts remains at 8 for a total of
10 \$4,000.00.

11 The Department's request for an award against the law firm for
12 entering into best efforts contracts and unlicensed loan origination has
13 been granted to the extent identified above. The Department seeks a lower
14 number of counts against Attorney Dargon for these violations. As decided
15 above, the counts for best efforts contracts for the law firms are 86; the
16 counts for Attorney Dargon are 10. The counts for unlicensed loan
17 origination for the law firm are 84; the counts for Attorney Dargon are 8.
18 Under the circumstances, it is the Presiding Officer's view that the
19 Department is not seeking joint and several liability for these violations.
20 To do so would create an obligation upon Attorney Dargon, individually, that
21 is greater than the number of counts identified by the Department. This may
22 amount to a distinction without a difference. Attorney Dargon remains
23 obligated for all the law firm's fines as a control person. The source of
24 his liability is slightly different but the practical result may remain the
25 same.

1 Next are 29 counts of unlicensed debt settlement services against
2 Attorney Dargon. Applying the analysis used above, the fine is reduced to
3 \$500.00 per violation and the number of counts is reduced to 10 for a total
4 of \$5,000.00. The number of counts sought by the Department is the same for
5 Dargon Law Firm PLLC and Attorney Dargon; they are therefore, jointly and
6 severally liable.

7 A total of \$7,500.00 is requested for three (3) violations of the
8 Graham-Leach-Bliley Act for failure to safeguard client paper files and
9 failure to safeguard a partially abandoned office with client files present.
10 The three counts arise out of a single incident and are somewhat
11 duplicative. They are reduced to one count. The violation, however,
12 justifies the maximum fine. It is axiomatic that client files must be
13 safeguarded. The Department's request for a \$2,500.00 fine against Attorney
14 Dargon is GRANTED. There is no clear request for an award against Dargon Law
15 Firm PLLC.

16 The final fine request is for eight (8) counts of unlicensed loan
17 origination. The Department seeks \$25,000.00 per count as authorized by RSA
18 397-A:17, IX. This statute is a powerful weapon which should be used when
19 required. This fine is designed to be in addition to the previous fines.
20 While it is a close call, it is the Presiding Officer's opinion that the
21 additional fine is not appropriate in this case. The Department's request is
22 DENIED.

23 In sum, Dargon Law Firm PLLC is ordered to pay administrative fines
24 totaling \$129,500.00. Attorney Dargon is jointly and severally liable for
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1 \$44,500.00 of the law firm's fines. The amount of fines awarded against
2 Attorney Dargon as an individual is \$56,000.00.

3 This action against an unlicensed attorney for violations of RSA
4 Chapter 397-A is a case of first impression. The request by the Department
5 for an award of costs in this case is a foray into new ground. An analysis
6 of the cost shifting statutes is necessary to determine the appropriate
7 process in this case and to give guidance for future cases.

8 First, each fiscal year, certain institutions are required to pay the
9 cost of their examinations without the necessity of establishing a
10 violation. In addition, all institutions are required to contribute even if
11 they have not been examined. RSA 383:11, II. RSA 383:11 sets out the
12 division of payments among "institutions" in order to collect "the total
13 amount appropriated for the bank commissioner's department." RSA 383:11
14 defines the institutions subject to this requirement to include those
15 supervised under RSA Chapter 397-A and RSA Chapter 399-D.

16 The Department has the authority under RSA 397-A:12, I to examine⁷ the
17 business affairs of any licensee or any person, whether licensed or not . .
18 . . (*Emphasis added*) See RSA 399-D:22, II (*Same*).

19 Under the statutory scheme, the Department is authorized to charge and
20 collect from unlicensed persons, as well as licensees, portions of the total
21 amount appropriated for the Bank Commissioner's department. The amount
22 charged is determined based on whether the institution has been examined
23

24 ⁷ The terms examination and investigation are used interchangeably in the
25 statutes. Whether and how the terms may affect collection is not at issue
here. See e.g. RSA 397-A:12, I, V-a; RSA 399-D:22, I, II.

1 during the fiscal year and then the remainder is divided among certain
2 institutions. RSA 383:11, I and II.⁸

3 In order to perform the examination calculation, there is a formula
4 provided in RSA 383:11, I:

5 A sum equal to the product of the average daily rate of overall
6 salary, costs, including the benefits portion thereof, and expenses of
7 all examining personnel employed in making examination pursuant to the
8 provisions of RSA 383:9,⁹ multiplied by the number of personnel days
9 devoted to the examination of the particular institution, provided,
10 however, that no such institution shall be charged or pay for less
11 than one full day.

