
*
IN THE MATTER OF: *
*
RESURGENT CAPITAL SERVICES L.P. *
NMLS # 2301 *
*
(“Resurgent”) *
*

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, Resurgent is a Delaware limited partnership with an office located at 55 Beattie Place, Suite 110, Greenville, South Carolina;

WHEREAS, Resurgent has been licensed to act as consumer collection agency in Connecticut since November 2, 2015;

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking (“Division”), has investigated and examined the activities of Resurgent pursuant to Sections 36a-17 and 36a-801 of the Connecticut General Statutes to determine if it had violated, was violating or was about to violate the provisions of the Connecticut General Statutes and Regulations within the jurisdiction of the Commissioner;

WHEREAS, pursuant to a records request by the Division in connection with an examination, Resurgent provided the Division with a record showing its Connecticut consumer collection activity from on or about August 28, 2002 to on or about April 7, 2017;

WHEREAS, as a result of such investigation and examination, the Commissioner alleges that Resurgent collected interest on certain Connecticut consumer debtor accounts, in violation of Section 36a-809-12 of the Regulations and Section 36a-808 of the Connecticut General Statutes;

WHEREAS, the Commissioner acknowledges that Resurgent has fully cooperated with the investigation and examination of the Division;

WHEREAS, Resurgent performed an extensive audit of Connecticut debtor accounts and represents it identified one (1) account wherein interest accrued in violation of Section 36a-809-12 of the Regulations and Section 36a-808 of the Connecticut General Statutes, which was eliminated, and further represents any interest discovered in the future to have accrued and/or collected on Connecticut consumer balances in violation of said sections shall be promptly eliminated and/or refunded and the balances corrected;

WHEREAS, the Commissioner believes that such allegation would support the initiation of enforcement proceedings against Resurgent, including, without limitation, proceedings to issue a cease and desist order against Resurgent pursuant to Sections 36a-808 and 36a-52(a) of the Connecticut General Statutes, and an order imposing a civil penalty upon Resurgent of up to One Hundred Thousand Dollars (\$100,000) per violation pursuant to Sections 36a-808 and 36a-50(a) of the Connecticut General Statutes;

WHEREAS, initiation of such enforcement proceedings would constitute a “contested case” within the meaning of Section 4-166(4) of the Connecticut General Statutes;

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, both the Commissioner and Resurgent acknowledge the possible consequences of formal administrative proceedings, and Resurgent voluntarily agrees to consent to the entry of the sanctions imposed below solely for the purpose of obviating the need for formal administrative proceedings concerning the allegation set forth herein;

WHEREAS, Resurgent neither admits nor denies the allegations contained herein;

WHEREAS, the Commissioner and Resurgent now desire to resolve the matters set forth herein;

WHEREAS, Resurgent herein represents to the Commissioner that it will not collect interest on any Connecticut consumer debtor accounts unless such interest is permitted by Connecticut law;

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

WHEREAS, Resurgent acknowledges that this Consent Order is a public record and is a reportable event for purposes of NMLS, as applicable;

AND WHEREAS, Resurgent, through its execution of this Consent Order, voluntarily agrees to waive its procedural rights, including a right to a notice and an opportunity for a hearing as it pertains to the allegation set forth herein, and voluntarily waives its right to seek judicial review or otherwise challenge or contest the validity of this Consent Order.

CONSENT TO ENTRY OF SANCTIONS

WHEREAS, Resurgent, through its execution of this Consent Order, consents to the Commissioner's entry of a Consent Order imposing the following sanctions:

1. No later than the date this Consent Order is executed by Resurgent, it shall remit to the Department of Banking by wire transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Two Thousand Five Hundred Dollars (\$2,500.00) as a civil penalty; and
2. Resurgent shall cease and desist from violating Section 36a-809-12 of the Regulations of State Agencies and Section 36a-808 of the Connecticut General Statutes.

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 Resurgent based upon the allegation contained herein; provided that issuance of this Consent Order is without prejudice to the right of the Commissioner to take enforcement action against Resurgent 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 Resurgent and reflected herein is subsequently discovered to be untrue;
3. Resurgent shall not take any action, make or permit to be made any public statement, including in regulatory filings or otherwise, directly denying any allegation referenced in this Consent Order or create the impression that this Consent Order is without factual basis. Nothing in this paragraph affects Resurgent's (i) testimonial obligations; or (ii) right to take legal or factual positions in defense of litigation, in private business dealings, or in other legal, regulatory or administrative proceedings to which this Commissioner and/or the Department are not parties;
4. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by Resurgent and its control persons on NMLS, as applicable, nothing in the issuance of this Consent Order shall adversely affect the ability of Resurgent to apply for or obtain an initial license or renewal license 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 such licenses are satisfied and the terms of this Consent Order are followed;
5. This Consent Order shall be binding upon Resurgent and its successors and assigns; and
6. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut
this 26th day of August 2021.

/s/

Jorge L. Perez
Banking Commissioner

I, Dan Picciano, state on behalf of Resurgent Capital Services L.P., that I have read the foregoing Consent Order; that I know and fully understand its contents; that I am authorized to execute this Consent Order on behalf of Resurgent Capital Services L.P.; that Resurgent Capital Services L.P. agrees freely and without threat or coercion of any kind to comply with the sanctions entered and terms and conditions ordered herein; and that Resurgent Capital Services L.P. voluntarily agrees to enter into this Consent Order, expressly waiving the procedural rights set forth herein as to the matters described herein.

By: /s/
Name: Dan Picciano
Title: Chief Operating Officer
Resurgent Capital Services L.P.

State of: South Carolina

County of: Greenville

On this the 20th day of August 2021, before me, June Choi-Bell, the undersigned officer, personally appeared Daniel Picciano who acknowledged himself/herself to be the Chief Operating Officer of Resurgent Capital Services L.P., a limited partnership, and that he/she as such Chief Operating Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as Chief Operating Officer.

In witness whereof I hereunto set my hand.

/s/
Notary Public – June Choi-Bell
Date Commission Expires: 01-16-2023