
IN THE MATTER OF:
THE HAMILTON LAW
ASSOCIATION, P.A.
("Respondent")

NOTICE OF INTENT TO ISSUE
ORDER TO CEASE AND DESIST
NOTICE OF INTENT TO IMPOSE
CIVIL PENALTY
AND
NOTICE OF RIGHT TO HEARING

I. LEGAL AUTHORITY AND JURISDICTION

The Banking Commissioner ("Commissioner") is charged with the administration of Part XII of Chapter 669, Sections 36a-800 to 36a-814, inclusive, of the Connecticut General Statutes, "Consumer Collection Agencies", and the regulations promulgated thereunder, Sections 36a-809-6 to 36a-809-17, inclusive, of the Regulations of Connecticut State Agencies ("Regulations").

Pursuant to the authority granted by Section 36a-17 of the Connecticut General Statutes, the Commissioner, through the Consumer Credit Division ("Division") of the Department of Banking ("Department"), has investigated the activities of Respondent to determine if it has violated, is violating or is about to violate the provisions of the Connecticut General Statutes or Regulations within the jurisdiction of the Commissioner.

Section 36a-17(a) of the Connecticut General Statutes provides, in pertinent part, that:

The commissioner, in the commissioner's discretion and as often as the commissioner deems necessary to carry out the purposes of applicable law and the duties of the commissioner, may, subject to the provisions of section 36a-21 and the Freedom of Information Act, as defined in section 1-200: (1) Make, within or outside this state, such public or private investigations . . . concerning any person subject to the jurisdiction of the commissioner

Section 36a-52(a) of the Connecticut General Statutes provides, in pertinent part, that:

Whenever it appears to the commissioner that any person has violated, is violating or is about to violate any provision of the general statutes within the jurisdiction of the commissioner, or any regulation . . . adopted . . . thereunder, the commissioner may send a notice to such person by registered or certified mail, return receipt requested, or by any express delivery carrier that provides a dated delivery receipt The notice shall be deemed received by the person on the earlier of the date of actual receipt, or seven days after mailing or sending Any such notice shall include: (1) A statement of the time, place, and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the general statutes, [or] regulations . . . alleged to have been violated; (4) a short and plain statement of the matters asserted; and (5) a statement indicating that such person may file a written request for a hearing on the matters asserted within fourteen days of receipt of the notice. If a hearing is requested within the time specified in the notice, the commissioner shall hold a hearing upon the matters asserted in the notice, unless the person fails to appear at the hearing. After the hearing, the commissioner shall determine whether an order to cease and desist should be issued against the person named in the notice. If the person does not request a hearing within the time specified in the notice or fails to appear at the hearing, the commissioner shall issue an order to cease and desist against the person. No such order shall be issued except in accordance with the provisions of chapter 54.

Section 36a-50(a) of the Connecticut General Statutes provides, in pertinent part, that:

(1) Whenever the commissioner finds as the result of an investigation that any person has violated any provision of the general statutes within the jurisdiction of the commissioner, or any regulation . . . adopted . . . thereunder, the commissioner may send a notice to such person by registered or certified mail, return receipt requested, or by any express delivery carrier that provides a dated delivery receipt The notice shall be deemed received by the person on the earlier of the date of actual receipt or seven days after mailing or sending Any such notice shall include: (A) A statement of the time, place, and nature of the hearing; (B) a statement of the legal authority and jurisdiction under which the hearing is to be held; (C) a reference to the particular sections of the general statutes, [or] regulations . . . alleged to have been violated; (D) a short and plain statement of the matters asserted; (E) the maximum penalty that may be imposed for such violation; and (F) a statement indicating that such person may file a written request for a hearing on the matters asserted not later than fourteen days after receipt of the notice.

