

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

DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

2009 APR 20 A 9:44

HEARINGS OFFICE

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 2009-5-L
Registration of)
)
WEST ASSET MANAGEMENT, INC.,) SETTLEMENT AGREEMENT PRIOR TO
doing business as Accent Cost Containment) FILING OF PETITION FOR DISCIPLINARY
Solutions,) ACTION AND DIRECTOR'S FINAL ORDER;
) EXHIBITS "1" AND "2"
)
Respondent.)

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 WEST ASSET MANAGEMENT, INC. dba
Accent Cost Containment Solutions (hereinafter "Respondent"), by and through its 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

382. The registration was issued on or about January 18, 2005. The registration will expire on or about June 30, 2010.

2. Respondent's mailing address for purposes of this action is c/o Greg Hogenmiller, Esq., Vice President & Deputy General Counsel, West Asset Management, Inc., 7171 Mercy Road, Suite 250, Omaha, Nebraska 68106.

3. RICO received information Respondent entered into a Consent Order with the State of Minnesota Department of Commerce, based on allegations Respondent, among other things, contacted a debtor after being informed the debtor was represented by an attorney. A true and correct copy of the July 17, 2008 Consent Order is attached as Exhibit "1."

4. RICO received information Respondent entered into a "Civil Penalty and Agreement" with the State of Minnesota Department of Commerce, based on allegations Respondent submitted a debt collector registration application which included documentation that showed the applicant did not qualify for licensure due to a recent felony conviction. A true and correct copy of this document which was signed on July 11, 2008 is attached as Exhibit "2".

5. RICO alleges disciplinary action was entered against Respondent in another state for reasons provided by the licensing laws of this State and that on two occasions Respondent failed to report disciplinary action as required by law.

6. 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); 443B-19(5) (unfair or unconscionable means (to wit: communication with debtor when it appears the debtor is represented by an attorney); 443B-18(4) (fraudulent, deceptive, or misleading representations (to

wit: failure to disclose the name and address of person assigned for collection); and 436B-19(15) (failure to report disciplinary action).

7. 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 Greg Hogenmiller, 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 does not admit to violating any law or rule, but acknowledges that RICO has sufficient cause to file a Petition for Disciplinary Action against Respondent's registration.

6. Respondent enters 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.

7. Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO's investigation in RICO Case No. COL 2009-5-L.

C. TERMS OF SETTLEMENT:

1. Administrative fine. Respondent agrees to pay a fine in the amount of ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$1,500.00). Payment shall be made by **company check, 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: April, 16th, 2009.

WEST ASSET MANAGEMENT, INC.

By: _____

Its President

DATED: Honolulu, Hawaii, APR 20 2009.

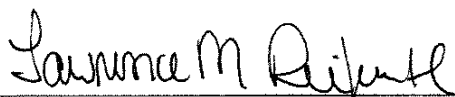
Bobbi W. LUM-MEW
DARIA A. LOY-GOTO
BOBBI W.Y. LUM-MEW
Attorneys for Department of Commerce and
Consumer Affairs

APPROVED AS TO FORM:

Greg Hogen Miller
GREG HOGEN MILLER
Attorney for Respondent

IN THE MATTER OF THE COLLECTION AGENCY REGISTRATION OF WEST ASSET
MANAGEMENT, INC. DBA ACCENT COST CONTAINMENT SOLUTIONS;
SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY
ACTION AND DIRECTOR'S FINAL ORDER; EXHIBITS "1" AND "2";
CASE NO. COL 2009-5-L

APPROVED AND SO ORDERED:
COLLECTION AGENCY PROGRAM
STATE OF HAWAII



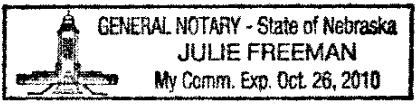
Director of the Department of Commerce
and Consumer Affairs

4/24/09

DATE

STATE OF Nebraska)
) SS.
COUNTY OF Douglas)

On this 16 day of April, 2009, before me personally appeared
Mick Mazour, to me known to be the person described, and who executed the
foregoing instrument on behalf of West Asset Management, Inc. as
President, and acknowledged that he/she executed the same as
his/her free act and deed.



Julie Freeman
Name:
Notary Public, State of Nebraska
My Commission expires: 10-26-10

CA2801370 MJK

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

State of Minnesota
Dept. of Commerce

JUL 16 2008

Rec'd \$ 10,000

In the Matter of the Collection Agency
License of West Asset Management, Inc.
License No. CA20503269

CONSENT ORDER

TO: West Asset Management, Inc.

