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**IN THE MATTER OF:**  
  
**MERCANTILE CT, LLC**  
**d/b/a MERCANTILE ADJUSTMENT**  
**BUREAU**  
**(“Mercantile CT”)**  
**NMLS # 1731286**  
  
**MERCANTILE ADJUSTMENT**  
**BUREAU, LLC**  
**(“MAB”)**  
**NMLS # 962209**  
  
**(collectively, “Respondents”)**  
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**TEMPORARY ORDER TO  
 CEASE AND DESIST**  
  
**NOTICE OF INTENT TO REVOKE AND  
 REFUSE TO RENEW CONSUMER  
 COLLECTION AGENCY LICENSE**  
  
**NOTICE OF INTENT TO IMPOSE  
 ORDER TO CEASE AND DESIST**  
  
**NOTICE OF INTENT TO IMPOSE  
 CIVIL PENALTY**  
  
**AND**  
  
**NOTICE OF RIGHT TO HEARING**

**I. PRELIMINARY STATEMENT**

1. 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”).

2. Pursuant to the authority granted by Section 36a-17 of the Connecticut General Statutes, in effect at such time, the Commissioner, through the Consumer Credit Division (“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 or Regulations within the jurisdiction of the Commissioner (“Investigation”).

3. As a result of the Investigation, the Commissioner has reason to believe that Mercantile CT, LLC d/b/a Mercantile Adjustment Bureau, NMLS # 1731286 (“Mercantile CT”), has violated Sections

36a-53a, 36a-801(f)(3)(F), 36a-806(b) and 36a-811(b) of the Connecticut General Statutes, in effect at such time.

4. As a result of the Investigation, the Commissioner has reason to believe that Mercantile Adjustment Bureau, LLC, NMLS # 962209 (“MAB”), has violated Section 36a-801(a) of the Connecticut General Statutes, in effect at such time.

5. As a result of the Investigation, the Commissioner has reason to believe that a basis exists to issue an order to cease and desist against Respondents pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-52(a) of the Connecticut General Statutes, as amended by Public Act 21-130.

6. As a result of the Investigation, the Commissioner has reason to believe that a basis exists to issue an order to impose a civil penalty upon Respondents pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-50(a) of the Connecticut General Statutes, as amended by Public Act 21-130.

7. As a result of the Investigation, the violations alleged by the Commissioner constitute sufficient grounds to revoke and refuse to renew Mercantile CT’s consumer collection agency license pursuant to Sections 36a-804(a) and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes.

## **II. MATTERS ASSERTED**

8. Mercantile CT is a New York limited liability company with an office at 165 Lawrence Bell Drive, Suite 100, Williamsville, New York, which became licensed to act as a consumer collection agency in Connecticut on November 8, 2018.

9. MAB is a New York limited liability company with an office also at 165 Lawrence Bell Drive, Suite 100, Williamsville, New York, which had been a licensed consumer collection agency in Connecticut from April 10, 2017, until its license expired on January 1, 2019.

10. MAB, through its attorney, represented to the Division that as of November 8, 2018, it would cease consumer collection activities in Connecticut, and all future consumer collection in Connecticut

would be done by Mercantile CT.

11. On November 8, 2018, Mercantile CT's license to act as a consumer collection agency in Connecticut was issued.

12. On March 25, 2020, a review of Mercantile CT's financial statements was conducted for compliance with the tangible net worth requirement. Mercantile CT failed to demonstrate the minimum tangible net worth of Fifty Thousand Dollars (\$50,000) required by Section 36a-801 of the Connecticut General Statutes, in effect at such time.

13. On April 15, 2020, the Division contacted Mercantile CT regarding its failure to meet the required tangible net worth, and Mercantile CT responded by providing a December 2019 bank statement with a redacted bank account name and the name "Mercantile CT" handwritten in place of the redaction, and a March 2020 bank statement for "Mercantile LLC".

14. On April 20, 2020, the Division informed Mercantile CT that redacted bank statements were unacceptable and requested unredacted statements for both bank accounts from December 2018 forward and a spreadsheet of all Connecticut collections from November 2018 to present.

15. On June 3, 2020, the Division received unredacted bank statements, including the December 2019 bank statement referenced in paragraph 13, which identified the account to be under the name "Mercantile Adjustment Bureau LLC" and not "Mercantile CT" as initially claimed.

16. A review of the bank statements provided by Mercantile CT show that Mercantile CT structured the accounts to meet the tangible net worth requirement by depositing funds days before the initial licensing application and removing the funds two months later. Mercantile CT then redeposited the funds two days before applying for its 2020 license renewal. Mercantile CT failed to meet the minimum tangible net worth as required by statute from approximately February 1, 2019 through at least May 31, 2020, and failed to notify the Commissioner as required by statute.

