
 *
IN THE MATTER OF: *
 *
INFOCOM ENTERTAINMENT *
LTD, INC. *
d/b/a ATLANTIC PACIFIC *
SERVICE *
(“Infocom”) *
 *
ROGER DYER *
(“Dyer”) *
 *
 (collectively, **“Respondents”**) *
 *

ORDER TO MAKE RESTITUTION

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

1. The Banking Commissioner (“Commissioner”) is charged with the administration of Sections 36a-671 to 36a-671f, inclusive, of Part II of Chapter 669 of the Connecticut General Statutes, “Debt Adjusters and Debt Negotiation”.

2. Pursuant to the authority granted by Section 36a-17 of the Connecticut General Statutes, the Commissioner, through the Consumer Credit Division of the Department of Banking, has investigated the activities of Respondents to determine if they have violated, are violating or are about to violate the provisions of the Connecticut General Statutes within the jurisdiction of the Commissioner (“Investigation”).

3. As a result of the Investigation, the Commissioner has reason to believe that Respondents have violated Section 36a-671(b) of the Connecticut General Statutes, in effect at such time.

4. As a result of the Investigation, the violation alleged by the Commissioner forms the basis to issue an order to cease and desist against Respondents pursuant to Sections 36a-671a(b) and 36a-52(a) of

the Connecticut General Statutes.

5. As a result of the Investigation, the violation alleged by the Commissioner forms the basis to issue a civil penalty against Respondents pursuant to Sections 36a-671a(b) and 36a-50(a) of the Connecticut General Statutes.

6. As a result of the Investigation, the violation alleged by the Commissioner forms the basis to issue an order to make restitution against Respondents pursuant to Sections 36a-671(b) and 36a-50(c) of the Connecticut General Statutes.

II. MATTERS ASSERTED

7. From June 29, 2018, until February 7, 2020, Respondent Infocom was a California corporation with a place of business at 966 S. San Pedro St., Suite 36, Los Angeles, California.

8. Dyer is an individual who at all times relevant hereto was the sole owner of Infocom. Bank statements also indicate that he had control of Infocom and was the sole signatory on its account.

9. On May 20, 2019, the Department received a complaint from a Connecticut mortgagor (“Mortgagor”) stating that she paid Respondents upfront fees to restructure her mortgage loan payments.

10. In connection with an agreement for Respondents to restructure her mortgage loan payments, Mortgagor paid a total of \$6,605.32, including three payments of \$1,750 to “Atlantic Pacific Service” on September 28, 2018, October 26, 2018, and November 23, 2018, and an additional payment to “Amstar Service” of \$1,355.32 on February 22, 2019.

11. The sum the Mortgagor paid to Respondents in connection with such services is in excess of the amount that debt negotiators may charge for services related to secured debt pursuant to the Schedule of Maximum Fees established by the Commissioner on or about October 1, 2009 (“Schedule of Maximum Fees”).

12. The Schedule of Maximum Fees provides, in pertinent part, that “[a] debt negotiator of secured debt, including Short Sales and Foreclosure Rescue Services, may impose a fee upon the mortgagor or debtor for performing debt negotiation services not to exceed Five Hundred Dollars (\$500). Such fee

shall only be collectable upon the successful completion of all services stated in the debt negotiation service contract”.

13. At no time relevant hereto have Respondents been licensed to engage or offer to engage in debt negotiation in this state, nor did Respondents qualify for an exemption from such licensure.

14. On March 11, 2020, the Department sent a letter to Respondents regarding unlicensed debt negotiation and requested a refund to Mortgagor.

15. On March 12, 2020, Respondents replied to the Department with a Release Agreement signed by Mortgagor indicating a refund of \$1,000, which Mortgagor confirmed receiving.

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

Infocom’s engaging or offering to engage in debt negotiation in this state without obtaining the required license, as more fully described in paragraphs 7 through 15, inclusive, of the Matters Asserted, constitutes at least one violation of Section 36a-671(b) of the Connecticut General Statutes, in effect at such time. Such violation forms the basis to issue an order to cease and desist pursuant to Sections 36a-671a(b) and 36a-52(a) of the Connecticut General Statutes, issue an order to make restitution pursuant to Sections 36a-671a(b) and 36a-50(c) of the Connecticut General Statutes, and impose a civil penalty pursuant to Sections 36a-671a(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 Infocom in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

Dyer’s engaging or offering to engage in debt negotiation in this state without obtaining the required license, as more fully described in paragraphs 7 through 15, inclusive, of the Matters Asserted, constitutes at least one violation of Section 36a-671(b) of the Connecticut General Statutes, in effect at such time. Such violation forms the basis to issue an order to cease and desist pursuant to Sections 36a-671a(b) and 36a-52(a) of the Connecticut General Statutes, issue an order to make restitution pursuant to Sections 36a-671a(b) and 36a-50(c) of the Connecticut General Statutes, and impose a civil penalty pursuant to Sections 36a-671a(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 Dyer in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

IV. ORDER TO MAKE RESTITUTION, 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 Respondents have engaged in acts or conduct which forms the basis to issue an order to make restitution pursuant to Sections 36a-671a(b) and 36a-50(c) of the Connecticut General Statutes, issue an order to cease and desist pursuant to Sections 36a-671a(b) and 36a-52(a) of the Connecticut General Statutes, and impose a civil penalty pursuant to Sections 36a-671a(b) and 36a-50(a) of the Connecticut General Statutes.

