

In re: Emerson & Douglas Associates, LLC
(d/b/a www.emersonanddouglas.com)
Case No.: 14-318

CONSENT ORDER

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

Respondent

1. Emerson & Douglas Associates, LLC (d/b/a www.emersonanddouglas.com) ("Emerson") is a limited liability company formed in the State of New Hampshire (as Key Settlement Solutions, LLC) on July 31, 2008 with a principal office location in Salem, New Hampshire.
2. Emerson is not currently licensed as a New Hampshire Debt Adjuster. This Consent Order covers Emerson's unlicensed debt adjuster activity in New Hampshire prior to its current New Hampshire Debt Adjuster-license application.

Jurisdiction

3. The Department is authorized to regulate debt adjusters pursuant to RSA Chapter 399-D. RSA 399-D:1 and RSA 399-D:3.
4. The Commissioner has jurisdiction to issue orders to cease and desist from violations under RSA Chapter

399-D, to deny a license or assess penalties pursuant to RSA Chapter 399-D. *RSA 399-D:13* and *RSA 399-D:23*.

5. The Department may assess administrative fines not to exceed \$2,500.00 for each violation of RSA Chapter 399-D. *RSA 399-D:24,IV and V*.
6. The Department may require Emerson to provide restitution as set out in *RSA 399-D:3,III*.

Facts

7. From at least May 25, 2009, Emerson contracted with 452 consumers nationwide (excluding New Hampshire consumers) to provide debt adjuster services while not properly licensed with the Department. Of the 452 consumer:
 - a. 289 consumers did receive a net savings through Emerson's debt adjust services (as calculated by subtraction of negotiated debt savings from Emerson's debt adjustment fees); and
 - b. 159 consumers did not pay any fees because Emerson did not adjust or settle any debts; and
 - c. 4 consumers (listed in Exhibit A) suffered a net loss by paying more for Emerson's debt adjustment service fees than the total saved in Emerson's debt adjustment the consumers' existing debt (as calculated by subtraction of negotiated debt

savings from Emerson's debt adjustment fees).
The fees these 4 consumers paid out more than they saved total \$1,425.80.

8. During the request for information, Emerson fully cooperated with the Department and provided the information to show that Emerson did conduct business in New Hampshire without proper licensure.

Violation(s) of Law and Penalties

9. Emerson conducted unlicensed debt adjuster activity while located in New Hampshire for out-of-state consumers without a valid New Hampshire Debt Adjuster license, in violation of RSA 399-D:3,I.

Respondent's Consent and Acknowledgments

10. Emerson hereby acknowledges that were an administrative hearing to be held in this matter, the Department would introduce evidence demonstrating that Emerson violated RSA Chapter 399-D.
11. Emerson voluntarily entered into this Consent Order without reliance upon any discussions between the Department and Emerson, without promise of a benefit of any kind (other than concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind. Emerson further acknowledges its understanding of the nature of the

allegations set forth in this action, including the potential penalties provided by law.

12. Emerson hereby acknowledges, understands, and agrees that it has the right to notice and hearing hereby waives said rights. Emerson hereby further acknowledges it waives the filing of any civil actions related to this matter.

Order

13. **Whereas pursuant to RSA 399-D:25,VI**, this Consent Order is necessary, appropriate and in the public interest and consistent with the intent and purposes of New Hampshire banking laws, the Department Orders as follows:

- a. Emerson shall reimburse the 4 Consumers described in Paragraph 7.c. above the fees charged as set out in Exhibit A herein (which total \$1,425.80), which shall be payable contemporaneously with Emerson's execution of this Consent Order. All checks shall be bank checks or guaranteed funds and made payable to each individual consumer and submitted directly to each consumer via first class mail by Emerson as follows:

- (1). Each check shall be accompanied by written correspondence containing only the

following language: "This refund check is being sent to you pursuant to a public consent order that Emerson & Douglas Associates, LLC (d/b/a www.emersonanddouglas.com) entered into with the New Hampshire Banking Department. You may find a copy of the public consent order on the Banking Department's website at www.nh.gov/banking/orders/enforcement/index.htm by searching for Docket #14-318. For further questions, please contact the New Hampshire Banking Department at (603) 271-3561;"

(2). Any verbal communications with consumers about the restitution shall be limited to the language found in the written correspondence, and Emerson shall refer the consumer to the Department for further information;

(3). Emerson shall also forward to the Department copies of both cancelled checks or copies of both cancelled check images;

(4). Emerson shall make a second attempt to locate the consumer, if the address to which the restitution check is mailed is no longer valid. Such attempt shall be documented and reported to the Department;

(5). Emerson shall follow up at least once with any consumer who does not cash each check within three months of receipt. Such follow up shall be documented and reported to the Department; and

(6). If, after six months, a consumer has failed to cash or deposit the restitution check(s), Emerson shall begin the process to escheat the funds to the New Hampshire State Treasurer's Abandoned Property division. Such process shall be documented and reported to the Department. The process of escheatment may begin prior to six months, if so approved or directed by the Department; and

b. Emerson shall pay to the Department \$2,500.00 in administrative fines, which shall be payable contemporaneously with Emerson's execution of this Consent Order. The check shall be bank check or guaranteed funds and made payable to "State of New Hampshire."

14. The Consent Order finally and completely concludes this matter against Emerson. This Consent Order may still be revoked and the Department may pursue any and all remedies available under law, if the Department

EXHIBIT A
Emerson & Douglas Associates, LLC Restitution List
Docket #14-318

Consumer	Restitution Amount
Consumer 38	\$546.71
Consumer 53	\$71.03
Consumer 55	\$366.88
Consumer 103	\$441.18