

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Collection Agency License of: No. 14F-BD037-SBD

3 **CENTRAL CREDIT SERVICES, INC. AND**
4 **JAMES J. ECCLESTON, PRESIDENT**
5 9550 Regency Square Blvd., #500
6 Jacksonville, FL 32225

CONSENT ORDER

Respondents.

7 On November 7, 2013, the Arizona Department of Financial Institutions (“Department”)
8 issued an Order to Cease and Desist; Notice of Opportunity For Hearing; Consent to Entry of Order,
9 alleging that Respondents had violated Arizona law. Wishing to resolve this matter in lieu of an
10 administrative hearing, Respondents consent to the following Findings of Fact and Conclusions of
11 Law, and consent to the entry of the following Order.

12 FINDINGS OF FACT

13 1. Central Credit Services, Inc. (“CCS”) is a Florida corporation authorized to transact
14 business in Arizona as a collection agency, license number CA-0903187, within the meaning of
15 A.R.S. § 32-1001, *et seq.* The nature of CCS’s business is that of soliciting claims for collection and
16 collection of claims owed, due, or asserted to be owed, or due, within, the meaning of A.R.S.
17 § 32-1001(2)(a).

18 2. Respondent James J. Eccleston (“Mr. Eccleston”) is the President of CCS and is
19 authorized to transact business in Arizona as a collection agency within the meaning of A.R.S.
20 §§ 32-1001, *et seq.*

21 3. CCS and Mr. Eccleston (collectively “Respondents”) are not exempt from licensure as a
22 collection agency within the meaning of A.R.S. § 32-1004.

23 4. An electronic examination (“e-exam”) of CCS, conducted by the Department, which
24 commenced on May 15, 2013, revealed that CCS and Mr. Eccleston:

- 25 a. Failed to deal openly, fairly and honestly in the conduct of the collection agency
26 business; specifically:

1 (1) During the course of the e-exam, Respondents answered "Yes" to the following
2 question: "Has the Licensee had an order entered against the Company by an
3 administrative agency of this or any other state, or the federal government?"
4 Respondents attached to the e-exam a copy of a Colorado Stipulation and Final
5 Agency Order ("Colorado Order") entered against CCS on June 14, 2011. The
6 Colorado Order entered findings of harassment or abuse and false or misleading
7 representation made by a collector against a debtor during the course of
8 collection activity and ordered Respondents to pay a total of \$15,000.00

9 (2) Based upon the entry of the Colorado Order, and inspection of Respondents'
10 records, the Examiner found that Respondents made misstatements on two (2)
11 of their license renewal applications received by the Department on December
12 15, 2011 and November 19, 2012, by not disclosing the Colorado Order entered
13 against Respondents on or about June 15, 2011. Respondents answered "No" to
14 the following question on their December 15, 2011 and November 19, 2012
15 license renewal applications:

16 (c) In the past ten years, has a State or federal regulatory
17 agency or foreign financial regulatory agency ever:

18 (1) Found the entity or a control affiliate to have made a
19 false statement or omission or been dishonest, unfair
or unethical?

20 (3) Respondents included material misstatements or omissions on their December
21 15, 2011 and November 19, 2012 license renewal applications. The Department
22 relied on Respondents' material misstatements or omissions when it approved
23 their December 15, 2011 and November 19, 2012 license renewal applications,
24 approving Respondents to conduct collection agency activity in the state of
25 Arizona.

26 ///

1 (4) Respondents, by including misstatements or omissions on their December 15,
2 2011 and November 19, 2012 license renewal applications, demonstrated that
3 they failed to complete such applications accurately.

4 5. These Findings of Fact shall also serve as Conclusions of Law.

5 **CONCLUSIONS OF LAW**

6 1. Pursuant to A.R.S. Title 6 and Title 32, Chapter 9, the Superintendent has the authority
7 and duty to regulate all persons engaged in the collection agency business and with the enforcement
8 of statutes, rules, and regulations relating to collection agencies.

9 2. The conduct of CCS and Mr. Eccleston, as alleged above, constitutes a violation of the
10 statutes and rules governing collection agents as follows:

11 a. A.R.S. §§ 32-1051(3) by failing to deal openly, fairly and honestly in the conduct of
12 the collection agency business in the state of Arizona, by making misstatements or
13 omissions on their license renewal applications.

14 3. Neither CCS nor Mr. Eccleston meet any of the exemptions to the licensing requirements
15 set forth in A.R.S. § 32-1004(A).

16 4. The violations, set forth above, constitute grounds for: (1) the issuance of an order
17 pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the violative conduct and
18 to take the appropriate affirmative actions, within a reasonable period of time prescribed by the
19 Superintendent, to correct the conditions resulting from the unlawful acts, practices, and
20 transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-132; (3) the
21 suspension or revocation of Respondents' license pursuant to A.R.S. § 32-1053(A); and (4) an order
22 or any other remedy necessary or proper for the enforcement of statutes and rules regulating
23 collection agencies pursuant to A.R.S. §§ 6-123 and 6-131.