Commissioner of Commerce Glenn Wilson (hereinafter "Commissioner") has determined

as follows:

1. The Commissioner has advised West Asset Management, Inc. (hereinafter "Respondent") that he is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2006) and other applicable law, against Respondent's collection agency license based on the allegations that Respondent:

- A. Contacted an alleged debtor after being informed the alleged debtor had been represented by an attorney which is in violation of Minn. Stat. § 332.37, Subd. 12 and 1692c (2) of the Fair Debt Collection Practices Act.
- B. Provided a statement from the collector wherein the collector states the alleged debtor hung up on him. A recording of the conversation shows the alleged debtor disputing the account and asked for the collection agency name and address. The collector refused to give the licensed location and address. By providing false information to the Department respondent is in violation of Minn. Stat. §§ 332.37 (20) and 45.027.

EXHIBIT "1"

2. Respondent acknowledges that it has been advised of its rights to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination after a hearing, and Respondent hereby expressly waives those rights. Respondent further acknowledges that it has been represented by legal counsel throughout these proceedings.

3. Respondent has agreed to informal disposition of this matter without a hearing as provided in Minn. Stat. § 14.59 (2004) and Minn. R. 1400.5900 (2005).

4. The following Order is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 45.027, subd. 5 (2004) that Respondent shall cease and desist from any further violations of Minn. Stat., ch. 332 (2004) and comply with all other laws of the State of Minnesota.

IT IS FURTHER ORDERED, pursuant to Minn. Stat. § 45.027, subd. 6 that the Respondent shall pay to the State of Minnesota a civil penalty of \$10,000.

This Order shall be effective upon signature by or on behalf of the Commissioner.

Dated: 7-17-05

By: E. Munson-Regala
Emmanuel Munson-Regala
Deputy Commissioner

85 Seventh Place East, Suite 500
Saint Paul, Minnesota 55101
Telephone: (651) 296-2488

CONSENT TO ENTRY OF ORDER

The undersigned, acting on behalf of West Asset Management, Inc. states that he has read the foregoing Consent Order; that he knows and fully understands its contents and effect; that he is authorized to execute this Consent to Entry of Order on behalf of Respondent; that he has been advised of Respondent's right to a hearing; that Respondent has been represented by legal counsel in this matter; and that he consents to entry of this Order by the Commissioner of Commerce. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either express or implied.

West Asset Management, Inc.

By:

Greg Hogenmiller
Mr. Greg Hogenmiller
General Counsel

Its: _____

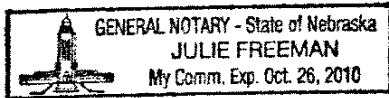
STATE OF Nebraska

COUNTY OF Douglas

This instrument was acknowledged before me on 7-14-08 (date) by

Greg Hogenmiller name

(stamp)



(Signature of notary officer)

Julie Freeman

Title (and Rank)
My commission

expires: _____



MINNESOTA
DEPARTMENT OF
COMMERCE

85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

CIVIL PENALTY AND AGREEMENT

June 3, 2008

Mr. James Richards, President
West Asset Management, Inc.



RE: Our File No : 7141 & 6978

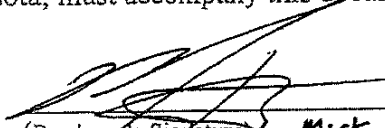
Dear Mr. Richards:

The Minnesota Department of Commerce is currently reviewing debt collector applications. West Asset Management, Inc. (Respondent) failed to screen the individual collector application prior to submitting the application to the commissioner for registration. Respondent submitted a debt collector registration to the Department that included documentation that provided the applicant did not qualify for licensure due to a recent felony conviction. This is in violation of Minnesota Statute § 332.33 Subd. 5(a) and 8.

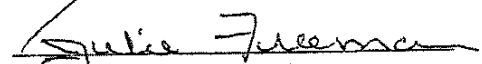
You have agreed to resolve this matter by paying a civil penalty of \$1000.

By signing this statement and paying the penalty you agree to the following:

1. That the violation as described occurred and you agree to resolve it in this manner;
2. That you are aware of your right to a hearing and hereby waive that right; and
3. That you have been advised of your right to legal counsel and that you have either had legal counsel or waive your right to legal counsel.
4. Your check, payable to the State of Minnesota, must accompany this document.


(Producer's Signature) Mick Mazow, President

STATE OF Nebraska
COUNTY OF Douglas


(Signature of notary officer)

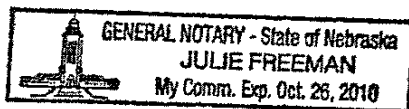
Signed before me on 7-11-08 (date)

by [Respondent]

Title (and Rank)

My Commission expires: _____

(stamp)



Market Assurance: 1.800.657.3602
Energy Information: 1.800.657.3710
www.commerce.state.mn.us

Licensing: 1.800.657.3978
Unclaimed Property: 1.800.925.5668
An Equal Opportunity Employer

EXHIBIT "2"