12 All of the foregoing serves as prologue to the issue presented in this
13 case because the Department is not seeking its fiscal year costs but is
14 relying on RSA 397-A:12, VI.¹⁰ This statute provides that the commissioner
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16 ⁸ While there is general authority in RSA 383:11 to collect from all
17 institutions, including unlicensed persons, and specific authority in RSA
18 383:11,I to collect from all institutions including unlicensed persons
19 examined during the fiscal year, the collection of the remaining portion
20 under RSA 383:11,II is more complicated. RSA 383:11,II(a) identifies
21 specific institutions. RSA 383:11,II(b) includes several categories that
22 may be in addition to the institutions identified in RSA 383:11,II(a). The
23 implementation of the language in Section (b) is beyond the scope of this
24 opinion. See RSA 383:11,II(b) (*Use of terms: licensees and registrants*).

25 ⁹ RSA 383:9 lists certain entities that are under the supervision of the
Department: all banks, (except national banks), trust companies, building
and loan associations, credit unions, Morris Plan banks, small loan
companies, and other similar institutions in the state. This statute has
not been amended since 1985. In the meantime, the legislature has enacted
numerous banking statutes including RSA 383:9-a, b, c, d, e, f, g, and h.
Whether the reference to RSA 383:9 constitutes an expansion or limitation on
the formula to determine examination costs is left to another day.

¹⁰ An issue beyond the presiding officer's jurisdiction is presented by RSA
397-A:18, IV and RSA 399-D:23, III, both of which authorize the Superior
Court to award costs in bringing an action to enjoin a person from
violating the respective statutes. (*Emphasis added*).

1 shall be entitled to recover the costs of an investigation upon the finding
2 that a person violated this chapter. (*Emphasis added*) But see RSA 399-D:22,
3 VII (*The expense of such examination shall be chargeable to and paid by the*
4 licensee.) (*Emphasis added*).

5 While the language of RSA 399-D:22, VII is somewhat ambiguous, for the
6 purpose of this case, the presiding officer determines that it is confined
7 to expenses chargeable to a licensee. See *Id.* (Reference to principal office
8 of "the licensee or person") This case does not involve a licensee;
9 therefore, the authority of RSA Chapter 399-D to award costs will not be
10 applied.

11 RSA 397-A:12, VI does have application and the Department is "entitled
12 to recover the cost of the investigation." The cost is to be calculated by
13 the same method described earlier under RSA 383:11. *RSA 397-A:12, V.*

14 The Department was required in the Order to specifically identify the
15 investigation costs being requested. *Order P. 10.* The Department has
16 provided in its Brief a daily investigative rate of \$2,250.00 and 148.66
17 investigation days¹¹.

18 While the Presiding Officer fully accepts that these numbers are
19 provided in good faith and are accurate, more is needed. It is not
20 sufficient to provide the end result of the RSA 383:11 calculation. Each
21 component should be provided along with supporting evidence. For example,
22 the Department will meet its burden if it provides the average daily rate of
23 overall salary costs, the specific expenses, and information regarding the
24

25 ¹¹ To make an incredibly picayune point, RSA 383:11 prohibits a charge for less than one full day. This disposes of the request for .66 of a day.

1 identity, titles and specific number of personnel days by individuals
2 devoted to the examination. At the least, testimony or evidence that
3 supports the requested amount is necessary. This requirement is particularly
4 important where the cost statute, RSA 397-A:12, VI, contains mandatory
5 language: the commissioner shall be entitled to recover the cost of the
6 investigation.¹² (*Emphasis added*).

7 On the record before me, the Department's request for costs is DENIED.

8
9 **RESTITUTION**

10 In the Order, the Presiding Officer held that Dargon violated RSA 397-
11 A:14,IV(m) by collecting advance fees, RSA 397-A:14(b) by entering into best
12 efforts contracts, and RSA 397-A:3 by failure to be licensed as a loan
13 originator. *Order P. 15, 23, 38-39.*

14 The Department requests restitution for consumers identified during
15 this litigation. The Department has authority to order restitution for
16 persons adversely affected by violation of Title XXXV pursuant to RSA
17 383:10-d. A Restitution Order may be directed to the person who has violated
18 RSA Chapter 397-A. *RSA 397-A:17, VIII.* The Restitution Order is in addition
19 to any other penalty provided for under this chapter. *Id.* The Department has
20 the burden of proving the claim for restitution by a preponderance of the
21 evidence. *Jus. 812.02.*

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¹² Whether there are circumstances in which a presiding officer could
25 exercise discretion in the face of this mandatory language is not raised by
this case.

