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Las Vegas, Nevada 89121
(702) 486-4120

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION**

1179 Fairview Drive, Ste 201
Carson City, Nevada 89701
(775) 687-5522

In Re:)
GILLUM, DRISKEL & ASSOCIATES,)
INC.; DRISKEL, GILLUM &)
ASSOCIATES, INC.; GILLUM,)
DRISKEL & ASSOCIATES, LLC)
Respondent.)

**ORDER TO CEASE AND DESIST
ACTIVITIES AND NOTICE OF HEARING**

**ORDER TO CEASE AND DESIST ACTIVITIES AND
NOTICE OF HEARING**

Nevada, Department of Business and Industry, Financial Institutions Division (hereinafter "Division") hereby orders GILLUM, DRISKEL & ASSOCIATES, INC., DRISKEL, GILLUM & ASSOCIATES, INC. and GILLUM, DRISKEL & ASSOCIATES, LLC (hereafter "Respondent") to cease and desist from any and all activities which covered under Nevada Revised Statutes (NRS) Chapter 649.

JURISDICTION

1. The business of collecting claims for others or of soliciting the right to collect or receive payment from another of any claim in the State of Nevada is governed by chapter 649 of the Nevada Revised Statutes (NRS) and chapter 649 of the Nevada Administrative Code (NAC). The State of Nevada, Department of Business and Industry, Financial Institutions Division (hereinafter "Division") has primary jurisdiction for the licensing and regulation of persons operating and/or engaging in collection services. NRS 649.026.

2. Pursuant to the authority vested by NRS Chapter 649, the Division hereby makes the following Findings of Fact, Conclusions of Law, and Order.

1 **FINDINGS OF FACT**

2 3 Respondents GILLUM, DRISKEL & ASSOCIATES, INC., DRISKEL, GILLUM &
4 ASSOCIATES, INC. and GILLUM, DRISKEL & ASSOCIATES, LLC are businesses registered
5 with the State of Florida.

6 4. According the Florida Secretary of State, the corporate status of GILLUM,
7 DRISKEL & ASSOCIATES, INC. is inactive.

8 5. The resident agent for DRISKEL, GILLUM & ASSOCIATES, INC. is Jane Driskel
9 located at 1882 Porter Lake Drive, Ste. 801, Sarasota, Florida 34240,

10 6. Respondents are engaged in debt collection services with the address P.O. Box
11 2500, Sarasota, Florida 34230.

12 7. Respondents are not now and have never been licensed as a collection agency
13 by the Division.

14 8. Respondents solicited business as a collection agency in the State of Nevada.

15 9. On January 15, 2008, Respondents were contracted by a Nevada company
16 entitled A Bee and Pest Control Co. for collection of its outstanding bills which were not paid
17 by Nevada residents.

18 10. Respondents wrote A Bee and Pest Control stating, "As a National Collections
19 Company doing business in the United States and Canada, we handle collection files through
20 an established relationship with over 500 attorneys nationwide."

21 11. Respondents engaged in the business as a collection agent in the State of
22 Nevada without first obtaining a license to do so.

23 12. As part of the contractual relationship, A Bee and Pest Control assigned twenty-
24 nine (29) accounts to Respondents for collection.

25 13. Upon investigation, the Division determined that Respondents were not licensed
26 as collection agencies in the State of Florida since the beginning of 2008.

27 14. Further, the Division discovered that Respondents were investigated by the
28 District Attorney's office in Florida for failing to remit funds collected.

1 **CONCLUSIONS OF LAW**

2 15. NRS 649.075(1) reads as follows:

3 Except as otherwise provided in this section, a person shall not
4 conduct within this State a collection agency or engage within this
5 State in the business of collecting claims for others, or of soliciting
6 the right to collect or receive payment for another of any claim, or
7 advertise, or solicit, either in print, by letter, in person or otherwise,
8 the right to collect or receive payment for another of any claim, or
9 seek to make collection or obtain payment of any claim on behalf
10 of another without having first applied for and obtained a license
11 from the Commissioner.

12 16. NRS 649.395 provides the Commissioner to take disciplinary action for any
13 violation of NRS Chapter 649.

14 NRS 649.390 Investigation of verified complaint concerning
15 unlicensed person; order to cease and desist; administrative fines;
16 suit to recover fine; cumulative penalties.

17 1. The Commissioner shall conduct an investigation if he
18 receives a verified complaint from any person that sets forth
19 reason to believe that an unlicensed person is engaging in an
20 activity for which a license is required pursuant to this chapter.

