



**State Board of Collection Agencies
Department of Labor and Licensing**

**Asa Hutchinson
Governor**

**Daryl E Bassett
Secretary**

IN THE MATTER OF:

Elite Credit Services
3939 LaVista Road, #E-412
Tucker, Georgia

ASBCA# 2021-02



CONSENT AGREEMENT

BY: _____

Based on the allegations and facts set forth below, the Arkansas State Board of Collection Agencies finds that there is sufficient evidence to charge Elite Credit Services of Tucker, Georgia (hereinafter referred to as “Respondent”) attempted to collect a debt from an Arkansas resident without a license.

A complaint alleging that Elite Credit Services of Tucker, Georgia (hereinafter referred to as “Respondent”), violated Arkansas’s debt collection statutes (notably Arkansas Code Annotated §17-24-301) was received by the Arkansas State Board of Collection Agencies Rules, hereinafter referred to as the “Board”. In lieu of a formal hearing and in the interest of a prompt and speedy settlement, consistent with the public interest, statutory requirements and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter. The Respondent admits the following Findings of Fact and does not contest the entry of the following Conclusions of Law and Order.

- A. Respondent, having read the proposed Consent Agreement, acknowledges that it has consulted with counsel and now enters into this Consent Agreement on its own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than as expressly set forth herein.
- B. Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Agreement.
- C. Respondent agrees that the Board will review this Agreement and determine whether to approve this Consent Agreement. Furthermore, Respondent agrees that should this Consent Agreement not be approved by the Board, the presentation and consideration of this Consent Agreement by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of the matters involved herein at any subsequent hearing.
- D. Respondent understands and agrees that approval and entry of this Consent Agreement shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.
- E. Respondent understands and acknowledges that this Consent Agreement and the Board records concerning this matter are public records and available to the public pursuant to the Freedom of Information Act, Ark. Code Ann. § 25-19-101, et seq.

- F. This Consent Agreement shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Board Chair.

FINDINGS OF FACT

RECEIVED
NOV - 3 2021

1. Patsy Appleberry is a resident of Lonoke, Arkansas.
2. Respondent is a collection agency based in Tucker, Georgia.
3. On or about September 15, 2021, an employee of the Respondent contacted Ms. Appleberry to collect an alleged debt.
4. Neither the Respondent nor its employee are licensed to practice debt collection in Arkansas.

BY: _____

APPLICABLE STATUTES AND RULES

Ark. Code Ann. §17-24-101: ... "collection agency" means any person, partnership, corporation, association, limited liability corporation, or firm which engages in the collection of delinquent accounts, bills, or other forms of indebtedness owed or due or asserted to be owed or due to another ...

Ark. Code Ann. §17-24-103: (a)(1) A collection agency that engages in the business activities of a collection agency without a license issued under this chapter may be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500). (2) Each day of a violation of this chapter is a separate offense. (b)(1) The board may impose monetary fines as civil penalties to be paid for failure to comply with this chapter or the rules promulgated by the board under this chapter. (c) The board has exclusive jurisdiction over the rights and remedies of a violation of the rules under this chapter.

Ark. Code Ann. §17-24-301: Unless licensed by the State Board of Collection Agencies under this subchapter it is unlawful to: (1) Engage in the collection of delinquent accounts, bills, or other forms of indebtedness ...

ASBCA Rules, XVI: (a) The SBCA may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the SBCA may deem proper, including fines not to exceed \$500.00 per day per complaint, for any one or any combination of, but not limited to, the following which may be interpreted as a violation of the laws and/or rules and regulations which regulate the activities of collection agencies: ... (5) Failure to obtain or maintain a proper license.

CONCLUSION OF LAW

By contacting an Arkansas resident to collect a debt without having first obtained a collection agency license, Elite Credit Services violated Ark. Code Ann. §17-24-301.

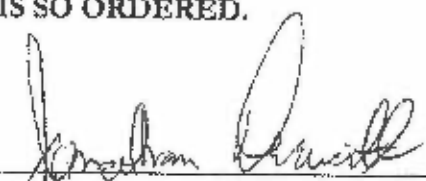
RECEIVED
NOV - 3 2021

ORDER

BY: _____

Respondent shall remit to the Arkansas State Board of Collection Agencies a civil fine of fifty dollars (\$50) within 10 business days of receipt of a fully executed copy of this order.

IT IS SO ORDERED.



Owner / Principal / Manager
for Respondent

10/26/21
Date

Attorney (if applicable)
for Respondent

Date



Orville Guinn, Chair
Arkansas State Board of Collection Agencies

11/18/21
Date



Boyd Maher, Director
Arkansas State Board of Collection Agencies

11-18-21
Date