1 The Department has proven that Dargon (Both Dargon Law Firm PLLC and
2 Attorney Dargon) violated Title XXXV and RSA Chapter 397-A. Respondents
3 Dargon Law Firm PLLC and Attorney Dargon are, therefore, jointly and
4 severally liable for the award of restitution. The remaining issue is the
5 Department's burden to prove the amount of restitution.

6 The Department submitted Exhibit A¹³ - a list of 98 consumers, some of
7 which had their claims withdrawn, with a total restitution request of
8 \$250,495.00. This represents an increase from the Exhibit A submitted at and
9 after the hearing which sought \$234,445.00 in total for 92 consumers.

10 Nevertheless, the Department has provided a confidential exhibit for
11 each of the 92 consumers within Exhibits 1-103. Restitution is certainly
12 required in this case. Each of the exhibits has been reviewed and
13 restitution is awarded as indicated in Exhibit A attached and made part of
14 this order. The total amount of restitution awarded is \$147,196.99. As
15 previously stated, both Dargon Law Firm PLLC and Attorney Dargon are jointly
16 and severally liable for this award.

17 The Presiding Officer has made every effort to locate evidence in the
18 record to support each award of restitution. In the main, the record
19 consists of documents provided by Dargon. In the event that a consumer
20 identified in this litigation produces evidence to the Department that a
21 higher amount was paid to Dargon, the record shall be reopened to include
22 this evidence and the higher amount is awarded, provided, however, that no
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24
25 ¹³ Both Exhibit A (introduced at and after the hearing) and Revised Exhibit A
(attached to the Department's Brief), are made part of the record, contain
the identities of consumers and are confidential.

1 additional evidence may be received on or after the expiration of the period
2 of time allowed to file a motion for rehearing.

3 The Department shall notify in its usual manner each consumer
4 regarding the award of restitution. The Department shall provide reasonable
5 information to each consumer regarding the possibility of an actual award,
6 the process to be used, and any other information deemed necessary by the
7 Department.

8 In paragraph 10 of the Brief, the Department requests that Dargon pay
9 each of the Consumers as identified in Exhibit A by certified funds made
10 payable to each consumer and forwarded to the Department on or before 4:30
11 p.m. fourteen (14) days after the issuance of the Presiding Officer's Order.
12 This request is GRANTED.

13 In paragraph 11 of the Brief, the Department requests that in the
14 event that Dargon files bankruptcy, that Dargon be ordered to list each
15 Consumer as identified in Exhibit A, in the bankruptcy petition(s). This
16 will ensure that each Consumer will be notified of the bankruptcy filing so
17 that he/she may protect one's own legal interests and rights and be provided
18 the opportunity to file a proof of claim in the bankruptcy proceedings. This
19 request is GRANTED.

20 Finally, in paragraph 13 of the Brief, the Department requests that
21 Dargon continue to pursue any relevant insurance carrier, including, but not
22 limited to, any malpractice insurance carrier, and submit a claim. In the
23 event, that it is not possible continue the claim process, that Dargon agree
24 to subrogate the insurance claim to the Department or to the Consumers as
25 appropriate. This request is GRANTED.

Exhibit A

Ex. #	Consumer (s)	Restitution requested by Department	Restitution Awarded
1.	REDACTED	\$2,500	\$625
2.	REDACTED	\$2,000	\$1,000
3.	REDACTED	\$2,500	\$2,503
4.	REDACTED	\$2,500	\$1,620
5.	REDACTED	\$2,500	\$1,300
6.	REDACTED	\$2,400	\$2,400
7.	REDACTED	\$2,500	\$0*
8.	REDACTED	\$2,700	\$1,300
9.	REDACTED	\$2,500	\$2,500
10.	REDACTED	\$2,500	\$500**
11.	REDACTED	\$2,500	\$0
12.	REDACTED	\$2,750	\$2,750
13.	REDACTED	\$2,500	\$2,499
14.	REDACTED	\$2,500	\$2,500
15.	REDACTED	\$2,500	\$2,500**
16.	REDACTED	Withdrawn	
17.	REDACTED	\$2,500	\$2,500
18.	REDACTED	Withdrawn	
19.	REDACTED	\$2,500	\$2,500**
20.	REDACTED	\$500	\$500
21.	REDACTED	\$3,000	\$2,500
22.	REDACTED	\$3,200	\$1,600
23.	REDACTED	\$3,000	\$3,000**
24.	REDACTED	Withdrawn	
25.	REDACTED	\$2,500	\$2,300
26.	REDACTED	\$2,700	\$2,700**
27.	REDACTED	Withdrawn	
28.	REDACTED	\$2,500	\$625
29.	REDACTED	\$2,500	\$0
30.	REDACTED	\$2,500	\$0
31.	REDACTED	\$2,500	\$2,500
32.	REDACTED	Withdrawn	
33.	REDACTED	\$2,500	\$2,499**
34.	REDACTED	\$2,500	\$0
35.	REDACTED	\$2,500	\$100
36.	REDACTED	\$2,500	\$625
37.	REDACTED	Withdrawn	
38.	REDACTED	\$2,500	\$2,500
39.	REDACTED	\$3,000	\$3,000**
40.	REDACTED	\$3,000	\$1,000
41.	REDACTED	\$2,700	\$2,500
42.	REDACTED	\$2,500	\$2,500**
43.	REDACTED	\$3,800	\$0
44.	REDACTED	\$2,000	\$1,000
45.	REDACTED	Withdrawn	
46.	REDACTED	\$2,500	\$2,502
47.	REDACTED	\$3,000	\$3,000
48.	REDACTED	\$3,000	\$900

