
*
IN THE MATTER OF: *
*
FIRST PORTFOLIO *
VENTURES II, LLC *
NMLS # 2268275 *
*
(“FPVII”) *
*

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;

WHEREAS, FPVII is a Delaware limited liability company with its main office at 3091 Governors Lake Drive, Suite 500, Peachtree Corners, Georgia;

WHEREAS, on June 26, 2023, FPVII filed an application for a consumer collection agency license in Connecticut on the Nationwide Multistate Licensing System and Registry (“NMLS”), which is currently pending;

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking, conducted an investigation into the activities of FPVII, pursuant to Section 36a-17 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 of Connecticut State Agencies within the jurisdiction of the Commissioner;

WHEREAS, as a result of such investigation, the Commissioner alleges that FPVII acted as a consumer collection agency in this state without the required license since at least February 2022 in violation of Section 36a-801(a) of the Connecticut General Statutes, in effect at such time;

WHEREAS, the Commissioner believes that such allegation would support initiation of enforcement proceedings against FPVII, including, without limitation, proceedings to issue an order to cease and desist against FPVII pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes and an order imposing a civil penalty of up to One Hundred Thousand Dollars (\$100,000) per violation upon FPVII pursuant to Sections 36a-804(b) 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. 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 FPVII acknowledge the possible consequences of formal administrative proceedings, and FPVII voluntarily agrees to consent to the entry of the sanctions imposed below without admitting or denying the allegation set forth herein, and solely for the purpose of obviating the need for formal administrative proceedings concerning the allegation set forth herein;

WHEREAS, the Commissioner and FPVII now desire to resolve the matter set forth herein;

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

WHEREAS, FPVII acknowledges that this Consent Order is a public record and is a reportable event for purposes of the regulatory disclosure questions on NMLS, as applicable;

WHEREAS, FPVII acknowledges that it has had the opportunity to consult with and be represented by independent counsel in negotiating and reviewing this Consent Order and executes this Consent Order freely;

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

1. FPVII 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;
2. No later than the date this Consent Order is executed by FPVII, 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) as a civil penalty; and
3. No later than the date this Consent Order is executed by FPVII, 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 Four Hundred Dollars (\$400) as payment for back-licensing fees.

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 FPVII 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 FPVII 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 FPVII and reflected herein is subsequently discovered to be untrue;
3. FPVII shall not take any action or make or permit to be made any public statement, including in regulatory filings, any proceeding in any forum 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. Except as specifically provided herein, FPVII shall not take any position in any proceeding brought by or on behalf of the Commissioner, or to which the Commissioner is a party, that is inconsistent with any part of this Consent Order. Nothing in this provision affects FPVII's (i) testimonial obligations, or (ii) right to take legal or factual positions that may

contradict an allegation in this Consent Order in litigation or other legal proceedings in which the Commissioner is not a party;

4. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by FPVII and its control persons on NMLS, as applicable, nothing in the issuance of this Consent Order shall adversely affect the ability of FPVII to apply for or obtain an initial license or renewal licenses under Part XII of Chapter 669, Sections 36a-800 *et seq.*, 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 being followed;
5. This Consent Order shall be binding upon FPVII and its successors and assigns; and
6. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut
this 21st day of January 2025.

/s/

Jorge L. Perez
Banking Commissioner

I, Dan McCusker, state on behalf of FIRST PORTFOLIO VENTURES II, LLC 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 FIRST PORTFOLIO VENTURES II, LLC; that FIRST PORTFOLIO VENTURES II, LLC agrees freely and without threat or coercion of any kind to comply with the sanctions entered and terms and conditions ordered herein; and that FIRST PORTFOLIO VENTURES II, LLC 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 McCusker
Title: General Counsel and Chief Compliance Officer
FIRST PORTFOLIO VENTURES II, LLC

State of: Georgia

County of: Gwinnett

On this the 9 day of January, 2025, before me, Dan McCusker, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be the General Counsel and Chief Compliance Officer of FIRST PORTFOLIO VENTURES II, LLC, a member managed/manager managed limited liability company, and that he/she as such General Counsel and Chief Compliance Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself/herself as General Counsel and Chief Compliance Officer.

In witness whereof I hereunto set my hand.

/s/
Notary Public:
Date Commission Expires: July 02, 2027