

In re: First Choice Debt Resolution, LLC
(a/k/a www.1DebtRes.com), and William Partlan

Case No.: 13-148

NOTICE OF ORDER TO 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 penalties against each Respondent of up to \$2,500.00 for each violation of RSA Chapter 399-D. *RSA 399-D:24,IV and V.*
3. The Commissioner may also impose restitution against Respondent for each New Hampshire consumer who used Respondent's debt adjuster services. *RSA 399-D:3,III.*

RESPONDENTS

4. First Choice Debt Resolution, LLC (a/k/a www.1DebtRes.com) ("Respondent First Choice") is a limited liability company duly formed with the Nevada Secretary of State on September 24, 2008 and registered with Florida Secretary of State on February 9, 2009 with a principal office location in Lighthouse Point, Florida. Respondent First Choice is not registered with the New Hampshire Secretary of State.

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- New Hampshire Banking Department ("Department") records indicate Respondent First Choice has never held a Debt Adjuster license with the Department. Respondent First Choice is a "Person" as defined under RSA 399-D:1,VII.
5. William Partlan ("Respondent Partlan") is the Managing Member of Respondent First Choice. Respondent Partlan has never held a Debt Adjuster license with the Department. Respondent Partlan is a Control Person (RSA 399-D:2,II-a), a Direct Owner (RSA 399-D:2,V-b), a Principal (RSA 399-D:2,VII-a), and a Person (RSA 399-D:2,VII).
 6. Respondent First Choice and Respondent Partlan shall be hereby collection known as "Respondents."

RIGHT TO REQUEST A HEARING

7. Respondents have a right to request a hearing on this Order. A hearing shall be held not later than ten (10) days after the Commissioner receives a Respondent's written request for a hearing. Respondents 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, RSA 399-D:23, I and II, and Administrative Rule JUS Chapter 800.*
8. If any person fails to request a hearing within thirty

(30) days of receiving this Order, then such person shall be deemed in default, and the Order shall, on the thirty-first (31st) day, become permanent, all allegations may be deemed true, 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,II.*

9. A default may result in administrative fines and restitution as described in Paragraphs 2 and 3 above.

STATEMENT OF ALLEGATIONS

CONSUMER A:

10. On May 2, 2013, the Department received a consumer complaint from a New Hampshire consumer ("Consumer A") against Respondents, who were unlicensed, concerning debt adjustment services obtained from Respondents.
11. In November of 2009, Consumer A enrolled with Respondent First Choice in order to obtain debt adjustment services. Respondents were to settle Consumer A's debts and then pay off those settlements with the monies Consumer A paid into the program. Respondents contracted with a New Hampshire consumer without a New Hampshire Debt Adjuster license, in violation of RSA 399-D:3,I.
12. Consumer A completed the program in March of 2013 and

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had paid in to the program a total of \$10,851.74. Respondents paid one company a total settled debt of \$423.00 but failed to settle Consumer A's remaining seven (7) debts, in violation of RSA 399-D:13-a,I(c).

13. Respondents charged Consumer A a total of \$10,860.64 in fees and deducted those fees from what Consumer A paid in to her debt adjustment account with Respondents.

14. To date, Respondents have failed to pay Consumer A's remaining seven (7) debts or refund Consumer A the monies she paid in to the account.

Failure to Respond:

10-day Letter:

15. On May 14, 2013, the Department issued a 10-day letter via Certified Mail as follows:

a. The 10-day letter was issued to the Loxahatchee, Florida address to both Respondent First Choice and its Registered Agent. The Certified Return Receipt indicates that both received the letter on May 22, 2013; and

b. The 10-day letter was issued to Respondent First Choice at a physical address in Lighthouse Point, Florida. This letter was

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returned to the Department on May 20, 2013 with the same post office box address mentioned in Paragraph 15.c. below.

- c. The Department also issued the 10-day letter via Certified Mail to a post office box address in Lighthouse Point, Florida. The Post Office returned this letter to the Department on July 22, 2013 as "return to sender, unclaimed, unable to forward."

Administrative Subpoena Duces Tecum:

16. On July 1, 2013, the Department issued a subpoena duces tecum ("subpoena") via Certified Mail to Respondent First Choice due to its failure to respond to the 10-day letter. The subpoena sent to the Lighthouse Point, Florida physical address was returned to the Department on July 8, 2013 with the same post office box address previously listed by the post office and used to issue the 10-day letter in Paragraph 15 above.
17. On July 5, 2013, the subpoena issued via Certified Mail to the post office box in Lighthouse Point, Florida was available for pick up. On November 12, 2013, the subpoena was returned to the Department as "unclaimed" after several notices were left for

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Respondent First Choice.

18. On July 12, 2013, Respondent First Choice received the subpoena issued to its Loxahatchee, Florida address. Respondent First Choice failed to respond to the subpoena. To date, Respondent First Choice has failed to respond to the subpoena, in violation of RSA 399-D:22,II via RSA 399-D:13,I(o).

Respondent Partlan's Failure to Respond to Email:

19. On September 13, 2013, the Department located a working telephone number for Managing Member Respondent Partlan. The Department obtained an active email address from Respondent Partlan and submitted the 10-day letter to him for response. To date, Respondent Partlan has failed to respond to the Department, as well.

Respectfully submitted by:

/s/
Maryam Torben Desfosses
Hearings Examiner

11/26/13
Date

ORDER

20. **I hereby find as follows:**
- a. Pursuant to RSA 399-D:13,I and RSA 399-D:23,I and II, the facts as alleged above, if true, show

Respondents operated in violation of RSA Chapter 399-D and form the legal basis for this Order;

- b. Pursuant to 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 and intent of New Hampshire banking laws;
 - c. The Department finds pursuant to RSA 399-D:23,II, reasonable cause to issue an order to cease and desist; and
 - d. Pursuant to RSA 399-D:13,I and RSA 399-D:23,II, if Respondents fail to respond to this Order and/or defaults then all facts as alleged herein may be deemed as true.
21. **Accordingly, it is hereby ORDERED that:**

- a. Respondents shall cease and desist from violating RSA Chapter 399-D and rules or orders thereunder;
- b. Respondents shall immediately provide the Department a list of all New Hampshire consumers for whom Respondent has conducted debt adjustment activity and a status of those accounts. This list must include the names and contact information of the New Hampshire consumers, along with monies charged, collected and/or waived (if

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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. Respondents shall be hereby ordered to rescind, provide restitution or disgorge profits, including \$10,851.74 to Consumer A;

d. Respondents shall hereby be administratively fined a maximum of \$2,500.00 per violation pursuant to RSA 399-D:24, IV and V as follows:

(1). Respondent First Choice:

(a): Unlicensed debt adjuster activity (RSA 399-D:3, I) - 1 Violation;

(b): Failure to respond to subpoena duces tecum (RSA 399-D:22, II via RSA 399-D:13, I(o)) - 1 Violation; and

(2). Respondent Partlan (as Control Person, Direct Owner, and Principal):

(a): Unlicensed debt adjuster activity (RSA 399-D:3, I) - 1 Violation; and

e. Nothing in this Order:

(1). shall prevent the Department from taking any further administrative and legal action as necessary under New Hampshire law; and

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(2). shall prevent 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.

 /s/

GLENN A. PERLOW
BANK COMMISSIONER

Dated: 11/26/13