
*
IN THE MATTER OF: *
*
US ASSET MANAGEMENT, INC. *
d/b/a USAM *
NMLS # 1747287 *
*
(“USAM”) *
*

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, USAM is a Delaware corporation with an office located at 700 Longwater Dr., Norwell, Massachusetts;

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

WHEREAS, on November 16, 2021, USAM filed an application with the Commissioner on the Nationwide Multistate Licensing System and Registry (“NMLS”) to obtain a license to act as a consumer collection agency in Connecticut, which application is currently pending;

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking (“Division”), has investigated and examined the activities of USAM pursuant to Section 36a-17 of the Connecticut General Statutes, in effect at such time, and Section 36a-801(b) 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 the investigation and examination, USAM provided the Division with records showing its Connecticut consumer collection activity from on or about January 14, 2020 to December 27, 2021;

WHEREAS, as a result of such investigation and examination, the Commissioner alleges that between January 14, 2020 and December 27, 2021, USAM acted as a consumer collection agency in Connecticut without a consumer collection agency license, in violation of Section 36a-801(a) of the Connecticut General Statutes;

WHEREAS, the Commissioner believes that such allegation would support the initiation of enforcement proceedings against USAM, including, without limitation, proceedings to issue a cease and desist order against USAM pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-52(a) of the 2022 Supplement to the General Statutes, and an order imposing a civil penalty upon USAM of up to One Hundred Thousand Dollars (\$100,000) per violation pursuant to Section 36a-804(b) of the Connecticut General Statutes and Section 36a-50(a) of the 2022 Supplement to the 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, the Commissioner and USAM acknowledge the possible consequences of formal administrative proceedings, and USAM, without admitting or denying the allegation contained therein, 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, the Commissioner and USAM now desire to resolve the matters set forth herein;

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

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

AND WHEREAS, USAM, 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, USAM, 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 USAM, it shall remit to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Ten Thousand Dollars (\$10,000.00) as a civil penalty;
2. No later than the date this Consent Order is executed by USAM, it shall remit to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Eight Hundred Dollars (\$800) as payment for back licensing fees; and
3. USAM shall cease and desist from acting as a consumer collection agency in this state without a license, in violation of Section 36a-801(a) 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 USAM 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 USAM 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 USAM and reflected herein is subsequently discovered to be untrue;

3. USAM 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. Nothing in this paragraph affects USAM'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 USAM and its control persons on NMLS, as applicable, nothing in the issuance of this Consent Order shall adversely affect USAM's pending application for initial licensure or any future application for a 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 any such license are satisfied and the terms of this Consent Order are followed;
5. This Consent Order shall be binding upon USAM and its successors and assigns; and
6. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut
this 1st day of April 2022.

/s/

Jorge L. Perez
Banking Commissioner

I, Paul E. Leary, state on behalf of US Asset Management, Inc. d/b/a USAM, 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 US Asset Management, Inc. d/b/a USAM; that US Asset Management, Inc. d/b/a USAM agrees freely and without threat or coercion of any kind to comply with the sanctions entered and terms and conditions ordered herein; and that US Asset Management, Inc. d/b/a USAM 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: Paul E. Leary
Title: CEO
US Asset Management, Inc. d/b/a USAM

State of: Florida

County of: Indian River

On this the 25th day of March, 2022, before me, Ben C. Saltz, the undersigned officer, personally appeared Paul E. Leary who acknowledged himself/herself to be the CEO of US Asset Management, Inc. d/b/a USAM, a corporation, and that he/she as such CEO, 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 CEO.

In witness whereof I hereunto set my hand.

/s/
Notary Public – Ben C. Saltz
Date Commission Expires: 7-9-2025