

IN THE MATTER OF:

**ACCESS FINANCIAL, LLC d/b/a
www.alliancefundingllc.com**

**ACCESS FINANCIAL CENTRAL, LLC
d/b/a FastWire Cash and d/b/a
www.fastwirecash.com**

and

ALLIANCE FUNDING, LLC

Respondents.

**BEFORE THE MARYLAND
STATE COLLECTION AGENCY
LICENSING BOARD IN THE
OFFICE OF THE
COMMISSIONER OF
FINANCIAL REGULATION**

Case No.: CFR-FY2012-035

SETTLEMENT AGREEMENT AND CONSENT ORDER

This Settlement Agreement (“Agreement”) is entered into this 13th day of July, 2015, by and between the Maryland State Collection Agency Licensing Board in the Office of the Commissioner of Financial Regulation (hereinafter the “Agency”) Access Financial, LLC d/b/a www.alliancefundingllc.com, Access Financial Central, LLC d/b/a FastWire Cash and d/b/a www.fastwirecash.com, and Alliance Funding, LLC (collectively, the “Respondents”), (with the Board and the Respondents collectively referred to as the “Parties”). The Agency and the Respondents (“the Parties”) consent to the entry of this Agreement as a final resolution of this matter. All paragraphs below are intended to be part of the contractual obligations of the Parties hereto, and are not mere recitals to this Agreement.

1. Pursuant to the Maryland Collection Agency Licensing Act (“MCALA,” at Business Regulations Article (“BR”), § 7-101 *et seq.*, Annotated Code of Maryland), the Agency is responsible for licensing and regulating persons engaged in collection agency activities in the State of Maryland (the “State”).

2. The definition of “collection agency” under BR § 7-101(c) includes, among other things, “a person who engages directly or indirectly in the business of: (1)(i) collecting for, or soliciting from another, a consumer claim; or (ii) collecting a consumer claim the person owns, if the claim was in default when the person acquired it.”

3. BR § 7-401(a) provides that, “except as otherwise provided in this title, a person may not knowingly and willfully do business as a collection agency in the State unless the person has a license.”

4. Pursuant to BR § 7-308(a), the Agency can bring an action to suspend or revoke the license of a collection agency “if the licensee or any owner, director, officer, member, partner, or agent of the licensee” engages in various prohibited activities, including, among other things, the following: “(3) in connection with the collection of any consumer claim: . . . (ii) engages in any illegal or dishonest activities; or (4) knowingly or negligently violates the Maryland Consumer Debt Collection Act.”

5. The Agency issued a Summary Order to Cease and Desist and Order to Produce (the “Summary Order”) on May 12, 2015, alleging, in part, that Respondents violated the Maryland Collection Agency Licensing Act (“MCALA”), the Maryland Consumer Debt Collection Act (“MCDCA”), and the Fair Debt Collection Practices Act (“FDCPA”) by engaging in unlicensed collections activities in the State.

6. Respondents do not admit to any of the violations set forth in the Agency’s Summary Order, but wish to resolve these alleged violations without the need for further administrative proceedings or other legal proceedings avoid the costs associated with such proceedings and any potential appeals, and therefore agree to resolve this matter fully, finally, and completely without an administrative hearing; further, Respondents accept without

condition, and fully agree to abide by, each and every term set forth in this Agreement.

7. The Agency desires to ensure that Respondents will comply with all applicable statutes, regulations, and others laws governing Maryland collection agencies, and further wishes to avoid the costs to the taxpayers of an administrative hearing and any potential appeals.

8. The Respondents states that they have completely ceased all collections activities in the state of Maryland, and agree that they will conduct collection activities in the future only upon applying for and receiving a Maryland collection agency license.

9. The Respondents agree to take each and every one of the following actions in exchange for a final resolution of all allegations made herein:

a. The Respondents will pay a voluntary civil fine of SEVEN HUNDRED FIFTY DOLLARS (\$750) in the form of a certified check made payable to the "Commissioner of Financial Regulation," to be delivered to the Agency upon execution of this Agreement.

b. The Respondents agree to forfeit and write-off the total amount of all unpaid money which the Respondents might allege is due the Respondents from Maryland consumers, and the Respondents agree that they will not sell, assign, or otherwise transfer any such unpaid accounts receivable to any third party, and that they will not attempt to collect on those unpaid accounts, directly or indirectly. The Respondents also agree that, from and after the date that this Agreement is fully executed, to the extent the Respondents receives any payment from a Maryland consumer from whom the Respondents had previously attempted to collect, the Respondents shall forthwith refund such payment directly to the Maryland consumer from whom such payment was received.

c. The Respondents further agree that, to the extent the Respondents have reported to any consumer credit reporting agency any delinquency or other negative comment or

remark regarding any Maryland consumer from whom the Respondents attempted to collect a debt during the time the Respondents were unlicensed, the Respondents shall remove such negative comment or remark. The Respondents further agree that the Respondents shall not in the future report any negative information regarding Maryland consumers to the consumer credit reporting agencies, except for any reporting in the future relating to any of the Respondents' collection activities that are conducted pursuant to a valid Maryland collection agency license.

d. The Respondents, as well as the owners, directors, officers, members, partners, managers, employees, and agents of the Respondent business entities, agree to permanently cease and desist all collections activities against Maryland residents and agree that the Respondents, as well as any of Respondents' owners, directors, officers, members, partners or managers of the Respondent business entities, will only conduct collection activities against Maryland residents only upon applying for and receiving a Maryland collection agency license.

