



2785 E. Desert Inn Road, Suite 180
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:

RICHARD CLARK, a.k.a. RICKY
EDWARD CLARK, LAW OFFICES OF
RICHARD CLARK,

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 RICHARD CLARK, a.k.a. RICKY EDWARD CLARK, LAW OFFICES OF RICHARD CLARK (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.

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1 of another without having first applied for and obtained a license
2 from the Commissioner.

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

5 NRS 649.390 Investigation of verified complaint concerning
6 unlicensed person; order to cease and desist; administrative fines;
7 suit to recover fine; cumulative penalties.

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

12 2. If the Commissioner determines that an unlicensed person
13 is engaging in an activity for which a license is required pursuant to
14 this chapter, the Commissioner shall issue and serve on the
15 person an order to cease and desist from engaging in the activity
16 until such time as the person obtains a license from the
17 Commissioner.

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

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

23 (b) Enter into a written consent agreement with the person
24 pursuant to which the person agrees to cease and desist from all
25 unlicensed activity in this State relating to the collection of debts,
26 and impose upon the person an administrative fine of not less than
27 \$5,000 and not more than \$10,000.

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

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

5 (a) If no petition for judicial review is filed pursuant to NRS
6 233B.130 and the fine remains unpaid for more than 90 days after
7 notice of the imposition of the fine; or

8 (b) If a petition for judicial review is filed pursuant to NRS
9 233B.130 and the fine remains unpaid for more than 90 days after
10 exhaustion of any right of appeal in the courts of this State
11 resulting in a final determination that upholds the imposition of the
12 fine.

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

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

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

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

9 2. Violates any provision of this chapter or any regulation
10 adopted pursuant thereto.

11 15. NRS 649.020(2)(g) excludes as collection agency "Attorneys and counselors at
12 law licensed to practice in this State, so long as they are retained by their clients to collect or
13 to solicit or obtain payment of such clients' claims in the usual course of the practice of their
14 profession."

15 16. Respondent does not meet the initial requirement of NRS 649.020(2)(g)
16 because he is not a licensed attorney in the State of Nevada.

17 17. Consequently, Respondent can not be retained to practice the profession of law
18 in the State of Nevada because he is not licensed to do so.

19 18. Respondent has violated NRS 649.075 by engaging in the business of collecting
20 payments for another in the State of Nevada.

21 19. Pursuant to NRS 649.395, the Commissioner hereby orders Respondent to
22 cease and desist all activity covered under NRS Chapter 649 and will set a hearing to
23 determine any administrative fine to be imposed.

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1 **ORDER**

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

10 DATED this 15th day of October, 2008.

11 STATE OF NEVADA
12 DEPARTMENT OF BUSINESS AND INDUSTRY
13 FINANCIAL INSTITUTIONS DIVISION

14 By: 
15 STEVEN W. KONDRUP,
16 Deputy Commissioner

17 cc: Daniel Ebihara, Deputy Attorney General
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Department of Business and
3 Industry, Financial Institutions Division, and that on the 15th day of October, 2008, I deposited
4 in the U.S. mail, postage prepaid, via First Class Mail and Certified Return Receipt
5 Requested, a true and correct copy of the foregoing **ORDER TO CEASE AND DESIST**
6 **UNLICENSED ACTIVITIES AND NOTICE OF HEARING**, addressed as follows;
7

8 LAW OFFICES OF RICHARD CLARK, PLLC
9 Attn: Richard Clark, Esq.
10 3030 S. Gessner Road Suite 200
Houston, Texas 77063

11 Certified Mail: 7006 2760 0000 0875 3320
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14 DATED this 15th day of October, 2008
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17 By: Anna Embrador
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7006 2760 0000 0875 3320

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Sent To: Law Offices of Richard Clark, PLLC
Attn: Richard Clark, Esq.
3030 S Gessner Rd Suite 200
Houston, Texas 77063

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City, State, ZIP+

PS Form 3800, August 2006 See Reverse for Instructions