

DARIA A. LOY-GOTO 6175
BOBBI W.Y. LUM-MEW 6299
Regulated Industries Complaints Office
Department of Commerce and Consumer Affairs
State of Hawaii
Leiopapa A Kamehameha Building
235 South Beretania Street, Suite 900
Honolulu, Hawaii 96813
Telephone: 586-2660

Attorney for Department of Commerce
and Consumer Affairs

COLLECTION AGENCY PROGRAM
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the Collection Agency) COL 2009-8-L
Registration of)
)
VAN RU INTERNATIONAL, INC.,) SETTLEMENT AGREEMENT PRIOR TO
) FILING OF PETITION FOR DISCIPLINARY
) ACTION AND DIRECTOR'S FINAL ORDER;
Respondent.) EXHIBIT "1"
)
)

244092407

SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION
FOR DISCIPLINARY ACTION AND DIRECTOR'S FINAL ORDER

Petitioner, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS'
REGULATED INDUSTRIES COMPLAINTS OFFICE (hereinafter "RICO" or "Petitioner"),
through its undersigned attorneys, and Respondent VAN RU INTERNATIONAL, INC.
(hereinafter "Respondent"), by and through its undersigned attorney, enter into this Settlement
Agreement on the terms and conditions set forth below.

A. UNCONTESTED FACTS

1. At all relevant times herein, Respondent was registered by the Collection Agency
Program (hereinafter the "Program") as a Collection Agency under Registration Number COLA

DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

2009 MAY 19 A 9:45

HEARINGS OFFICE

HEARINGS OFFICE

2009 MAY 29 A 9:24

DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

379. The registration was issued on or about December 16, 2004. The registration will expire on or about June 30, 2010.

2. Respondent's mailing address for purposes of this action is c/o Steven Guttman, PC, 220 S. King Street, 19th Floor, Honolulu, Hawaii 96813.

3. RICO received information from Respondent that Respondent entered into a Stipulation and Final Agency Order with the Administrator of the Colorado Fair Debt Collection Practices Act, based on allegations Respondent failed to timely notify the Colorado Administrator of a change in collections manager. A true and correct copy of the August 21, 2008 Stipulation and Final Agency Order is attached as Exhibit "1." Respondent timely notified the State of Hawaii of the entry of the August 21, 2008 Stipulation and Final Agency Order.

4. RICO alleges disciplinary action was entered against Respondent in another state for reasons provided by the licensing laws of this State (to wit: failing to notify the Director of a material change in information).

5. The foregoing allegations, if proven at an administrative hearing before the Program, would constitute violations of the following statute(s) and/or rule(s): Hawaii Revised Statutes ("HRS") §§ 436B-19(13) (disciplinary action by another state) and 443B-4.57(7) (failure to notify of material change in information).

6. The Program has jurisdiction over the subject matter herein and over the parties hereto.

B. REPRESENTATIONS BY RESPONDENT:

1. Respondent is fully aware that Respondent has the right to be represented by an attorney and is represented in this matter by Steven Guttman, Esq.

2. Respondent enters into this Settlement Agreement freely, knowingly, voluntarily, and under no coercion or duress.

3. Respondent is aware of the right to have a hearing to adjudicate the issues in the case. Pursuant to HRS § 91-9(d), Respondent freely, knowingly, and voluntarily waives the right to a hearing and agrees to dispose of this case in accordance with the terms and conditions of this Settlement Agreement.

4. Respondent being at all times relevant herein registered as a Collection Agency by the Program acknowledges that Respondent is subject to penalties including but not limited to, revocation, suspension or limitation of the registration and administrative fines, if the foregoing allegations are proven at hearing.

5. Respondent states it timely notified the Program of the entry of the August 21, 2008 Stipulation and Final Agency Order. Respondent also states it notified the State of Hawaii that Respondent's president, Maureen Peterson, had been replaced by Daniel A. Calderon.

