

DEPARTMENT OF CONSUMER AFFAIRS  
OF THE CITY OF NEW YORK

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NYC DEPARTMENT OF CONSUMER  
AFFAIRS,

Complainant,

-against-

VISION FINANCIAL CORP. d/b/a VISION  
HEALTHCARE FINANCIAL  
4 West Red Oak Lane  
White Plains, New York 10604,

Respondent-Licensee.  
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CONSENT JUDGMENT/ORDER

Violation No. LL 5164576

License No. 1179146

1. Vision Financial Corp. ("Respondent") consents to a final Judgment/Order ("Judgment") with the New York City Department of Consumer Affairs ("DCA") in the above matter.

**Acknowledgment of Service**

2. Respondent acknowledges receipt of the above captioned Notice of Hearing, which charged it with violating the Rules of the City of New York ("Rules") Title 6, Section 2-194, which states:

(a) The call-back number to be answered by a natural person, which a debt collection agency is required to provide consumers pursuant to §20-493.1 (a) (i) of the Administrative Code, shall be a number for a telephone for which a call to that number shall be either (1) answered by a natural person qualified to address consumer inquiries concerning communications the debt collection agency has with consumers or (2) routed to such a natural person within 60 seconds after the call is linked to the debt collection agency's telephone line for such number and that shall be answered by such natural person within 60 seconds after the call is routed.

(b) The required call-back number shall be answered by a natural person as specified in subdivision (a) of this section by during all times when a debt collection agency conducts business with consumers.

### Authorized Representative for Respondent

3. Toda Holtrek, as VP Collections of Respondent, represents and warrants that he or she is authorized to settle this action and to enter into a final Judgment with the DCA on behalf of Respondent.
4. This Judgment shall apply to Respondent, whether acting through Vision Financial Corp or any other directors, officers, employees, representative agents, assignees, successors, contractors, or other business entities, whose acts, practices, or policies are directed, formulated, or controlled by Respondent. For the purposes of this Judgment, "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.

### INJUNCTIVE RELIEF

5. Respondent shall comply with all relevant laws and rules related to debt collection in New York City including, but not limited to, New York City Administrative Code ("Code") Title 20, Sections 20-101 et seq. ("License Enforcement Law"), 20-488 et seq. ("Debt Collection Agencies Law"), and 20-700 et seq. ("Consumer Protection Law"), and/or Sections 1-01 et seq. ("License Enforcement Rules"), 2-190 et seq. ("Debt Collection Agencies Rules"), and 5-01 et seq. ("Consumer Protection Law Rules") of the Rules.

### License

6. Respondent shall not act as a debt collection agency as defined in Section 20-489 of the Code at any time without holding a valid license from DCA.
7. Respondent shall ensure that process servers used in furtherance of its work as a debt collection agency licensed by DCA are licensed by DCA when required by subchapter 23 of the Code.

### Policies, Procedures and Training

8. Within thirty (30) days of the execution of this Judgment, Respondent shall implement and disseminate policies and procedures to employees to ensure compliance with the terms of this Judgment and the requirements of all relevant City laws, set forth in Paragraph 5.
9. Respondent shall provide all employees with responsibilities related to collection or attempted collection of debts from New York City consumers with initial training and periodic refresher training on the requirements of this Judgment, the policies and

procedures required pursuant to this Judgment, the License Enforcement Law, the Consumer Protection Law, the Debt Collection Agencies Law, the License Enforcement Rules, the Debt Collection Agencies Rules, and the Consumer Protection Law Rules. Respondent shall provide employees with such initial training within thirty (30) days of the execution of this Judgment, and such periodic refresher training no less frequently than once each year. Respondent shall further provide such training to all new employees within fifteen (15) days of any such employees' start dates.

10. Respondent shall maintain records of the training provided and attendance logs.

**Monitoring**

11. Respondent shall appoint Todd Hollrah, who is a senior executive, to serve as the Compliance Officer responsible for ensuring adherence to the terms of this Judgment. Such Compliance Officer has the following title: V.P. Collections.

12. The telephone number of such Compliance Officer is: [REDACTED].

13. The address of such Compliance Officer is: [REDACTED].

14. The email address of such Compliance Officer is: [REDACTED].

15. If the identity of such Compliance Officer changes, Respondent shall provide to DCA the name, title, telephone number, address, and email address of the replacing Compliance Officer within ten (10) days of such change.

16. Within fifteen (15) days of execution of this Judgment, Respondent shall provide to DCA a notarized affidavit describing the policies and procedures Respondent has developed and implemented to comply with Section 2-194 of the Rules, including but not limited to invoices and/or receipts for the purchase of any necessary telephone software or equipment and a written description of any such software or equipment.