21 2. If the Commissioner determines that an unlicensed person
22 is engaging in an activity for which a license is required pursuant to
23 this chapter, the Commissioner shall issue and serve on the
24 person an order to cease and desist from engaging in the activity
25 until such time as the person obtains a license from the
26 Commissioner.

27 3. If a person upon whom an order to cease and desist is
28 served does not comply with the order within 30 days after service,
the Commissioner shall, after notice and opportunity for a hearing:

(a) Impose upon the person an administrative fine of \$10,000;

or

(b) Enter into a written consent agreement with the person
pursuant to which the person agrees to cease and desist from all
unlicensed activity in this State relating to the collection of debts,
and impose upon the person an administrative fine of not less than
\$5,000 and not more than \$10,000.

-- The imposition of an administrative fine pursuant to this
subsection is a final decision for the purposes of judicial review.

4. The Commissioner shall bring suit in the name and on
behalf of the State of Nevada against a person upon whom an
administrative fine is imposed pursuant to subsection 3 to recover
the amount of the administrative fine:

1 (a) If no petition for judicial review is filed pursuant to NRS
2 233B.130 and the fine remains unpaid for more than 90 days after
notice of the imposition of the fine; or

3 (b) If a petition for judicial review is filed pursuant to NRS
4 233B.130 and the fine remains unpaid for more than 90 days after
5 exhaustion of any right of appeal in the courts of this State
6 resulting in a final determination that upholds the imposition of the
fine.

5. A person's liability for an administrative fine is in addition to
any other penalty provided in this chapter.

7 17. Pursuant to NRS 649.440, the Commissioner can impose administrative fines
8 of not more than \$10,000.00 for any violation of this chapter.

9 In addition to any other remedy or penalty, the Commissioner may
10 impose an administrative fine of not more than \$10,000 upon a
person who:

11 1. Without a license or certificate, conducts any business or
12 activity for which a license or certificate is required pursuant to the
provisions of this chapter; or

13 2. Violates any provision of this chapter or any regulation
14 adopted pursuant thereto.

15 18. Respondents have violated NRS 649.075 by soliciting and collecting payments
16 on behalf of another.

17 19. Respondents contracted with a Nevada company to collect outstanding debts
18 on a contingency basis.

19 20. Respondents were never licensed by the Division as a collection agency.

20 21. Respondents have violated NRS 649.075 by engaging in the business of
21 collecting payments for another in the State of Nevada.

22 22. As part of the contractual relationship with the Nevada Company, Respondents
23 undertook the obligation to collect 29 outstanding accounts of Nevada residents.

24 23. Pursuant to NRS 649.395, the Division hereby orders Respondents to cease
25 and desist all activity covered under NRS Chapter 649 and will set a hearing to determine any
26 administrative fine to be imposed.

1 **ORDER**

2 IT IS HEREBY ORDERED that Respondents GILLUM, DRISKEL & ASSOCIATES,
3 INC., DRISKEL, GILLUM & ASSOCIATES, INC. and GILLUM, DRISKEL & ASSOCIATES,
4 LLC shall **CEASE AND DESIST** from operating and/or engaging in the business of "collecting
5 claims for others, or of soliciting the right to collect or receive payment for another of any
6 claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect
7 or receive payment for another of any claim, or seek to make collection or obtain payment of
8 any claim on behalf of another" within the State of Nevada unless and until such time
9 Respondents becomes licensed by the Division pursuant to NRS Chapter 649.
10

11 DATED this 14th day of October, 2008.
12

13 STATE OF NEVADA
14 DEPARTMENT OF BUSINESS AND INDUSTRY
15 FINANCIAL INSTITUTIONS DIVISION

16 By: 
17 STEVEN W. KONDRUP,
18 Deputy Commissioner

19 cc: Daniel Ebihara, Deputy Attorney General
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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Financial Institutions Division, and that on the 14th day of October, 2008, I deposited in the U.S. mail, postage prepaid, via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing **ORDER TO CEASE AND DESIST UNLICENSED ACTIVITIES; NOTICE OF HEARING**, addressed as follows;

GILLUM DRISKEL & ASSOCIATES INC.
Attn: Jane Driskel
1882 Porter Lake Drive Suite 801
Sarasota, Florida 34240

Certified Mail: 7006 2760 0000 0875 3276

DATED this 14th day of October, 2008

By: Anna Ewbrado

7006 2760 0000 0875 3276

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