17. After reviewing the bank statements for Mercantile CT, the Division investigated further into the activities of MAB and Mercantile CT and issued a subpoena to their bank. The information obtained

as a result of the subpoena showed MAB's account to have deposits of at least 21 checks received from Connecticut consumers, totaling \$7,292.73.

18. On May 15, 2020, the Division received from Mercantile CT a list of payments and contact dates for all Connecticut consumers. The 21 checks from Connecticut consumers were deposited into MAB's account and at least four names could be traced back to the list provided by Mercantile CT.

19. On May 4, 2021, the Division sent a letter by certified mail, return receipt requested, pursuant to Section 4-182(c) of the Connecticut General Statutes, to Mercantile CT concerning the above issues and providing it an opportunity to show compliance and respond for the retention of its consumer collection agency license in Connecticut.

20. On May 19, 2021, the Division received a written response from Mercantile CT denying the allegations that Mercantile CT failed to maintain a minimum net worth and failed to deposit payments made by Connecticut consumers into a separate trust account. The Commissioner found such response to be unpersuasive.

### **III. STATUTORY BASIS FOR ORDER TO CEASE AND DESIST, REVOCATION AND REFUSAL TO RENEW, AND IMPOSITION OF CIVIL PENALTY**

1. Mercantile CT's engaging services of an unlicensed collection agency, as more fully described in paragraphs 8 through 18, inclusive, of the Matters Asserted, constitutes violations of Section 36a-806(b) of the Connecticut General Statutes, in effect at such time. Such violations constitute sufficient grounds to revoke and refuse to renew its consumer collection agency license pursuant to Section 36a-804(a) of the Connecticut General Statutes and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes, and form the basis to issue an order to cease and desist pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-52(a) of the Connecticut General Statutes, as amended, and impose a civil penalty pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-50(a) of the Connecticut General Statutes, as amended. Section 36a-50(a) of the Connecticut General Statutes, as amended, authorizes the Commissioner to impose a civil penalty upon Mercantile CT in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

2. Mercantile CT's failure to deposit funds collected or received from Connecticut consumers in a trust account, as more fully described in paragraphs 8 through 18, inclusive, of the Matters Asserted, constitutes violations of Section 36a-811(b) of the Connecticut General Statutes, in effect at such time. Such violations constitute sufficient grounds to revoke and refuse to renew its consumer collection agency license pursuant to Section 36a-804(a) of the Connecticut General Statutes and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes, and form the basis to issue an order to cease and desist pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-52(a) of the Connecticut General Statutes, as amended, and impose a civil penalty pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-50(a) of the Connecticut General Statutes, as amended. Section 36a-50(a) of the Connecticut General Statutes, as amended, authorizes the Commissioner to impose a civil penalty upon Mercantile CT in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

3. Mercantile CT's failure to maintain the minimum tangible net worth of fifty thousand dollars (\$50,000), as more fully described in paragraphs 8 through 18, inclusive, of the Matters Asserted, constitutes sufficient grounds to deny an application for such license under Section 36a-801(b) of the Connecticut General Statutes and constitutes sufficient grounds for the Commissioner to revoke and refuse to renew its license to act as a consumer collection agency in this state pursuant to Section 36a-804(a) and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes.

4. Mercantile CT's failure to notify the Commissioner of the decrease in its tangible net worth from the minimum amount required pursuant to Section 36a-801(b) of the Connecticut General Statutes not later than the requisite 15 days of its occurrence, as more fully described in paragraphs 8 through 18, inclusive, of the Matters Asserted, constitutes a violation of Section 36a-801(f)(3)(F) of the Connecticut General Statutes, in effect at such time. Such violation constitutes sufficient grounds to revoke and refuse to renew its consumer collection agency license pursuant to Section 36a-804(a) of the Connecticut General Statutes and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes, and forms the basis to issue an order to cease and desist pursuant to Section 36a-804(b) of the Connecticut General Statutes and

Section 36a-52(a) of the Connecticut General Statutes, as amended, and impose a civil penalty pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-50(a) of the Connecticut General Statutes, as amended. Section 36a-50(a) of the Connecticut General Statutes, as amended, authorizes the Commissioner to impose a civil penalty upon Mercantile CT in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