24 **ORDER**

25 1. CCS and Mr. Eccleston shall immediately stop the violations set forth in the Findings of
26 Fact and Conclusions of Law. CCS and Mr. Eccleston:

1 a. Shall deal openly, fairly and honestly in the conduct of the collection agency
2 business.

3 2. CCS and Mr. Eccleston shall immediately pay to the Department the amount of **six**
4 **thousand dollars (\$6,000.00)**. CCS and Mr. Eccleston are jointly and severally liable for this
5 payment.

6 3. CCS and Mr. Eccleston shall pay to the Department an examination fee in the amount of
7 **six hundred fifty dollars (\$650.00)**, pursuant to A.R.S. § 6-122(B)(3), plus any applicable late fees
8 pursuant to A.R.S. § 6-125(D).

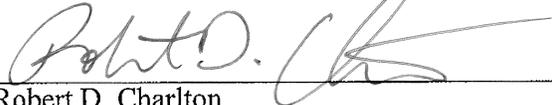
9 4. Respondents shall comply with all Arizona statutes and rules regulating Arizona
10 collection agencies (A.R.S. §§ 32-1001, *et seq.*).

11 5. The provisions of this Order shall be binding upon Respondents, their employees, agents,
12 and other persons participating in the conduct of the affairs of Respondents.

13 6. This Order shall become effective upon service, and shall remain effective and
14 enforceable until such time as, and except to the extent that, it shall be stayed, modified, terminated,
15 or set aside.

16 SO ORDERED this 17 day of December, 2013.

17 Lauren Kingry
18 Superintendent of Financial Institutions

19 By 
20 Robert D. Charlton
21 Assistant Superintendent of Financial Institutions

22 **CONSENT TO ENTRY OF ORDER**

23 1. Respondents acknowledge that they have been served with a copy of the foregoing
24 Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, have read the
25 same, are aware of their right to an administrative hearing in this matter, and have waived the same.

26 2. Respondents admit the jurisdiction of the Superintendent and consent to the entry of the
foregoing Findings of Fact, Conclusions of Law, and Order.

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3. Respondents state that no promise of any kind or nature has been made to induce them to consent to the entry of this Order, and that they have done so voluntarily.

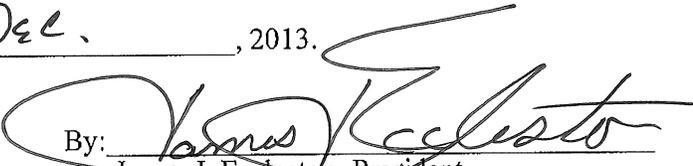
4. Respondents agree to immediately cease from engaging in the violative conduct set forth in the Findings of Fact and Conclusions of Law.

5. Respondents acknowledge that the acceptance of this Agreement by the Superintendent is solely to settle this matter and does not preclude this Department, any other agency or officer of this state or subdivision thereof from instituting other proceedings as may be appropriate now or in the future.

6. James J. Eccleston, on behalf of Central Credit Services, Inc. and himself, represents that he is the President and that, as such, has been authorized by Central Credit Services, Inc. to consent to the entry of this Order on its behalf.

7. Respondents waive all rights to seek judicial review or otherwise to challenge or contest the validity of this Cease and Desist Order.

DATED this 2 day of Dec., 2013.

By: 
James J. Eccleston, President
Central Credit Services, Inc.

ORIGINAL of the foregoing filed this 19th
day of December, 2013, in the office of:

Lauren W. Kingry
Superintendent of Financial Institutions
Arizona Department of Financial Institutions
ATTN: Sabrina Zimmerman
2910 N. 44th Street, Suite 310
Phoenix, AZ 85018

COPY mailed/delivered same date to:

Craig A. Raby, Assistant Attorney General
Office of the Attorney General
1275 West Washington
Phoenix, AZ 85007

1 Robert D. Charlton, Assistant Superintendent
Lori Mann, Examiner-in-Charge
2 Arizona Department of Financial Institutions
2910 N. 44th Street, Suite 310
3 Phoenix, AZ 85018

4 AND COPY MAILED SAME DATE by
Certified Mail, Return Receipt Requested, to:

5 James J. Eccleston, President
Central Credit Services, Inc.
6 9550 Regency Square Blvd., #500
Jacksonville, FL 32225
7 Respondents

8 David Israel, Esq.
Sessions, Fishman, Nathan & Israel, L.L.C.
9 3850 N. Causeway Blvd., suite 200
Metairie, LA 70002-7227
10 disrael@sessions-law.biz

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