

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 10-010
)
 3 State of New Hampshire Banking Department,)
)
 4 Petitioner,)
)
 5 and) Consent Order
)
 6 Pemper Companies (d/b/a CuraDebt Consumer)
)
 7 and Commercial Debt Settlement, d/b/a)
)
 8 CuraDebt, Inc. and d/b/a www.curadebt.com),)
)
 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. Pemper Companies (d/b/a CuraDebt Consumer and Commercial Debt
15 Settlement, d/b/a CuraDebt, Inc. and d/b/a www.curadebt.com)
16 ("Pemper") is a corporation duly formed in the State of California on
17 December 19, 2000 and with its principal office location in Fort San
18 Diego, California. Pemper is not registered with the New Hampshire
19 Secretary of State.
- 20 2. In New Hampshire, Pemper had not been previously licensed as a Debt
21 Adjuster by the Department. This consent order covers Pemper's
22 unlicensed debt adjuster activity from July 1, 2007 through November
23 18, 2008, when it ceased conducting activity in New Hampshire with New
24 Hampshire consumers.
- 25 3. Pemper was not licensed as a debt adjuster by the Department when

1 conducting the activities that are the subject of this Consent Order.

2 **Jurisdiction**

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

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

10 **Facts**

11 6. From July 1, 2007 to November 18, 2008, Pemper had conducted debt
12 adjuster activity for New Hampshire consumers without a valid Debt
13 Adjuster license issued by the Department.

14 7. Since at least July 1, 2007 until November 18, 2008, Pemper had
15 conducted unlicensed debt adjuster activity for five (5) New Hampshire
16 consumers (Consumers 1 through 5). Fees charged and collected by
17 Pemper for Consumers 1 through 5 total \$6,909.42 (minus \$536.67
18 already refunded to Consumer 5) as follows:

19 Consumer 1: \$1,694.13; Consumer 3: \$1,336.41; and

20 Consumer 2: \$1,131.00; Consumer 4: \$2,211.21.

21 8. During the request for information, Pemper cooperated and provided the
22 information to show Pemper did conduct business in New Hampshire.

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

24 9. Pemper is a "Person" as defined by RSA 399-D:2,VII.

25 10. Pemper may be assessed an administrative fine not to exceed

1 Department along with current contact information to forward to
2 the consumer;

3 b. Pemper shall pay to the Department \$2,500.00 in administrative
4 penalties for unlicensed debt adjuster activity in 2007 through
5 2008, payable contemporaneously with Pemper's signing of this
6 Consent Order; and

7 c. All checks shall be bank check or guaranteed funds and made
8 payable to "State of New Hampshire".

9 15. Pemper agrees to specifically and conspicuously include on its website
10 and on any of its written advertising material and in telephone calls
11 (both outbound and inbound) that it is not able to advertise for,
12 solicit or contract with New Hampshire consumers because Pemper does
13 not have a New Hampshire Debt Adjuster license.

14 16. Pemper agrees to not advertise for, solicit or contract with New
15 Hampshire consumers for its services without obtaining a valid New
16 Hampshire Debt Adjuster license from the Department.

17 17. This Consent Order may be revoked and the Department may pursue any
18 and all remedies available under law, if the Department later finds
19 that Pemper knowingly or willfully withheld information used and
20 relied upon in this Consent Order.

21 18. This Consent Order is binding on all heirs, assigns, and/or successors
22 in interest.

23 19. This Consent Order shall become effective upon the date the
24 Commissioner signs this Consent Order.

25 20. Once this Consent Order is effective, the Department agrees not to

1 seek further reimbursement, refunds, penalties, fines, costs, or fees
2 regarding the facts, allegations, or findings of violations contained
3 herein.

4 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent
5 Order, upon its execution by Ronald A. Wilbur, Bank Commissioner.

6
7 Recommended this 24th day of August, 2011 by

8 _____
/s/

9 Maryam Torben Desfosses, Hearings Examiner, Banking Department

10
11 Executed this 9th day of September, 2011 by

12 _____
/s/

13 Eric Michael Pemper, on behalf of Pemper Companies d/b/a Curadebt Consumer
14 and Commercial Debt Settlement, d/b/a Curadebt, Inc. and d/b/a
15 www.curadebt.com

16
17
18 **SO ORDERED.**

19
20 _____
/s/
21 Ronald A. Wilbur
Bank Commissioner

Dated: 09/21/11