17. Respondent shall adopt and implement the following compliance monitoring policies and procedures:

- i. Supervisors and/or managers of Respondent's call centers shall monitor at least five (5) percent of all telephone calls made or received by Respondent as well as Respondent's employees' contemporaneous notes of such conversations.
- ii. Respondent shall take appropriate disciplinary action and/or retrain employees in situations where employees are found to be non-compliant, and take other appropriate steps to ensure compliance.

18. Respondent shall further develop and implement policies and procedures for disciplining, up to and including the termination of, employees who have not complied with the

requirements of this Judgment and/or all applicable laws, including, but not limited to, the License Enforcement Law, Debt Collection Agencies Law, Consumer Protection Law, License Enforcement Rules, Debt Collection Agencies Rules, and/or Consumer Protection Law Rules. Respondent shall also develop and implement such policies and procedures with regard to employees with management responsibilities who fail to adequately address non-compliance by subordinate employees. Respondent shall document its monitoring and discipline of employees.

19. Within fifteen (15) days of receipt, Respondent shall provide to DCA copies of any complaints to Respondent concerning or relating to the subject matter of the Notice of Hearing. Respondent shall also provide to DCA copies of Respondent's responses to such complaints. For the purposes of this Judgment, a "complaint" includes a telephone call, letter, e-mail, fax or any other mode of communication whether to Respondent directly, to a regulatory body or to the Better Business Bureau or if filed in court.
20. Upon (10) days' notice, Respondent shall provide to DCA any books, reports, records or other documents as DCA deems necessary to ascertain compliance with this Judgment. Nothing in this Judgment shall be construed to alter or diminish Respondent's obligation to maintain and produce all documents as required by the Code and Rules.

**Complaint Resolution**

21. Respondent shall appoint Toda Holtva to serve as the Complaint Resolution Officer responsible for addressing complaints received by DCA against Respondent. Such Complaint Resolution Officer has the following title: V.P. Collections.
22. The telephone number of such Complaint Resolution Officer is: \_\_\_\_\_  
\_\_\_\_\_
23. The address of such Complaint Resolution Officer is: \_\_\_\_\_  
\_\_\_\_\_
24. The email address of such Complaint Resolution Officer is \_\_\_\_\_  
\_\_\_\_\_
25. Respondent shall comply with Section 1-13 of the Rules and shall resolve all consumer complaints filed with DCA or which may be filed with Respondent by consumers. In the event such complaints cannot be resolved between the parties with or without the assistance of DCA, Respondent shall submit to DCA's jurisdiction to adjudicate such complaints and abide by any DCA determination made on the merits of said complaints.

FINES AND OTHER PROVISIONS

26. Respondent shall pay a fine of six hundred dollars (\$600) by bank check, certified check or money order made payable to the NYC Department of Consumer Affairs. Respondent shall deliver such amount to: NYC Department of Consumer Affairs, R&I, 42 Broadway, 9<sup>th</sup> Floor, New York, NY 10004. DCA shall receive such amount within ten (10) days of the execution of this Judgment.
27. If DCA does not receive such amount within ten (10) days of the execution of this Judgment, DCA shall assess a \$100 late charge and the balance due under this Judgment shall be due immediately.
28. Respondent waives any further right to a hearing and/or appeal of the above-reference citation under Section 20-104 of the Code or under Article 78 of the New York State Civil Practice Law and Rules, Sections 7801-7806.
29. In the event of any material breach on the part of Respondent with regard to any of the terms of this Judgment, such breach shall be the basis for DCA to reset this matter for a hearing and to seek maximum fines, costs and penalties in addition to any other remedies provided for herein, including suspension or revocation of Respondent's license for a lack of fitness.
30. The acceptance of this Judgment by DCA shall not be deemed approval by DCA of any of Respondent's business practices, and Respondent shall make no representation to the contrary.
31. This matter will be considered settled upon execution of this Judgment and payment of the settlement sum as set forth in Paragraph 26 above.
32. This Judgment resolves only violation number LL 5164576 described in paragraph 4 above and does not waive DCA's right to bring enforcement actions regarding any other violation by Respondent.

Agreed to by:

Todd Holtzack  
Print name

V.P. Collections  
Title

[Signature]  
Signature

11/04/2010  
Date

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

[Redacted]  
Print name

Staff Counsel  
Title

[Redacted]  
Signature

11/10/10  
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, 5<sup>th</sup> 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).