5. Mercantile CT made a statement in a document filed with the Commissioner, as more fully described in paragraphs 8 through 18, inclusive, of the Matters Asserted, which was, at the time and in the light of circumstances under which it was made, false or misleading in a material respect, in violation of Section 36a-53a of the Connecticut General Statutes, in effect at such time. Such violation constitutes sufficient grounds to revoke and refuse to renew its consumer collection agency license pursuant to Section 36a-804(a) of the Connecticut General Statutes and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes, forms the basis to issue an order to cease and desist pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-52(a) of the Connecticut General Statutes, as amended, and impose a civil penalty pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-50(a) of the Connecticut General Statutes, as amended. Section 36a-50(a) of the Connecticut General Statutes, as amended, authorizes the Commissioner to impose a civil penalty upon Mercantile CT in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

6. Mercantile CT's conduct, as more fully described in paragraphs 8 through 18, inclusive, of the Matters Asserted, renders the Commissioner unable to determine that the financial responsibility, character and integrity of Mercantile CT are such to warrant belief that the business will be operated soundly and efficiently, in the public interest and consistent with the purposes of Sections 36a-800 to 36a-814, inclusive, of the Connecticut General Statutes, as required pursuant to Section 36a-801(c)(2) of the Connecticut General Statutes, as amended by Public Act 21-138. Such failure constitutes sufficient grounds for the Commissioner to deny an application for such license and, in turn, constitutes sufficient grounds for the Commissioner to revoke and refuse to renew Mercantile CT's license to act as a consumer

collection agency in this state pursuant to Section 36a-804(a) of the Connecticut General Statutes and subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes.

7. MAB's acting within this state as a consumer collection agency without a consumer collection agency license, as more fully described in paragraphs 8 through 18, inclusive, of the Matters Asserted, constitutes a violation of Section 36a-801(a) 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 Section 36a-804(b) of the Connecticut General Statutes and Section 36a-52(a) of the Connecticut General Statutes, as amended, and to impose a civil penalty pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-50(a) of the Connecticut General Statutes, as amended. Section 36a-50(a) of the Connecticut General Statutes, as amended, authorizes the Commissioner to impose a civil penalty upon MAB in an amount not to exceed One Hundred Thousand Dollars (\$100,000) per violation.

#### **IV. FINDING AND STATUTORY BASIS FOR TEMPORARY ORDER TO CEASE AND DESIST**

The Commissioner finds that the public welfare requires immediate action to issue a temporary order requiring Mercantile Adjustment Bureau, LLC to cease and desist from violating Section 36a-801(a) of the Connecticut General Statutes, and requiring Mercantile Adjustment Bureau, LLC to take such action as set forth herein to effectuate the purposes of Section 36a-52(b) of the Connecticut General Statutes, in that the interests of Connecticut consumer debtors are being prejudiced by Mercantile Adjustment Bureau, LLC collecting, attempting to collect and receiving monies from Connecticut consumer debtors without a Connecticut consumer collection agency license.

#### **V. TEMPORARY ORDER TO CEASE AND DESIST, NOTICE OF INTENT TO REVOKE AND REFUSE TO RENEW CONSUMER COLLECTION AGENCY LICENSE, 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 Mercantile CT has engaged in acts or conduct which constitute sufficient grounds for the Commissioner to issue an order to revoke Mercantile CT's consumer collection agency license pursuant to Section 36a-804(a) of the Connecticut General

Statutes, subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes, and subdivision (2) of subsection (c) of Section 36a-51 of the Connecticut General Statutes, and forms a basis to issue an order to cease and desist against Mercantile CT pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-52(a) of the Connecticut General Statutes, as amended, and to impose a civil penalty upon Mercantile CT pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-50(a) of the Connecticut General Statutes, as amended;

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

**AND WHEREAS**, the Commissioner has made the finding required under Section 36a-52(b) of the Connecticut General Statutes.

**THE COMMISSIONER THEREFORE ORDERS**, pursuant to the authority granted in Section 36a-52(b) of the Connecticut General Statutes, that Mercantile Adjustment Bureau, LLC immediately **CEASE AND DESIST** from any further violation of Sections 36a-801(a) of the Connecticut General Statutes. This Temporary Order to Cease and Desist shall become effective upon receipt by Mercantile Adjustment Bureau, LLC and, unless set aside or modified by a court, shall remain in effect until the effective date of a permanent order or dismissal of the matters asserted in this Temporary Order to Cease and Desist.