49.	REDACTED	\$2,700	\$2,700**
50.	REDACTED	Withdrawn	
51.	REDACTED	\$2,700	\$2,700**
52.	REDACTED	\$2,500	\$2,500
53.	REDACTED	\$2,700	\$2,800**
54.	REDACTED	\$2,600	\$2,400
55.	REDACTED	\$2,300	\$2,300
56.	REDACTED	\$2,500	\$2,499**
57.	REDACTED	\$2,500	\$833
58.	REDACTED	Withdrawn	
59.	REDACTED	\$2,600	\$2,601**
60.	REDACTED	\$3,000	\$0
61.	REDACTED	\$2,500	\$2,499**
62.	REDACTED	\$3,600	\$0*
63.	REDACTED	\$2,500	\$1,000
64.	REDACTED	\$2,500	\$0*
65.	REDACTED	\$3,000	\$0
66.	REDACTED	\$2,500	\$0*
67.	REDACTED	\$2,000	\$1,000
68.	REDACTED	Withdrawn	
69.	REDACTED	\$2,500	\$2,499
70.	REDACTED	\$2,500	\$2,500**
71.	REDACTED	\$2,500	\$2,499**
72.	REDACTED	\$2,500	\$2,499**
73.	REDACTED	\$2,400	\$2,400
74.	REDACTED	\$2,500	\$0
75.	REDACTED	\$2,700	\$0
76.	REDACTED	\$2,700	\$1,800
77.	REDACTED	\$2,500	\$2,500**
78.	REDACTED	\$2,500	\$0
79.	REDACTED	\$2,700	\$2,500
80.	REDACTED	\$2,500	\$0
81.	REDACTED	\$2,500	\$2,500
82.	REDACTED	\$2,500	\$2,500**
83.	REDACTED	\$1,500	\$0
84.	REDACTED	\$2,500	\$2,500
85.	REDACTED	Withdrawn	
86.	REDACTED	\$2,500	\$1,666.66
87.	REDACTED	\$2,500	\$633.33
88.	REDACTED	\$2,500	\$2,500**
89.	REDACTED	\$1,400	\$1,400
90.	REDACTED	\$1,995	\$1,995**
91.	REDACTED	\$2,500	\$625
92.	REDACTED	\$3,000	\$0
93.	REDACTED	\$2,500	\$0
94.	REDACTED	\$2,500	\$0
95.	REDACTED	\$2,600	\$2,500
96.	REDACTED	\$2,500	\$0
97.	REDACTED	\$2,700	\$0
98.	REDACTED	\$2,500	\$2,500**
99.	REDACTED	\$2,400	\$2,400**
100.	REDACTED	\$3,200	\$3,200**
101.	REDACTED	\$2,500	\$2,500
102.	REDACTED	\$2,500	\$2,500

103.	REDACTED	\$2,700	\$3,400
TOTAL		\$234,445	\$147,196.99

- * Exhibit 112 contains, among other things, a list of clients that were refunded. This list was compiled by Dargon. The entry of refund in Exhibit 112 has been relied on where the consumer exhibit contains no contrary information.

- ** As previously stated, a blanket assumption that the absence of evidence supports the assumption that the consumer paid \$2,500.00 is not warranted. There is, however, support for a different assumption. There is evidence that Dargon closed a case if full payment was not received. See *Ex. 4 and Ex. 5*. See also **DEFAULT** Section of all contracts contained in the exhibits. The exhibits contain contracts in which the consumer agreed to make periodic payments. If the file contains such a contract, at least one payment was made, and Dargon continued to work on the case, it is fair to assume that the lack of evidence of future payments is due to Dargon's sloppy record keeping rather than failure to pay. The exhibits to which the assumption has been applied are identified with a double asterisk.