6. Respondent states the August 21, 2008 Stipulation and Final Agency Order with the Colorado Administrator arose after Daniel Calderon replaced Maureen Peterson as president. Although Respondent had reported the change to the Colorado Administrator, Mr. Calderon had not yet been formally approved to act as a Colorado collections manager.

7. Respondent states Hawaii has no such requirement, and asserts the issue of formal approval of Mr. Calderon as a Colorado collections manager did not constitute a material change under Hawaii law. Respondent states that it is in compliance with Hawaii reporting requirements, but that it is entering into this Settlement Agreement as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing on this matter.

8. Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO's investigation in RICO Case No. COL 2009-8-L.

C. TERMS OF SETTLEMENT:

1. Administrative fine. Respondent agrees to pay a fine in the amount of TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00). Payment shall be made by **cashier's check or money order made payable to "DCCA - Compliance Resolution Fund"** and mailed to the Regulated Industries Complaints Office, Attn: Bobbi Lum-Mew, Esq., 235 S. Beretania Street, 9th Floor, Honolulu, Hawaii 96813. Payment of the fine shall be due at the time this fully executed Settlement Agreement is returned to RICO.

2. Failure to Comply with Settlement Agreement. If Respondent fails to fully and timely comply with the terms of this Settlement Agreement as set forth in paragraph(s) C.1 above, Respondent's registration shall be automatically revoked upon RICO's filing of an affidavit with the Program attesting to such failure. In case of such revocation, Respondent shall turn in all indicia of the registration to the Executive Officer of the Program within ten (10) days after receipt of notice of the revocation. In case of such revocation, Respondent understands Respondent cannot apply for a new registration until the expiration of at least five (5) years after the effective date of the revocation. Respondent understands that if Respondent desires to become registered again, Respondent must apply to the Program for a new registration pursuant to and subject to HRS §§ 92-17, 436B-21, and all other applicable laws and rules in effect at the time.

3. Possible further sanction. The Program, at its discretion, may pursue additional disciplinary action as provided by law to include further fines and other sanctions as the Program may deem appropriate if Respondent violates any provision of the statutes or rules governing the

conduct of Collection Agency in the State of Hawaii, or if Respondent fails to abide by the terms of this Settlement Agreement.

4. Approval of the Program. Respondent agrees that, except for the representations, agreements and covenants contained in Paragraphs C.5, C.6, C.7 and C.8 below, this Settlement Agreement shall not be binding on any of the parties unless and until it is approved by the Program.

5. No Objection if the Program Fails to Approve. If the Program does not approve this Settlement Agreement, does not issue an order pursuant thereto, or does not approve a lesser remedy, but instead an administrative hearing is conducted against Respondent in the Program's usual and customary fashion pursuant to the Administrative Procedure Act, Respondent agrees that neither Respondent nor any attorney that Respondent may retain, will raise as an objection in any administrative proceeding or in any judicial action, to the Program's proceeding against Respondent on the basis that the Program has become disqualified to consider the case because of its review and consideration of this Settlement Agreement.

6. Any Ambiguities Shall be Construed to Protect the Consuming Public. It is agreed that any ambiguity in this Settlement Agreement is to be read in the manner that most completely protects the interests of the consuming public.

7. No Reliance on Representations by RICO. Other than the matters specifically stated in this Settlement Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to Respondent to induce entry into this Settlement Agreement, and Respondent is not relying upon any statement, representation or opinion or promise made by RICO or any of its agents, employees, representatives or attorneys concerning

the nature, extent or duration of exposure to legal liability arising from the subject matter of this Settlement Agreement or concerning any other matter.

8. Complete Agreement. This Settlement Agreement is a complete settlement of the rights, responsibilities and liabilities of the parties hereto with respect to the subject matter hereof; contains the entire agreement of the parties; and may only be modified, changed or amended by written instrument duly executed by all parties hereto.

IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date(s) set forth below.

