

DEPARTMENT OF CONSUMER AFFAIRS  
OF THE CITY OF NEW YORK

NYC DEPARTMENT OF CONSUMER  
AFFAIRS,

Complainant,

-against-

**Audubon Financial Bureau LLC,**  
200 John James Audubon Parkway  
Amherst, New York 14228

Respondent.

X

**CONSENT ORDER**

Violation No.: PL 001051275

X

1. Audubon Financial Bureau LLC (“Respondent”) consents to a final Consent Order with the New York City Department of Consumer Affairs (the “Department”) in the above captioned matter, specifically, the Department’s investigation of unlicensed debt collection activity by Respondent in violation of the licensing requirement of Section 20-490 of the New York City Administrative Code (“Admin. Code”).
2. Domenico D’Angelo, as Respondent’s Chief Executive Officer, represents and warrants that he is authorized to settle this action and to enter into a final Consent Order with the Department on behalf of Respondent.
3. This Consent Order shall apply to Respondent, its directors, officers, employees, representative agents, assignees, and successors. For the purposes of this Consent Order, “employee” means any person employed for hire or permitted to work by Respondent including, but not limited to, any person who manages or oversees the work of another, any person whose principal activity is the selling of any goods or services for Respondent, and any person whose earnings are based in whole or in part on commission for work performed for Respondent.
4. Respondent agrees to comply fully with all relevant laws and rules related to debt collection in New York City including, but not limited to: (a) the Licensing Law and Rules, Admin. Code § 20-101 *et seq.* and Title 6 of the Rules of the City of New York (“6 R.C.N.Y.”) §§ 1-01 *et seq.*; (b) the Debt Collection Agencies Licensing Law and Rules, Admin. Code §§ 20-488 *et seq.* and 6 R.C.N.Y. §§ 2-190 *et seq.*; and (c) the Consumer Protection Law and Rules, Admin. Code §§ 20-700 *et seq.* and 6 R.C.N.Y. §§ 5-76 *et seq.*

## LICENSE

5. Respondent shall not act as a debt collection agency as defined in Section 20-489 of the Admin. Code at any time without holding a valid license from the Department.
6. If Respondent is found to be engaging in debt collection activity without the required license(s) at any time after the execution of this Consent Order, for the purpose of imposing fines, there shall be a presumption of continuous unlicensed activity commencing on the date of execution of this Consent Order.
7. Respondent further agrees that any future violations of the Consumer Protection Law and Rules shall be treated by the Department as knowing violations.
8. Upon the termination of a license by revocation, expiration, denial, surrender, or operation of law, Respondent shall immediately cease its debt collection activities with respect to New York City consumers, and Respondent shall return all creditor accounts to the creditor(s) within thirty (30) days with a copy of this Consent Order.

## FINE

9. Respondent agrees to pay a fine of \$10,000 with the payment due upon execution of this agreement, to be paid by certified check or money order made payable to the New York City Department of Consumer Affairs. Respondent shall send the payment to: New York City Department of Consumer Affairs, 42 Broadway – 9th Floor, New York, New York 10004, Attn: Shannon Bermingham.

## COMPLAINT RESOLUTION

10. Respondent agrees to resolve, promptly and in good faith, any and all consumer complaints filed with the Department. In the event such complaints cannot be resolved between the parties with or without the assistance of the Department, Respondent agrees to submit to the Department's jurisdiction to adjudicate such complaints and abide by any Department determination made on the merits of said complaint.

## COLLECTION PRACTICES

11. In addition to complying with the requirements in Admin. Code § 20-493.2 and 6 R.C.N.Y. §§ 2-190, and 5-77(f), Respondent shall engage in the following practices:
  - a. Whenever a New York City consumer questions, disputes, or challenges the information on which Respondent is relying to collect or attempt to collect a debt, Respondent shall either:
    - i. Close the account, permanently terminate collection efforts with respect to the specific debt, and request deletion of that item of information from the consumer's credit reporting file; or

- ii. Report that item of information as disputed to any consumer reporting agency to which the information was previously reported and conduct a reasonable and truthful investigation into the accuracy or completeness of such information. If Respondent does not complete its reasonable investigation within thirty (30) days from receipt of the dispute, Respondent shall request deletion of that item from the consumer's credit reporting file and cease collection activities until the reasonable investigation is complete. If after the investigation the Respondent cannot substantiate that the consumer owes the debt, Respondent shall not sell the debt or provide it to any other entity for the purpose of collection.
  - b. With regard to any New York City consumer's debt which has been paid in full or settled pursuant to an oral or written agreement, Respondent shall close the account, permanently terminate collection efforts with respect to the specific debt, and submit to any consumer reporting agency to which Respondent furnishes information a request for deletion of any negative information from the consumer's credit report.
12. Respondent shall not purchase, collect, or attempt to collect debts from New York City consumers if those debts arise from usurious loans, including but not limited to payday loans. For the purposes of this agreement, "usurious loan" means a loan with an initial principal of less than \$250,000, for which the annual percentage rate of interest exceeds the rate specified by Section 14-a of the New York Banking Law. Respondent shall implement policies and procedures to comply with the terms of this paragraph that include, but are not limited to, a screening process for debts which are likely to be usurious payday loans, such as those for which the original creditor's name contains the terms "Payday," "Cash," "Check," "Instant," "Advance," "Fast," "Now," or "Quick."
13. With regard to any New York City consumer's debt that arises from a usurious loan, Respondent shall close the account, permanently terminate collection efforts with respect to the specific debt, and submit to any consumer reporting agency to which Respondent furnishes information a request for deletion of any negative information from the consumer's credit report.

#### CONSEQUENCES OF BREACH

14. In the event Respondent is found to have breached any of the terms of this Consent Order, Respondent shall be ordered to pay maximum fines and shall be subject to license revocation.

#### OTHER TERMS AND CONDITIONS

15. The acceptance of this Consent Order by the Department shall not be deemed approval by the Department of any of Respondent's business practices, and Respondent shall make no representation to the contrary.

16. Respondent agrees to waive any further right to a hearing and/or appeal of the above-referenced citation under Section 20-105 of the Code or under Article 78 of the New York State Civil Practice Law and Rules, Sections 7801-7806.
17. This matter will be considered settled upon execution of this Consent Order and payment of the settlement sum as set forth above in Paragraph 9.

Agreement Dated: March \_\_, 2013

Agreed to by:

Audubon Financial Bureau LLC

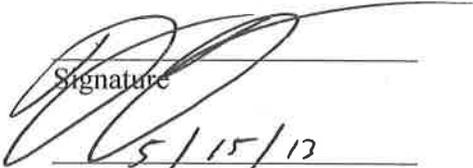
Accepted for Jonathan Mintz,  
Commissioner of Consumer Affairs  
for the City of New York by:

Domenico D'Angelo  
Print Name

  
Print Name

Chief Executive Officer  
Title

Settlement Officer  
Title *0*

  
Signature

5/15/13  
Date

  
Signature

5/22/13  
Date

All businesses must comply with all relevant local, state and federal laws. Copies of New York City's laws and rules pertaining to debt collection agencies are available: in person at DCA's Licensing Center, located at 42 Broadway, 5th Floor, New York, NY 10004; by calling 311; New York City's 24-hour Citizen Service Hotline; or by going online at [www.nyc.gov/consumers](http://www.nyc.gov/consumers).