**THE COMMISSIONER FURTHER ORDERS**, pursuant to the authority granted in Section 36a-17 of the Connecticut General Statutes, as amended by Public Act 21-130, and Section 36a-52(b) of the Connecticut General Statutes, that: Not later than fourteen (14) days from receipt of this Temporary Order to Cease and Desist, Notice of Intent to Revoke and Refuse to Renew Consumer Collection Agency License, Notice of Intent to Cease and Desist, Notice of Intent to Issue Civil Penalty and Notice of Right to Hearing, Mercantile Adjustment Bureau, LLC shall provide to Carmine Costa, Director, Consumer



Credit Division, Department of Banking, 260 Constitution Plaza, Hartford, Connecticut 06103-1800, or carmine.costa@ct.gov:

1. A list of all creditors with whom Mercantile Adjustment Bureau, LLC has entered into agreements for consumer collection agency services in this state since November 8, 2018, including a copy of each creditor agreement and all payments made by such creditors to Mercantile Adjustment Bureau, LLC; and
2. An itemized list of each Connecticut consumer debtor account for which Mercantile Adjustment Bureau, LLC has collected, attempted to collect upon or received monies on since November 8, 2018, including: (a) the name, address, and telephone number of each consumer debtor, (b) the date of placement with Mercantile Adjustment Bureau, LLC, the creditor name and last attempt of contact, and (c) full itemization of each consumer debtor's payments made since November 8, 2018, specifying the dates, amounts and to whom such payments were made.

**NOW THEREFORE**, notice is hereby given to Mercantile CT that the Commissioner intends to **REVOKE** and **REFUSE TO REFEW** its license to act as a consumer collection agency in this state from 165 Lawrence Bell Drive, Suite 100, Williamsville, New York, issue an order requiring Mercantile CT to **CEASE AND DESIST** from violating Sections 36a-53a, 36a-801(f)(3)(F), 36a-806(b) and 36a-811(b) of the Connecticut General Statutes, and impose a **CIVIL PENALTY** upon Mercantile CT as set forth herein, subject to Mercantile CT's right to a hearing on the allegations set forth above.

**FURTHER**, notice is hereby given to MAB that the Commissioner intends to issue an order requiring MAB to **CEASE AND DESIST** from violating Section 36a-801(a) of the Connecticut General Statutes, and to impose a **CIVIL PENALTY** upon MAB as set forth herein, subject to MAB'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](mailto:DOB.hearingsupport@ct.gov) within fourteen (14) days following Respondent's receipt of this Temporary Order to Cease and Desist, Notice of Intent to Revoke and Refuse to Renew Consumer Collection Agency License, 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 subsections (a) and (b) of Section 36a-51 of the Connecticut General Statutes, Sections 36a-52(a) and 36a-50(a) of the Connecticut General Statutes, as amended. This Temporary Order to Cease and Desist, Notice of Intent

to Revoke and Refuse to Renew Consumer Collection Agency License, 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-referenced addresses. If Respondents will not be represented by an attorney at the hearing, please complete the Appearance and Request for Hearing Form as “pro se”. Respondents may request that the hearing be held in person at the Department’s offices or remotely via videoconference using Microsoft Teams. 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 February 8, 2022, 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, unless Respondents fail 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. Any remote hearing will be held in accordance with Section 149 of June Special Session Public Act 21-2, and the Remote Hearing Guidelines available on the Department’s website at <https://portal.ct.gov/dob>.

If Mercantile CT does not request a hearing within the time period prescribed or fails to appear at any such hearing, the allegations herein will be deemed admitted. Accordingly, the Commissioner will issue an order revoking and refusing to renew Mercantile CT’s license to act as a consumer collection agency in this state, issue an order that Mercantile CT cease and desist from violating Sections 36a-53a, 36a-801(f)(3)(F), 36a-806(b) and 36a-811(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 Mercantile CT.

If MAB 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 MAB 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 MAB.

Dated at Hartford, Connecticut,  
this 2nd day of December 2021.

/s/  
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Jorge L. Perez  
Banking Commissioner

**CERTIFICATION**

I hereby certify that on this 3rd day of December 2021, I transmitted the foregoing Temporary Order to Cease and Desist, Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty, Notice of Intent to Revoke and Refuse to Renew and Notice of Right to Hearing to Mercantile CT, LLC d/b/a Mercantile Adjustment Bureau, Attention: Daniel Frisicaro, Chief Compliance Officer, who is designated as the primary contact in the contact employee fields on the Nationwide Multistate Licensing System and Registry, at the electronic mail address provided therein, and to be mailed by certified mail, return receipt requested, to Mercantile CT, LLC d/b/a Mercantile Adjustment Bureau, Attention: Daniel Frisicaro, Chief Compliance Officer, 165 Lawrence Bell Drive, Suite 100, Williamsville, New York 14221, Certified Mail No. 70202450000070267226, and to Mercantile Adjustment Bureau, LLC, Attention: Daniel Frisicaro, Chief Compliance Officer, 165 Lawrence Bell Drive, Suite 100, Williamsville, New York 14221, Certified Mail No. 70202450000070267233.

/s/  
\_\_\_\_\_  
Emily B. Bochman  
Paralegal