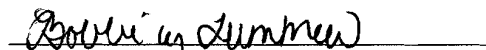
DATED: Des Plaines, Illinois, May 12, 2009.
(City) (State) (Date)

VAN RU INTERNATIONAL, INC.



By: Daniel A. Calderon
Its President

DATED: Honolulu, Hawaii, MAY 19 2009.




DARIA A. LOY-GOTO
BOBBI W.Y. LUM-MEW
Attorneys for Department of Commerce and
Consumer Affairs

APPROVED AS TO FORM:

Steven Guttman
STEVEN GUTTMAN
Attorney for Respondent

IN THE MATTER OF THE COLLECTION AGENCY REGISTRATION OF VAN RU
INTERNATIONAL, INC.; SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION
FOR DISCIPLINARY ACTION AND DIRECTOR'S FINAL ORDER;
CASE NO. COL 2009-8-L; EXHIBIT "1"

APPROVED AND SO ORDERED:
COLLECTION AGENCY PROGRAM
STATE OF HAWAII

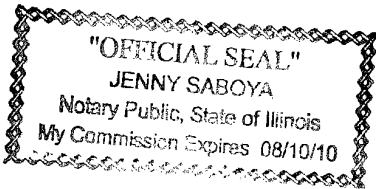


Director of the Department of Commerce
and Consumer Affairs

22 MAY 09
DATE

STATE OF Illinois)
) SS.
COUNTY OF Cook)

On this 12 day of May, 2009, before me personally appeared Daniel A. Calderon, to me known to be the person described, and who executed the foregoing instrument on behalf of Van Bu International, Inc. as President, and acknowledged that he/she executed the same as his/her free act and deed.



Jenny Saboya
Name: _____
Notary Public, State of _____
My Commission expires: 8/10/10



JOHN W. SUTHERS
Attorney General

CYNTHIA H. COFFMAN
Chief Deputy Attorney General

DANIEL D. DOMENICO
Solicitor General

STATE OF COLORADO
DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STATE SERVICES BUILDING
1525 Sherman Street - 7th Floor
Denver, Colorado 80203
Phone (303) 866-4500

December 22, 2008

I, Laura E. Udis, Administrator of the Colorado Fair Debt Collection Practices Act, hereby certify that Denise A. Chelius, Program Assistant I, is the Custodian of the Records of the Colorado Fair Debt Collection Practices Act and that the attached document contains her signature.

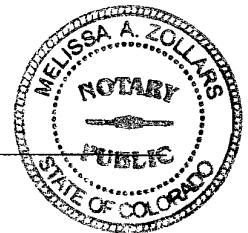
LAURA E. UDIS

Administrator

Colorado Fair Debt Collection Practices Act

Telephone: (303) 866-5706

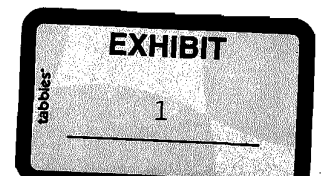
Subscribed and sworn to before me in the County of Denver, State of
Colorado, this 22nd day of December 2008.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

May 25, 2011

My Commission Expires May 25, 2011





JOHN W. SUTHERS
Attorney General

CYNTHIA H. COFFMAN
Chief Deputy Attorney General

DANIEL D. DOMENICO
Solicitor General

STATE OF COLORADO
DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STATE SERVICES BUILDING
1525 Sherman Street - 7th Floor
Denver, Colorado 80203
Phone (303) 866-4500

December 22, 2008

Wendy T. Yamashita, Investigator
State of Hawaii
Regulated Industries Complaints Office
Department of Commerce and Consumer Affairs
235 S. Beretania Street, Ninth Floor
Honolulu, HI 96813

RE: Van Ru International, Inc.

