



**ARKANSAS DEPARTMENT
OF LABOR AND LICENSING**
State Board of Collection Agencies

Sarah Huckabee Sanders
Governor

Daryl E. Bassett
Secretary

IN THE MATTER OF:

ASBCA# 2023-01

AB&T Consultants, LLC
45 Forest Valley Lane
Little Rock, AR 72223

CONSENT AGREEMENT

Based on the allegations and facts set forth below, the Arkansas State Board of Collection Agencies finds that there is sufficient evidence to charge AB&T Consultants, LLC of Little Rock (hereinafter referred to as "Respondent") with violations of the following laws and regulations governing licensure for collection agencies: Arkansas Code Annotated §17-24-301.

A complaint alleging that Respondent violated Arkansas's debt collection statutes (notably Arkansas Code Annotated §17-24-301) was received by the Arkansas State Board of Collection Agencies (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 below 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 the Board unless and until accepted and approved by the Board at an official meeting and executed by the Board Chair.

FINDINGS OF FACT

1. The Complainant is a resident of Pulaski County, Arkansas.
2. On or about April 18, 2023, Respondent contacted Complainant by text message:
 - a. referencing a “delinquent account”;
 - b. instructing the reader to “STOP LEGAL ACTION”;
 - c. warning of “legal action by ... legal staff”;
 - d. urging the recipient to “protect your credit”; and
 - e. containing other similar language attempting to collect a debt.
3. A search of Board records found that neither the Respondent nor any of its employees are licensed to practice debt collection in Arkansas.
4. No evidence was found or provided to indicate the Respondent or any of its employees are exempt from licensure.

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 or a violation of the rules under this chapter.

Ark. Code Ann. §17-24-105: When any person, partnership, corporation, or association engages in the business activities of a collection agency without a valid license issued under this chapter or has had the license revoked, suspended, or refused, in accordance with the provisions of this chapter, the State Board of Collection Agencies may petition the circuit court in the jurisdiction in which the collection activity has occurred and, upon affidavit, secure a writ of injunction, without bond, restraining and prohibiting the person, partnership, corporation, or association from operating the collection agency.

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 ...

Ark. Code Ann. §17-24-506: (a) A debt collector may not use a false, deceptive, or misleading representation or means in connection with the collection of a debt.

(b) Without limiting the general application of subsection (a) of this section, the following conduct is a violation of this section: * * *

(3) The false representation or implication that an individual is an attorney or that a communication is from an attorney;

ASBCA Rules, Sec. 4-2: A. If the Board determines an agency has failed to obtain or maintain a license, it may assess a civil penalty of between fifty dollars (\$50.00) and five hundred dollars (\$500.00) for each day the agency operated while unlicensed.

1. Such penalties do not preclude private causes of action by debtors and/or creditors relating to debt collection activities conducted while an agency was unlicensed.

2. The Board may also seek injunctive relief pursuant to the Act (§17-24-105) ...

ASBCA Rules, Sec. 4-2: C. ... Nothing in this section shall preclude the disposition of disputes by consent agreement or other informal means.

CONCLUSIONS OF LAW

1. When contacting Complainant by text message on or about April 18, 2023, Respondent acted as a collection agency, as defined in Ark. Code Ann. §17-24-101, by engaging in the collection of a delinquent account asserted to be owed to another entity.
2. By attempting to collect a debt from an Arkansas resident without having first obtained a collection agency license, Respondent violated Ark. Code Ann. §17-24-301.
3. By repeatedly referencing “legal action”, “legal group” and “legal staff”, Respondent may also have violated Ark. Code Ann. §17-24-506.

ORDER

1. Respondent shall remit to the Arkansas State Board of Collection Agencies a civil fine of fifty dollars (\$50.00) within 10 business days of receipt of a fully executed copy of this order.
2. Respondent shall not attempt to contact, dun, or otherwise engage in debt collection activities with regard to any Arkansas resident until and unless it first obtains a valid Arkansas collection agency license.

IT IS SO ORDERED.

Charles E. Shelton

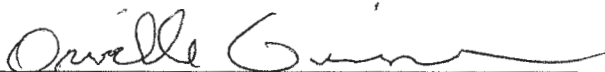
Owner / Principal / Manager
for Respondent

May 25th, 2023

Date

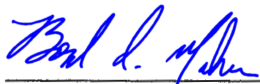
Attorney (if applicable)
for Respondent

Date



Orville Guinn, Chair
Arkansas State Board of Collection Agencies

8/22/23
Date



Boyd Maher, Director
Arkansas State Board of Collection Agencies

8/22/2023
Date