

**DEPARTMENT OF CONSUMER AFFAIRS  
CITY OF NEW YORK**

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DEPARTMENT OF CONSUMER AFFAIRS,	CONSENT ORDER
Complainant,	
-against-	Violation No.: 5393856
TRIDENT ASSET MANAGEMENT, LLC,	License No.: 1360561
and	
ORION PORTFOLIO SERVICES, LLC	
Respondent.	
-----X	

1. Respondent Trident Asset Management, LLC (“Trident”) was licensed by the New York City Department of Consumer Affairs (the “Department”) as a debt collection agency pursuant to Section 20-490 of the New York City Administrative Code (“Admin. Code”) under license number 1360561 from on or about June 25, 2010 through January 31, 2013.
2. In or around February 2013, Trident sought to renew its debt collection agency license with the Department. Shortly thereafter, the Department initiated an investigation into Trident’s debt collection practices. On or about October 20, 2014 Trident withdrew its debt collection agency license renewal application for license number 1360561.
3. During the course of the Department’s investigation of Trident, the Department found Trident: failed to include the name of a call back person in its written communications in violation of Admin. Code § 20-493.1(a)(iv); failed to provide the required statute of limitations disclosure in its written communications in violation of Title 6 of the Rules of the City of New York (“RCNY” or the “Rules”) § 2-191; and failed to maintain records of written communications received from consumers in violation of 6 RCNY § 2-193(a)(1).
4. In or around October 14, 2015 Orion Portfolio Services, LLC (“Orion”) applied for a debt collection agency license with the Department, application number 1403-2015-ADEB.
5. Trident and Orion (referred to collectively as “Respondents”) share a common Chief Executive Officer, Compliance Manager, and Systems and IT Manager. Trident provides a number of services to Orion related to consumer debt collection.

6. Trident does not admit to findings in paragraph 3, but agrees to enter into this Consent Order with the Department to obtain a debt collection agency license and to avoid further investigation and litigation with regard to the specific findings identified in paragraph 3 for the period from April 24, 2010 to the date of this Consent Order.
7. The Department has made no findings against Orion. Orion acknowledges its common management with Trident and agrees to enter into this Consent Order to obtain a debt collection agency license.
8. Anurag Sett, as Chief Executive Officer of Trident and Orion, represents and warrants that he is authorized to enter into this Consent Order on behalf of both Trident and Orion.
9. This Consent Order shall apply to Respondents, 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 Respondents including, but not limited to, any person who manages or oversees the work of another and any person whose earnings are based in whole or in part on commission for work performed for Respondents.
10. Respondents agree to comply fully with all relevant laws and rules related to debt collection from New York City consumers including, but not limited to: (a) the Licensing Law and Rules, Admin. Code § 20-101 *et seq.* and 6 RCNY §§ 1-01 *et seq.*; (b) the Debt Collection Agencies Licensing Law and Rules, Admin. Code §§ 20-488 *et seq.* and 6 RCNY. §§ 2-190 *et seq.*; and (c) the Consumer Protection Law and Rules, Admin. Code §§ 20-700 *et seq.* and 6 RCNY §§ 5-76 *et seq.*

#### **LICENSING**

11. Trident will submit a new debt collection agency license application with the fully executed Consent Order and the Department agrees to process that application as part of the resolution of this matter.
12. Respondents 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.
13. Respondents shall ensure that process server individuals and agencies used in furtherance of its work as a debt collection agency licensed by the Department are licensed by the Department when required by subchapter 23 of the Admin. Code.
14. Upon the termination of Respondents' license by revocation, suspension, expiration, denial, surrender, cancellation, or operation of law, the entity whose license is terminated shall immediately cease its debt collection activities with respect to New York City consumers and return its license(s) to the Department.

### **PAYDAY LOANS; USURIOUS LOANS**

15. Respondents shall not purchase, collect, or attempt to collect debts from New York City consumers if those debts arise from usurious loans, including payday loans.
16. "Usurious loan" is 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, that is void under Section 5-511 of the New York General Obligations Law.
17. Respondents shall implement policies and procedures corresponding to paragraph 15 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."
18. With regard to any New York City consumer's debt that arises from a usurious loan, Respondents shall close the account, permanently terminate collection efforts with respect to the specific debt, and submit to any consumer reporting agency to which Respondents furnish information, a request for deletion of any negative information from the consumer's credit report.