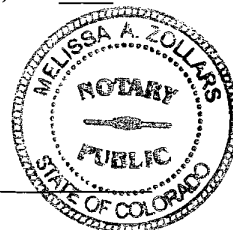
Dear Ms. Yamashita:

As Custodian of the Records of the Colorado Fair Debt Collection Practices Act, I hereby certify that the attached document is a true and accurate photocopy of a record that is currently on file with the Colorado Fair Debt Collection Practices Act.

DENISE A. CHELIUS
Program Assistant I
Colorado Fair Debt Collection Practices Act
Telephone: (303) 866-5706
cab@state.co.us

Subscribed and sworn to before me in the County of Denver, State of Colorado, this 22nd
day of December 2008.

NOTARY PUBLIC



MY COMMISSION EXPIRES:

May 25, 2011

My Commission Expires May 25, 2011

BEFORE THE ADMINISTRATOR

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

STIPULATION AND FINAL AGENCY ORDER

In the Matter of:

VAN RU INTERNATIONAL, INC.,

Respondent.

This Stipulation and Final Agency order is entered into by and between Van Ru International, Inc. ("Respondent") and the Administrator of the Colorado Fair Debt Collection Practices Act ("Administrator") to resolve issues raised in the Administrator's investigation of a change in Respondent's collections manager.

SECTION I
Representations

1. The Administrator of the Colorado Fair Debt Collection Practices Act is authorized to license collection agencies and enforce the Colorado Fair Debt Collection Practices Act pursuant to sections 12-14-103(1), 12-14-117, and 12-14-130, C.R.S.
2. Respondent initially applied and was issued Colorado collection agency license number 989538 on December 27, 2006.
3. Respondent's previous collections manager approved for Colorado was Maureen Peterson, who took and passed the Colorado Collections Manager Examination administered on June 14, 2002.
4. Maureen Peterson left her position as Respondent's collections manager on or about January 31, 2008. Daniel A. Calderon's collections manager application for Respondent was received on August 4, 2008. Daniel Calderon was approved to act as Respondent's collections manager for Colorado.
5. The Colorado Fair Debt Collection Practices Act ("CFDCPA") Sections 12-14-119 (1)(b)(I)(A) and 12-14-122(3)(a), and Rule 1.01(1) of the Rules of the Administrator, require a collection agency to employ an approved collections manager, and, upon a change of collections manager, to appoint a new collections manager and to file a new collections manager application within 30 days of the change.

6. Respondent did not timely notify the Administrator of its change in collections manager.

SECTION II
Terms

In full settlement of the issues raised in this matter, the parties agree as follows:

7. This Stipulation and Final Agency Order is intended to fully resolve all of the issues between the Administrator and Respondent arising out of Respondent's failure to timely notify the Administrator of a change in collections manager.

8. Respondent will pay to the order of the Administrator of the Colorado Fair Debt Collection Practices Act an administrative fine in the amount of one thousand dollars (\$1,000.00) for violation of Section 12-14-122(3)(a), C.R.S., by failing to timely notify the Administrator of the change in collections manager.

9. Upon Respondent's execution of this Stipulation and receipt of payment described in paragraph 8, the Administrator will renew Respondent's collection agency license effective July 1, 2008.

10. This Stipulation and Final Agency Order must be disclosed in any subsequent new or renewal application to the Administrator in response to any question regarding state disciplinary or administrative action.

11. Respondent acknowledges it has a right to request an evidentiary hearing in this matter, present evidence, examine witnesses, and appeal from any adverse action and waives those rights.

12. Colorado law governs this Stipulation and Final Agency Order. Any claims or causes of action arising out of or based upon this Stipulation and Final Agency Order shall be commenced before the Colorado Office of Administrative Courts or in Denver District Court for the State of Colorado, as appropriate. Respondent hereby consents to the jurisdiction, venue and process of the Colorado Office of Administrative Courts and the Denver District Court.

13. This Stipulation represents the entire agreement between the parties and is binding upon all heirs, agents and successors of the parties.

14. This Stipulation and Final Agency Order shall be effective on the date it is signed by the Administrator.