

NO. HHB-CV-20-6061665-S

NICOLE DUBACH and TRU-CONTACT,
INCORPORATED d/b/a TCI
Plaintiffs,

: SUPERIOR COURT

JUDICIAL DISTRICT OF NEW BRITAIN

V.

: AT NEW BRITAIN

STATE OF CONNECTICUT DEPARTMENT
OF BANKING and JORGE PEREZ,
COMMISSIONER, STATE OF
CONNECTICUT DEPARTMENT OF
BANKING.

Defendants.

MARCH 12, 2021

STIPULATION FOR JUDGMENT

The parties to the above captioned appeal hereby agree that judgment may be rendered as follows:

1. The plaintiff, Nicole DuBach, is a natural person and resident of Michigan who has been the sole owner, officer, and employee of Tru-Contact, Inc. The plaintiff, Tru-Contact, Inc., is a Michigan corporation with its main office at 1105 Schrock Road, Suite 503, Columbus, Ohio. On October 28, 2013, Tru-Contact received a license to act as a consumer collection agency in Connecticut.

2. The defendant, Department of Banking, is an agency of the State of Connecticut. The defendant, Jorge Perez, is the Banking Commissioner and has jurisdiction over the licensing and regulation of consumer collection agencies pursuant to Part XIII of Chapter 669, Sections 36a-800 to 36a-814 of the Connecticut General Statutes.

3. On June 18, 2020, the Commissioner found after notice, investigation, and hearing that

Nicole DuBach made false or misleading statements to the Commissioner in connection with a Department of Banking examination of Tru-Contact, Inc.'s request to surrender its consumer collection agency license in Connecticut, in violation of Section 36a-53a of the Connecticut General Statutes. The Commissioner further found that Nicole DuBach employed a device, scheme or artifice to defraud, made an untrue statement of material fact or omitted to state a material fact necessary in order to make certain statements made, in light of the circumstances under which they were made, not misleading, and engaged in an act, practice or course of business which operated or would operate as a fraud or deceit upon a person, in violation of Section 36a-53b of the Connecticut General Statutes.

4. On June 18, 2020, the Commissioner found after notice, investigation and hearing that Tru-Contact, Inc., employed a device, scheme or artifice to defraud, made an untrue statement of material fact or omitted to state a material fact necessary in order to make certain statements made, in light of the circumstances under which they were made, not misleading, and engaged in an act, practice or course of business which operated or would operate as a fraud or deceit upon a person, in violation of Section 36a-53b of the Connecticut General Statutes. The Commissioner further found that Tru-Contact, Inc., failed to make its records available to and otherwise cooperate with the Commissioner, and that Tru-Contact, Inc.'s conduct rendered the Commissioner unable to determine that its financial responsibility, character, reputation, integrity, and general fitness are such to warrant the belief that the business will be operated soundly and efficiently, in the public interest and consistent with the purposes of Sections 36a-800 to 814 of the Connecticut General Statutes.

5. Pursuant to Sections 36a-52(a) and 36a-804(b) of the Connecticut General Statutes, on June 18, 2020, the Commissioner ordered Nicole DuBach to cease and desist from violating Section 36a-53a and 36a-53b of the Connecticut General Statutes. The Commissioner further ordered Tru-Contact, Inc., to cease and desist from violating 36a-53b and 36a-17(d) of the Connecticut General Statutes, and revoked Tru-Contact Inc.'s consumer collection agency license pursuant to Section 36a-804(a) and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes.

6. Pursuant to Sections 36a-50(a) and 36a-804(b) of the Connecticut General Statutes, on June 18, 2020, the Commissioner imposed a civil penalty upon Nicole DuBach in the amount of One Hundred Thousand Dollars (\$100,000) and imposed a civil penalty upon Tru-Contact, Inc. in the amount of Two Hundred Thousand Dollars (\$200,000).

7. On August 3, 2020, the Commissioner modified the June 18, 2020 order by correcting a clerical error.

8. On September 8, 2020, Nicole DuBach and Tru-Contact, Inc., initiated this administrative appeal challenging the Commissioner's order of June 18, 2020, as modified on August 3, 2020. In resolution of this appeal, the parties agree to this Stipulation for Judgment. In connection with this matter, neither party shall be taxed or awarded costs or fees of any kind.