(2) If a hearing is requested within the time specified in the notice, the commissioner shall hold a hearing upon the matters asserted in the notice unless such person fails to appear at the hearing. After the hearing, if the commissioner finds that the person has violated any such provision, [or] regulation, . . . the commissioner may, in the commissioner's discretion

and in addition to any other remedy authorized by law, order that a civil penalty not exceeding one hundred thousand dollars per violation be imposed upon such person. If such person does not request a hearing within the time specified in the notice or fails to appear at the hearing, the commissioner may, as the facts require, order that a civil penalty not exceeding one hundred thousand dollars per violation be imposed upon such person.

(3) Each action undertaken by the commissioner under this subsection shall be in accordance with the provisions of chapter 54.

Section 36a-804(b) of the Connecticut General Statutes provides, in pertinent part, that:

Whenever it appears to the commissioner that (1) any person has violated, is violating or is about to violate any of the provisions of sections 36a-800 to 36a-814, inclusive, or any regulation adopted pursuant thereto, . . . the commissioner may take action against such person . . . in accordance with sections 36a-50 and 36a-52.

II. MATTERS ASSERTED

1. Respondent is a Florida profit corporation with its principal address at 7551 Wiles Road, Suite 202, Coral Springs, Florida.
2. Vienna Jane Hamilton is president of Respondent. Respondent's website at www.myhamiltonlaw.com advertises one of its services to be debt collection.
3. The Department received a complaint about Respondent from a Connecticut consumer debtor and conducted an investigation pursuant to Section 36a-17 of the Connecticut General Statutes.
4. As a result of the investigation, the Commissioner found that since at least July 2017, Respondent has acted as a consumer collection agency in this state by engaging as a third party in the business of collecting or receiving for payment on behalf of another unlicensed consumer collection agency for indebtedness from a student loan to a Connecticut consumer debtor.
5. On July 31, 2017, a Connecticut consumer paid approximately \$1,252 to Respondent on a delinquent or defaulted debt. The payment was acknowledged by an August 1, 2017, letter in which Respondent admitted "[t]his communication is from a debt collector".

6. The Commissioner further found evidence that the other unlicensed consumer collection agency referenced in paragraph 4 above placed 615 charged off student loans it purchased with Respondent for the purpose of consumer collection.

7. By letter dated October 2, 2017, sent by certified mail, return receipt requested, the Department informed Respondent of the consumer complaint against it and that the Department had information indicating that Respondent was acting as a consumer collection agency in Connecticut without a consumer collection agency license.

8. By letter dated December 19, 2017, sent by certified mail, return receipt requested and by electronic mail, the Division advised Respondent to cease and desist from such activity and, as part of its investigation, requested Respondent to provide the Division with a list of all Connecticut debtor accounts that Respondent has obtained from the creditor. To date, the Division has not received any response nor has the certified mail receipt been returned.

9. At no time relevant hereto has Respondent been licensed to act as a consumer collection agency in Connecticut.

III. STATUTORY BASIS FOR ORDER TO CEASE AND DESIST AND IMPOSITION OF CIVIL PENALTY

Section 36a-800 of the Connecticut General Statutes provides, in pertinent part, that:

(3) “Consumer collection agency” means any person (A) engaged as a third party in the business of collecting or receiving payment for others of any account, bill or other indebtedness from a consumer debtor . . . ;

(4) “Consumer debtor” means any natural person, not an organization, who has incurred indebtedness or owes a debt for personal, family or household purposes . . . ;

(6) “Creditor” means a person . . . that retains, hires, or engages the services of a consumer collection agency[.]

Section 36a-801(a) of the Connecticut General Statutes provides, in pertinent part, that:

No person shall act within this state as a consumer collection agency, directly or indirectly, unless such person has first obtained a required consumer collection agency license for such person’s main office and for each branch office where such person’s business is conducted. A

consumer collection agency is acting within this state if it . . . (2) has its place of business located outside this state and (A) collects from consumer debtors . . . who reside within this state for creditors who are located within this state, . . . [or] (3) has its place of business located outside this state and regularly collects from consumer debtors . . . who reside within this state for creditors who are located outside this state

