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**IN THE MATTER OF:**

**ADOLPHUS HAMPTON II d/b/a  
FINANCIAL INSTRUMENT RECOVERY**

**(“Hampton”)**

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**CONSENT ORDER**

**WHEREAS**, 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”);

**WHEREAS**, Hampton is an individual and resident of Connecticut doing business as Financial Instrument Recovery, with addresses of 198 Broad Street, Suite A, Danielson, Connecticut, and 78 Follett Road, Windham, Connecticut;

**WHEREAS**, Hampton has never been licensed to act as a consumer collection agency in Connecticut;

**WHEREAS**, the Department of Banking has received at least one complaint regarding Hampton from a creditor that hired Hampton to conduct consumer collection activity in this state;

**WHEREAS**, the Commissioner, through the Consumer Credit Division of the Department of Banking, has investigated the activities of Hampton pursuant to Section 36a-17 of the Connecticut General Statutes to determine if he had violated, was violating or was about to violate the provisions of the Connecticut General Statutes or Regulations within the jurisdiction of the Commissioner;

**WHEREAS**, as a result of such investigation, on May 16, 2019, the Commissioner, acting pursuant to Sections 36a-804(b), 36a-52(a) and 36a-50(a) of the Connecticut General Statutes, issued a Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing against Hampton (collectively “Notice”), which Notice is incorporated by reference herein;

**WHEREAS**, the Commissioner alleged in the Notice that Hampton acted within this state as a consumer collection agency without a consumer collection agency license, in violation of Section 36a-801(a) of the Connecticut General Statutes;

**WHEREAS**, on May 17, 2019, the Notice was sent by certified mail, return receipt requested, to Hampton, Certified Mail Nos. 7014 2120 0000 3701 1658 and 7014 2120 0000 3701 1665;

**WHEREAS**, on May 30, 2019, Hampton requested a hearing, which is currently scheduled for September 25, 2019;

**WHEREAS**, Section 4-177(c) of the Connecticut General Statutes and Section 36a-1-55(a) of the Regulations of Connecticut State Agencies provide that a contested case may be resolved by consent order, unless precluded by law;

**WHEREAS**, the Commissioner and Hampton acknowledge the possible consequences of formal administrative proceedings and Hampton voluntarily agrees to consent to the entry of the sanctions described below solely for the purpose of obviating the need for further formal administrative proceedings concerning the allegation contained in the Notice and set forth herein;

**WHEREAS**, the Commissioner and Hampton now desire to resolve the matters alleged in the Notice and set forth herein;

**WHEREAS**, Hampton represents that he is no longer acting as a consumer collection agency in this state without a license;

**WHEREAS**, Hampton agrees that the Notice may be used in construing the terms of this Consent Order and agrees to the language of this Consent Order;

**WHEREAS**, Hampton specifically assures the Commissioner that the violation alleged herein shall not occur in the future;

**WHEREAS**, Hampton acknowledges that this Consent Order is a public record and is a reportable event for purposes of the Nationwide Multistate Licensing System and Registry (“NMLS”), as applicable;

**WHEREAS**, Hampton has submitted evidence demonstrating economic hardship, such that the Commissioner believes that Hampton is incapable of paying any civil penalty that otherwise could have been assessed against him pursuant to the Notice and the additional allegations set forth herein;

**WHEREAS**, based on the contents of the financial disclosure statement submitted to the Division evidencing an inability to pay, a \$10,000 civil penalty shall be temporarily stayed for a period of three years, after which time such penalty shall be waived if the Division determines that Hampton remains unable to pay;

**AND WHEREAS**, Hampton, through his execution of this Consent Order, voluntarily agrees to waive his procedural rights, including a right to a hearing as it pertains to the allegation contained in the Notice and set forth herein, and voluntarily waives his right to seek judicial review or otherwise challenge or contest the validity of this Consent Order.

### **CONSENT TO ENTRY OF SANCTIONS**

**WHEREAS**, Hampton, through his execution of this Consent Order, consents to the Commissioner’s entry of a Consent Order imposing the following sanctions:

1. Based on the contents of the financial disclosure statement submitted to the Division, the imposition of any civil penalty that otherwise would have been imposed against Hampton pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes shall be temporarily stayed for three years from the date this Consent Order is entered by the Commissioner, provided that such stay shall no longer be in force and effect, and Respondent will be obligated to pay a civil penalty of Ten Thousand Dollars (\$10,000), if the Commissioner ascertains at any time that (a) the Respondent is able to pay an civil penalty; or (b) Respondent failed to disclose any material asset, materially misstated the value of any asset or made any other material misstatement or omission in the financial disclosure statement. This paragraph is without prejudice to the right of the Commissioner, in his discretion, to take such further action on the matter in the future following expiration of the temporary stay as may be warranted by the then existing circumstances. The Respondent, through his execution of this Consent Order, knowingly, willfully, and voluntarily waives his right to notice and an

administrative hearing in conjunction with the implementation of this paragraph; provided, however, that, prior to involving any enforcement measures contemplated by this paragraph, the Commissioner shall provide the affected Respondent with an informal opportunity to demonstrate its compliance with this Consent Order. The Respondent shall provide updates to the Division by submitting annual financial disclosure statements for three years following the date this Consent Order is issued by the Commissioner. After the completion of three years from the date this Consent Order is entered, if the Division determines that the Respondent is still unable to pay the civil penalty, such civil penalty will be waived;

2. Hampton shall cease and desist from acting as a consumer collection agency in this state without a license, including, but not limited, soliciting or accepting assignments of judgments or debts of any kind in this state without a license, in violation of Section 36a-801(a) of the Connecticut General Statutes; and
3. Hampton shall cooperate in the return of assignments of judgments or debts in his possession to the original creditors and in the execution of any documentation necessary to restore ownership of judgments and debts to the original creditors.

### **CONSENT ORDER**

**NOW THEREFORE**, the Commissioner enters the following:

1. The Sanctions set forth above be and are hereby entered;
2. Upon issuance of this Consent Order by the Commissioner, this matter will be resolved and the Commissioner will not take any future enforcement action against Hampton based upon the allegation set forth herein; provided that issuance of this Consent Order is without prejudice to the right of the Commissioner to take enforcement action against Hampton based upon a violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms herein is not being observed or if any representation made by Hampton and reflected herein is subsequently discovered to be untrue;
3. Hampton shall not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any allegation referenced in this Consent Order or create the impression that this Consent Order is without factual basis;
4. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by Hampton on NMLS, as applicable, nothing in the issuance of this Consent Order shall adversely affect the ability of Hampton to apply for or obtain licenses or renewal licenses under Part XII of Chapter 669, Sections 36a-800 to 36a-814, inclusive, of the Connecticut General Statutes, provided that all applicable legal requirements for any such license are satisfied and the terms of this Consent Order are being followed;

5. This Consent Order shall be binding upon Hampton and his successor and assigns; and
6. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut  
this 28th day of January 2020.

/s/  
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Jorge L. Perez  
Banking Commissioner

I, Adolphus Hampton II d/b/a Financial Instrument Recovery, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order.

By: /s/ \_\_\_\_\_  
Adolphus Hampton II  
d/b/a Financial Instrument Recovery

State of: CT

County of: Windham

On this the 23 day of January 2019 [sic], before me, Adolphus Hampton, the undersigned officer, personally appeared Adolphus Hampton II, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

/s/ \_\_\_\_\_  
Notary Public Adam Copp  
Date Commission Expires: Oct. 31, 2024