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\*  
**IN THE MATTER OF:** \*  
\*  
**NELSON CRUZ & ASSOCIATES LLC** \*  
**NMLS # 1862472** \*  
\*  
**(“Respondent”)** \*  
\*  
\*\*\*\*\*

**ORDER TO CEASE AND DESIST**  
  
**AND**  
  
**ORDER IMPOSING CIVIL PENALTY**

**I. PRELIMINARY STATEMENT**

**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;

**WHEREAS**, 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 Respondent to determine if it had violated, was violating or was about to violate the provisions of the Connecticut General Statutes or the Regulations of Connecticut State Agencies within the jurisdiction of the Commissioner;

**WHEREAS**, on May 13, 2024, the Commissioner issued a Temporary Order to Cease and Desist, Notice of Intent to Issue Order to Cease and Desist, Notice of Intent to Impose Civil Penalty and Notice of Right to Hearing (collectively “Order and Notice”) against Respondent, which Order and Notice is incorporated herein by reference;

**WHEREAS**, on May 14, 2024, the Order and Notice was caused to be mailed by certified mail, return receipt requested, to Respondent (Certified Mail No. 9589071052701542922468);

**WHEREAS**, the Order and Notice provided Respondent with the opportunity for a hearing, and stated that if a hearing was not requested by Respondent within 14 days of its receipt or if Respondent failed to appear at any such hearing, the allegations would be deemed admitted, and the Commissioner would issue an order that Respondent cease and desist from violating Sections 36a-17(e), 36a-801(a), 36a-805(a)(15) and 36a-812 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 Respondent;

**WHEREAS**, the Order and Notice issued against Respondent was deemed received by the person on the earlier of the date of actual receipt, or seven days after mailing or sending, pursuant to Sections 36a-52(a) and 36a-50(a) of the Connecticut General Statutes;

**WHEREAS**, Respondent failed to request a hearing within the prescribed time period;

**WHEREAS**, the Commissioner alleged in the Order and Notice, with respect to the activity described therein, that Respondent acted within this state as a consumer collection agency without a consumer collection agency license, in violation of Section 36a-801(a) of the Connecticut General Statutes in effect at such time. Such violations form the basis to issue an order to cease and desist against Respondent pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes, and to impose a civil penalty upon Respondent pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes;

**WHEREAS**, the Commissioner also alleged in the Order and Notice, with respect to the activity described therein, that Respondent failed to provide information requested during the investigation or otherwise cooperate with the Commissioner, in violation of Section 36a-17(e) of the Connecticut General Statutes. Such violations form the basis to issue an order to cease and desist against Respondent pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes, and to impose a civil penalty upon Respondent pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes;

**WHEREAS**, the Commissioner also alleged in the Order and Notice, with respect to the activity described therein, that Respondent failed to establish a system for supervision and compliance under Section 36a-805(a)(15) of the Connecticut General Statutes. Such violation forms the basis to issue an order to cease and desist against Respondent pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes, and to impose a civil penalty upon Respondent pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes;

**WHEREAS**, the Commissioner also alleged in the Order and Notice, with respect to the activity described therein, that Respondent acted in a manner that failed to comply with 12 CFR Section 1006.14 of Regulation F, the Fair Debt Collection Practices Act, by the frequency of telephone calls Respondent made to the complainant in connection with the debt, and failed to comply with 12 CFR Section 1006.34 of Regulation F, by failing to provide the complainant with validation of the debt, in violation of Section 36a-812 of the Connecticut General Statutes. Such violations form the basis to issue an order to cease and desist against Respondent pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes, and to impose a civil penalty upon Respondent pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes;

**WHEREAS**, Section 36a-52(a) of the Connecticut General Statutes provides, in pertinent part, that “[i]f the person does not request a hearing within the time specified in the notice . . . , the commissioner shall issue an order to cease and desist against the person. No such order shall be issued except in accordance with the provisions of chapter 54”;

**WHEREAS**, Section 36a-50(a)(2) of the Connecticut General Statutes provides, in pertinent part, that “[i]f such person does not request a hearing within the time specified in the notice . . . , the commissioner may, as the facts require, order that a civil penalty not exceeding one hundred thousand dollars per violation be imposed upon such person”;

**WHEREAS**, Section 36a-50(a)(3) of the Connecticut General Statutes provides that “[e]ach action undertaken by the commissioner under this subsection shall be in accordance with the provisions of chapter 54”;

**AND WHEREAS**, Section 36a-1-31(a) of the Regulations of Connecticut State Agencies provides, in pertinent part, that “[w]hen a party fails to request a hearing within the time specified in the notice, the allegations against the party may be deemed admitted. Without further proceedings or notice to the party, the commissioner shall issue a final decision in accordance with Section 4-180 of the Connecticut General Statutes and Section 36a-1-52 of the Regulations of Connecticut State Agencies”.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Commissioner finds that the matters asserted, as set forth in paragraphs 7 through 14, inclusive, of Section II of the Order and Notice, shall constitute findings of fact within the meaning of Section 4-180(c) of the Connecticut General Statutes, and that the conclusions, as set forth in paragraphs 15 through 18, inclusive, of Section III of the Order and Notice, shall constitute conclusions of law within the meaning of Section 4-180(c) of the Connecticut General Statutes and Section 36a-1-52 of the Regulations of Connecticut State Agencies.

2. The Commissioner finds that Respondent has engaged in acts or conduct which forms the basis to issue an order to cease and desist against Respondent pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes and to impose a civil penalty upon Respondent pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes.

3. The Commissioner finds that the Order and Notice was given in compliance with Sections 36a-52(a), 36a-50(a) and 4-177 of the Connecticut General Statutes.

## **III. ORDER**

Having read the record, **I HEREBY ORDER**, pursuant to Sections 36a-804(b), 36a-52(a) and 36a-50(a) of the Connecticut General Statutes, that:

1. Nelson Cruz & Associates LLC **CEASE AND DESIST** from violating Sections 36a-17(e), 36a-801(a), 36a-805(a)(15) and 36a-812 of the Connecticut General Statutes;
2. A **CIVIL PENALTY** of One Hundred Thousand Dollars (\$100,000) be imposed upon Nelson Cruz & Associates LLC to be remitted to the Department of Banking by electronic funds transfer, cashier’s check, certified check or money order, made payable to “Treasurer, State of Connecticut”, no later than forty-five (45) days from the date this Order is mailed; and

3. This Order shall become effective when mailed.

Dated at Hartford, Connecticut,  
this 5th day of July 2024.

/s/  
\_\_\_\_\_  
Jorge L. Perez  
Banking Commissioner

This Order was sent by certified mail,  
return receipt requested, to  
Respondent on July 8, 2024.

Nelson Cruz & Associates LLC  
Attention: Angela Bothwell, Compliance Officer  
9535 Forest Lane, Suite 114  
Dallas, Texas 75243  
Certified Mail No. 9589 0710 5270 1542 9229 87