### **DISPUTED DEBT; CREDIT REPORTING**

19. In addition to the requirements in Section 20-493.2 of the Admin Code and Sections 2-190 and 5-77(f) of 6 R.C.N.Y., Respondents shall engage in the following practices:
  - a. Whenever a New York City consumer questions, disputes, or challenges the information on which either Respondent is relying to collect or attempt to collect a debt, such 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.

- iii. For purposes paragraph 19(a)(ii) a “reasonable investigation” shall be proportional to the quality and quantity of information provided to Respondents by the consumer about the consumer’s question, dispute, or challenge.
- b. With regard to any New York City consumer’s debt that has been paid in full or settled pursuant to an oral or written agreement with Respondents, Respondents shall close the account, permanently terminate collection efforts with respect to the specific debt, and submit to any consumer reporting agency to which Respondents furnish information, a request for that the account be marked paid in full or settled in full.

#### **COLLECTION OF DEBTS OWED TO DEBT BUYERS**

- 20. Respondents shall not collect or attempt to collect a debt owed or asserted to be owed to any buyer of delinquent debt from a New York City consumer unless each agreement transferring ownership of the debt included terms in which the seller warranted and represented that the information about the debt and the documentation supporting the debt were accurate and complete. This shall not limit any other requirements under the Law or Rules regarding documentation that must be obtained, maintained or transferred with a debt.

#### **POLICIES, PROCEDURES AND TRAINING**

- 21. Within thirty (30) days of execution of this Consent Order, Respondents shall:
  - a. implement and disseminate policies and procedures, to officers and any agent or employee having responsibility with respect to the collection of consumer debts from New York City consumers, to ensure compliance with the terms of this Consent Order and the requirements of all New York City Laws and Rules, set forth in paragraph 10;
  - b. provide training, to officers and any agent or employee having responsibility with respect to the collection of consumer debts, on the requirements of this Consent Order and the requirements of all New York City Laws and Rules, set forth in paragraph 10;
  - c. provide periodic refresher training, to officers and any agent or employee having responsibility with respect to the collection of consumer debts, no less frequently than once each year and more frequently if any New York City Laws and Rules are amended;
  - d. provide periodic refresher training, to all new officers and any agent or employee, no later than five (5) days from the time the employee assumes responsibility with respect to the collection of debts;
  - e. take and document appropriate disciplinary action against any employee who fails to comply with this Consent Order and the requirements of all New York City Laws and Rules, set forth in paragraph 10.

## COMPLIANCE MONITORING AND REPORTING

22. Respondents shall appoint [REDACTED] to serve as the Compliance Officer responsible for ensuring adherence to the terms of this Consent Order.
23. If the identity of such Compliance Officer changes at any time, Respondents shall provide to the Department the name, title, telephone number, address, and email address of the replacing Compliance Officer within five (5) days of such change.
24. Within ten (10) business days of receipt of written notice from the Department, Respondents shall produce the following, electronically or in the format indicated by the Department, which are true and accurate and sworn to under the penalty of perjury.
  - a. Documents related to any provision of this Consent Order, including but not limited to:
    - i. Copies of any complaints Respondents received regarding Respondents' attempts to collect debt purportedly owed by New York City consumers.
    - ii. Transcripts of or the audio files of the recordings required by Section 2-193(b)(2) of the Rules.
    - iii. Documents sufficient to identify the manner in which Respondents maintain its records.
25. Respondents shall respond to all subpoenas and document requests issued to it by the Department.
26. Nothing in this section shall be construed to obviate Respondents' responsibilities pursuant to Admin. Code § 20-493(b); 6 R.C.N.Y. §§ 1-14, 1-16; and 2-193.
27. Respondents shall notify the Department of all pending actions, proceedings or investigations by government agencies against it relating to its debt collection activities within ten (10) business days of being notified of such action, proceeding, or investigation.
28. Respondents shall make all possible efforts in good faith to resolve all consumer complaints filed with the Department within twenty (20) business days of receipt of copies of those complaints, but in all instances, Respondents shall respond in writing to the Department regarding those consumer complaints within twenty (20) days of receipt of any complaints from the Department.
29. For the purposes of this Consent Order, Respondents shall, unless otherwise directed by the Department, send by first class mail, and contemporaneously by email, all notifications required by this Consent Order to the Department to the following addresses:

First Class Mail to:

Consent Order  
Trident Asset Management, LLC and Orion Portfolio Services, LLC  
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LEGAL DIVISION  
NYC Department of Consumer Affairs  
42 Broadway, 9<sup>th</sup> Floor  
New York, NY 10004

Re: 2016 Consent Order

Email to: [legaldebtcoll@dca.nyc.gov](mailto:legaldebtcoll@dca.nyc.gov)

30. For purposes of the compliance reporting and monitoring required by this Consent Order, the Department is authorized to communicate directly with the Respondents.

#### **CONSEQUENCES OF BREACH OF CONSENT ORDER**

31. A finding, after notice and hearing, that either Respondent has committed a material breach of the terms of this Consent Order shall constitute prima facie evidence of such Respondent's lack of fitness to hold a license from the Department.
32. Upon a finding, after notice and hearing, that either Respondent has committed violations the Licensing Law, the Debt Collection Agency Licensing Law, or the Consumer Protection Law or has materially breached this Consent Order, such Respondent shall pay up to one thousand dollars (\$1,000) for each violation, one thousand dollars (\$1000) for breach of the Consent Order, as well as the Department's costs for investigation and litigation.
33. Either Respondents' failure to produce any of the documents required by this Consent Order, the Admin. Code, or the Rules shall constitute prima facie evidence that such Respondent has failed to maintain those records and is not in compliance with the underlying terms of the Consent Order, Law, or Rule for which documents are required to be maintained.

#### **PENALTIES AND OTHER TERMS AND CONDITIONS**

34. Respondents shall pay \$15,000 to the Department, due upon execution of this Consent Order. Payment shall be made by bank check, certified check, or money order in the full amount made payable to the New York City Department of Consumer Affairs, and delivered to the New York City Department of Consumer Affairs, Legal Division, Attn: [REDACTED] 42 Broadway, 9th Floor, New York, New York 10004.
35. This Consent Order shall constitute a final order pursuant to Section 6-42(c) of the Rules.

**WAIVER OF APPEALS**

36. Respondents waives Respondents' right to a hearing on, appeal of and/or any challenge of, in any forum, the facts alleged by the above-referenced Violation Number under Sections 20-104 and 20-105 of the Admin. Code or under Article 78 of the New York State Civil Practice Law and Rules.

**MISCELLANEOUS**

37. Nothing in this Consent Order shall be construed to excuse or eliminate any obligation, requirement, or presumption afforded or imposed by Federal Law, including the Fair Debt Collection Practices Act.
38. The acceptance of this Consent Order by the Department shall not be deemed approval by the Department of any of Respondents' business practices, and Respondents shall make no representation to the contrary.
39. The acceptance of this Consent Order resolves the findings made in this Consent Order in Attachment A. This Consent Order does not limit the Department's ability to bring charges for violations outside this time period.
40. The acceptance of this Consent Order does not limit the Department's ability, nor Respondents' obligation to respond to consumer complaints that arose prior to the date of this Consent Order as set forth in the "Agreement Dated" field below.
41. Nothing in this Consent Order shall be construed to limit in any way the authority of the Department to exercise its enforcement powers under Chapter 1, Title 20 or under Chapter 2, Title 20 of the Admin. Code.

Agreed to for Trident by:

Accepted for Julie Menin, Commissioner of  
Consumer Affairs for the City of New York, by:

Anurag Sett  
CEO

  
\_\_\_\_\_  
Signature

4/21/2016  
\_\_\_\_\_  
Date

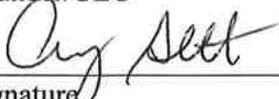


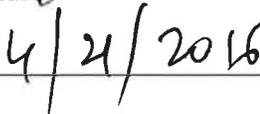
4/17/16  
\_\_\_\_\_  
Date

Agreement Dated: 4/17/16

Agreed to for Orion by:

Anurag Sett  
Founder/CEO

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

**Businesses licensed by the Department of Consumer Affairs (DCA) must comply with all relevant local, state and federal laws. Copies of New York City licensing and consumer protection laws are available in person at DCA's Licensing Center, located at 42 Broadway, 1st Floor, New York, NY, 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).**