Respondent's acting within this state as a consumer collection agency without a consumer collection agency license, as more fully described in paragraphs 1 through 9, inclusive, of the Matters Asserted, constitutes a violation of Section 36a-801(a) of the Connecticut General Statutes. Such violation forms the basis to issue an order to cease and desist pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes and to impose a civil penalty pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes. Section 36a-50(a) of the Connecticut General Statutes authorizes the Commissioner to impose a civil penalty upon Respondent in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

IV. NOTICE OF INTENT TO ISSUE ORDER TO CEASE AND DESIST, NOTICE OF INTENT TO IMPOSE CIVIL PENALTY AND NOTICE OF RIGHT TO HEARING

WHEREAS, the Commissioner has reason to believe that Respondent has engaged in acts or conduct which forms a basis to issue an order to cease and desist against Respondent pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes and to impose a civil penalty pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes.

NOW THEREFORE, notice is hereby given to Respondent that the Commissioner intends to issue an order requiring Respondent to **CEASE AND DESIST** from violating Section 36a-801(a) of the Connecticut General Statutes and to impose a **CIVIL PENALTY** upon Respondent as set forth herein, subject to Respondent's right to a hearing on the allegation set forth above.

A hearing will be granted to Respondent if a written request for a hearing is received by the Department of Banking, Consumer Credit Division, 260 Constitution Plaza, Hartford, Connecticut 06103-1800 within fourteen (14) days following Respondent's receipt of this Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing as set

forth in Sections 36a-52(a) and 36a-50(a) of the Connecticut General Statutes. This Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing shall be deemed received on the earlier of the date of actual receipt, or seven days after mailing or sending. To request a hearing, complete and return the enclosed Appearance and Request for Hearing Form to the above address. If Respondent will not be represented by an attorney at the hearing, please complete the Appearance and Request for Hearing Form as “pro se”. Once a written request for a hearing is received, the Commissioner may issue a notification of hearing and designation of hearing officer that acknowledges receipt of a request for a hearing, designates a hearing officer and sets the date of the hearing in accordance with Section 4-177 of the Connecticut General Statutes and Section 36a-1-21 of the Regulations of Connecticut State Agencies. If a hearing is requested, the hearing will be held on May 14, 2019, at 10 a.m., at the Department of Banking, 260 Constitution Plaza, Hartford, Connecticut.

If a hearing is requested, it will be held in accordance with the provisions of Chapter 54 of the Connecticut General Statutes, unless Respondent fails to appear at the requested hearing. At such hearing, Respondent will have the right to appear and present evidence, rebuttal evidence and argument on all issues of fact and law to be considered by the Commissioner.

If Respondent does not request a hearing within the time period prescribed or fails to appear at any such hearing, the allegation herein will be deemed admitted. Accordingly, the Commissioner will issue an order that Respondent cease and desist from violating Section 36a-801(a) of the Connecticut General Statutes and may order a civil penalty in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation be imposed upon Respondent.

Dated at Hartford, Connecticut,
this 18th day of March 2019.

_____/s/_____
Jorge L. Perez
Banking Commissioner

CERTIFICATION

I hereby certify that on this 19th day of March 2019, I caused to be mailed by certified mail, return receipt requested, the foregoing Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing to The Hamilton Law Association, P.A., at 7551 Wiles Road, Suite 202, Coral Springs, Florida 33067, Certified Mail No. 7012 3050 0000 6999 5569; 600 South Dixie Highway, Suite 102, West Palm Beach, Florida 33401, Certified Mail No. 7012 3050 0000 6999 5576; 3200 NW 62nd Avenue #214, Margate, Florida 33063, Certified Mail No. 7016 2710 0000 5869 9391; and 8202 Wiles Road 140, Coral Springs, Florida 33067, Certified Mail No. 7016 2710 0000 5896 9407; and to its registered agent Earl W. Hamilton, 8024 Via Hacienda, Palm Beach Gardens, Florida 33418, Certified Mail No. 7012 3050 0000 6999 5583.

_____/s/_____
Tina M. Daigle
Paralegal