9. The Commissioner's order of June 18, 2020 and, as modified on August 3, 2020, is hereby modified by this Stipulation for Judgment only as follows:

- a. The civil penalty imposed upon Nicole DuBach shall be Twenty-Five Thousand Dollars (\$25,000). Of this sum, a first installment of Twelve Thousand Five Hundred Dollars

(\$12,500) shall be due upon entry of this judgment. A second installment of Twelve Thousand Five Hundred Dollars (\$12,500) shall be due on the first day of the sixth (6th) month following entry of this judgment.

b. The civil penalty imposed upon Tru-Contact, Inc., shall be Fifty Thousand Dollars (\$50,000). Of this sum, a first installment of Five Thousand Dollars (\$5,000) shall be due upon entry of this judgment. The remaining Forty-Five Thousand Dollars (\$45,000) shall be paid in twenty-three (23) equal monthly installments of One Thousand Nine Hundred and Fifty-Six Dollars and Fifty-Two Cents (\$1, 956.52). Each installment shall be due on the first day of each month with the first installment due on May 1, 2021.

c. A default shall occur if the Department of Banking fails to receive any payment by the fifth (5th) day of the month in which a payment is due. A default of payment by Nicole Dubach shall cause the entire outstanding balance due from Nicole DuBach under this Stipulation for Judgment to be due immediately with interest accruing thereafter. A default of payment by Tru-Contact, Inc., shall cause the entire outstanding balance due from Tru-Contact, Inc. under this Stipulation for Judgment to be due immediately with interest accruing thereafter.

10. Nicole DuBach and Tru-Contact, Inc., consent to the jurisdiction of the Connecticut Superior Court for enforcement/collection.

11. Nicole DuBach and Tru-Contact, Inc., execute this Stipulation for Judgment voluntarily and in so doing represent that no threats, offers, promises or inducements of any kind

have been made by the Commissioner or any employee, agent or representative of the Commissioner to induce them to agree to this Stipulation for Judgment.

12. In agreeing to this Stipulation for Judgment, Nicole DuBach and Tru-Contact, Inc., acknowledge that they have been represented by counsel in this matter, that they have reviewed this Stipulation for Judgment with their counsel and that they understand all the terms and conditions contained herein.

THE PLAINTIFFS

NICOLE DUBACH and
TRU-CONTACT, INC.,

THE DEFENDANTS

JORGE PEREZ, COMMISSIONER,
STATE OF CONNECTICUT
DEPARTMENT OF BANKING, and
STATE OF CONNECTICUT
DEPARTMENT OF BANKING

WILLIAM TONG
ATTORNEY GENERAL

BY: *Stephen V. Manning*
Stephen V. Manning, Esq.
Spears, Manning, and Martini LLC
Juris No. 434510
242 Trumbull Street
Hartford, CT 06103
Tel: 860-275-0178
Fax: 203-292-9682
smanning@spearsmanning.com

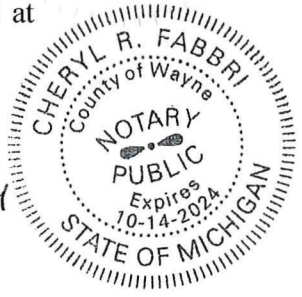
BY: *James W. Caley*
James W. Caley
Assistant Attorney General
Juris No. 430246
165 Capitol Avenue
Hartford, CT 06106
Tel: 860-808-5270
Fax: 860-772-1709
james.caley@ct.gov

BY: *Nicole DuBach*
Nicole DuBach

Subscribed and sworn to before me by Nicole DuBach on this 12 day of March 2021 at Wayne County, MI.

BY: *Nicole DuBach*
Tru-Contact, Inc.
Nicole DuBach, President

Cheryl R. Fabbri
Notary Public: Cheryl R. Fabbri
My Commission Expires: 10-14-2024



Subscribed and sworn to before me by Nicole DuBach, in her capacity as President of Tru-Contact, Inc., on this 12 day of March 2021 at Wayne County, MI.

Cheryl R. Fabbri
Notary Public: Cheryl R. Fabbri
My Commission Expires: 10-14-2024