10. Respondents acknowledge that they have voluntarily entered into this Agreement with full knowledge of their right to a hearing pursuant to FI § 11-518 and the Maryland Administrative Procedure Act (SG § 10-201 *et seq.*), arising from any charges brought by the Agency based on the Alleged Violations, and that Respondents hereby waive their right to a hearing. Respondents further acknowledges that they have had an opportunity to consult with independent legal counsel in connection with the waiver of this right and with the negotiation and execution of this Agreement, and that they have in fact consulted with independent legal counsel.

11. The Parties hereto agree that this Agreement shall be binding and enforceable in court by the Agency and by Respondents, shall be admissible in proceedings between those Parties, and shall be binding upon and inure to any of the Respondents' present and future

owners, directors, officers, members, partners, agents, successors, and assigns.

29. The Parties hereto acknowledge that this Agreement does not in any way relate to, impact, or otherwise effect the legal rights of, or preclude the Agency from bringing actions against, persons not Parties to this Agreement.

30. The Parties hereto agree that any notices hereunder shall be effectively "delivered" when sent via overnight delivery or certified mail as follows:

- a. To the Commissioner:
Commissioner of Financial Regulation
500 North Calvert Street, Suite 402
Baltimore, Maryland 21202-3651
Attention: Gordon M. Cooley, Deputy Commissioner

Copy to:

Rebecca Coleman, Assistant Attorney General
Department of Labor, Licensing, and Regulation
500 North Calvert Street, Suite 406
Baltimore, Maryland 21202-3651

- b. To the Respondents:
Jennifer H. Weddle, Esq.
Greenberg Traurig, LLP
1200 17th Street, Suite 2400
Denver, CO 80202

NOW, THEREFORE, it is, by the Commissioner of Financial Regulation on behalf of the Agency, HEREBY

ORDERED that this Agreement fully supersedes the Summary Order to Cease and Desist and Order to Produce issued to Respondent on May 12, 2015 (the "Summary Order"), and said Summary Order is no longer in effect as of the date this Agreement is fully executed; and it is further

ORDERED that the Respondents shall adhere to all terms of this Agreement; and it is

further

ORDERED that, in the event Respondents, or any of the owners, directors, officers, members, partners, employees, or agents of Respondents, violate any provision of this Agreement, or otherwise engage in the activities which formed the basis for the Alleged Violations set forth above, the Agency may, at the Agency's discretion, take any enforcement actions available under FI § 2-115 and/or BR § 7-205, as well as take any other enforcement actions as permitted by, and in accordance with, applicable State law; and that such enforcement actions could include an order to cease and desist, suspension or revocation of a Maryland State collection agency license, civil money penalties of up to \$1,000 for a first violation and up to \$5,000 for each subsequent violation, and an order to provide restitution or to take other affirmative action to correct the violation; and it is further

ORDERED, that this matter shall be resolved in accordance with the terms of this Agreement and the same shall be reflected among the records of the Office of the Commissioner of Financial Regulation; and it is further

ORDERED that this document shall constitute a Final Order of the Maryland State Collection Agency Licensing Board in the Office of the Commissioner of Financial Regulation, by the authority delegated to the Deputy Commissioner under FI § 2-103, and that the Agency may consider this Agreement and the facts set forth herein in connection with, and in deciding, any action or proceeding before the Agency; and that this Agreement may, if relevant, be admitted into evidence in any matter brought by or proceeding before the Agency.

It is so **ORDERED**.

IN WITNESS WHEREOF, this Settlement Agreement is executed on the day and year first above written.

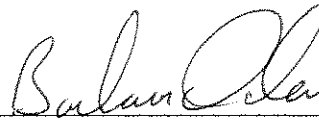
MARYLAND STATE COLLECTION
AGENCY LICENSING BOARD IN THE
OFFICE OF THE COMMISSIONER OF
FINANCIAL REGULATION



By: Keisha Whitehall Wolfe
Acting Deputy Commissioner of
Financial Regulation

For: Gordon M. Cooley
Acting Commissioner of Financial
Regulation,
Chairperson, State Collection Agency
Licensing Board

ACCESS FINANCIAL, LLC
d/b/a www.alliancefundingllc.com



By: Barbara Dolan
Manager

For: ACCESS FINANCIAL, LLC

ACCESS FINANCIAL CENTRAL, LLC
d/b/a FastWire Cash and d/b/a
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By: Barbara Dolan
Manager

For: ACCESS FINANCIAL CENTRAL,
LLC

ALLIANCE FUNDING, LLC



By: Barbara Dolan
Manager

For: ALLIANCE FUNDING, LLC