THE COMMISSIONER THEREFORE ORDERS, pursuant to Section 36a-50(c) of the Connecticut General Statutes, that Infocom Entertainment, Ltd, Inc. d/b/a Atlantic Pacific Service and Roger Dyer **MAKE RESTITUTION** of any sums obtained as a result of Respondents violating Section 36a-671(b) of the Connecticut General Statutes in effect at such time, plus interest at the legal rate set forth in Section 37-1 of the Connecticut General Statutes. Specifically, the Commissioner **ORDERS** that: Not later than thirty (30) days from the date this Order to Make Restitution becomes permanent, Infocom Entertainment, Ltd, Inc. d/b/a Atlantic Pacific Service and Roger Dyer shall, jointly and severally:

1. Repay \$5,605.32 plus interest to the Connecticut debtor identified in Exhibit A attached hereto and repay any other Connecticut debtor who entered into an agreement for debt negotiation services with Respondents on and after June 29, 2018, plus interest. Payments shall be made by cashier's check, certified check or money order; and
2. Provide evidence of such repayments to Carmine Costa, Director, Consumer Credit Division, Department of Banking, 260 Constitution Plaza, Hartford, Connecticut 06103-1800, or carmine.costa@ct.gov.

NOW THEREFORE, notice is hereby given to Infocom that the Commissioner intends to issue an order requiring Infocom to **CEASE AND DESIST** from violating Section 36a-671(b) of the Connecticut General Statutes, and impose a **CIVIL PENALTY** upon Infocom as set forth herein, subject to Infocom's right to a hearing on the allegation set forth above.

FURTHER, notice is hereby given to Dyer that the Commissioner intends to issue an order requiring Dyer to **CEASE AND DESIST** from violating Section 36a-671(b) of the Connecticut General Statutes, and impose a **CIVIL PENALTY** upon Dyer as set forth herein, subject to Dyer's right to a hearing on the allegation set forth above.

A hearing will be granted to each 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 or submitted by e-mail to DOB.hearingsupport@ct.gov within fourteen (14) days following Respondent's receipt of this Order to Make Restitution, 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), 36a-50(a) and 36a-50(c) of the Connecticut General Statutes. This Order to Make Restitution, 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 (7) days after mailing or sending. To request a hearing, complete and return the enclosed Appearance and Request for Hearing Form to one of the above addresses. 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 remotely via videoconference using Microsoft Teams on August 12, 2021, at 10 a.m.

If a hearing is requested, it will be held in accordance with the provisions of Chapter 54 of the Connecticut General Statutes, Executive Order 7B, Section 1, as amended, renewed or superseded, and the Remote Hearing Guidelines, available on the Department's website at <https://portal.ct.gov/dob>, unless either Respondent fails to appear at the requested hearing. At such hearing, Respondents 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 Infocom does not request a hearing within the time period prescribed or fails to appear at any such hearing, the allegation herein against Infocom will be deemed admitted. Accordingly, the Order to Make Restitution shall remain in effect and become permanent against Infocom, and the Commissioner will issue an order that Infocom cease and desist from violating Section 36a-671(b) 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 Infocom.

If Dyer does not request a hearing within the time period prescribed or fails to appear at any such hearing, the allegation herein against Dyer will be deemed admitted. Accordingly, the Order to Make Restitution shall remain in effect and become permanent against Dyer, and the Commissioner will issue an order that Dyer cease and desist from violating Section 36a-671(b) 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 Dyer.

So ordered at Hartford, Connecticut,
this 25th day of May 2021.

/s/

Jorge L. Perez
Banking Commissioner

CERTIFICATION

I hereby certify that on this 28th day of May 2021, I caused to be mailed by certified mail, return receipt requested, the foregoing Order to Make Restitution, Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing to Infocom Entertainment LTD, Inc. d/b/a Atlantic Pacific Service at 3580 Wilshire Blvd, Ste 900-33, Los Angeles, California 90010, Certified Mail No. 70123050000069995194; and to Roger Dyer at 966 San Pedro St #36, Los Angeles, California 90021, Certified Mail No. 70162070000104623566.

/s/

Amy Grillo