

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Unlicensed Activity of:

No. 10F-BD077-SBD

3 **GOLD KEY CREDIT, INC. AND ROBERT**  
4 **E. JENKINS, III, PRESIDENT**  
16070 Aviation Loop Drive  
Brooksville, Florida 34604-6802

**CONSENT ORDER**

5 Respondents.

6  
7 On December 16, 2009, the Arizona Department of Financial Institutions ("Department")  
8 issued an Order to Cease and Desist; Notice of Opportunity for Hearing; Consent to Entry of Order  
9 ("Cease and Desist Order") alleging that Respondents had violated Arizona law. Wishing to resolve  
10 this matter in lieu of an administrative hearing and without admitting liability, Respondents consent  
11 to the entry of the following Findings of Fact and Conclusions of Law, and consent to the entry of  
12 the following Order.

13 **FINDINGS OF FACT**

14 1. Respondent Gold Key Credit, Inc. ("Gold Key"), is a Florida corporation that is not and  
15 was not, at any time material herein, authorized to transact business in Arizona as a collection  
16 agency within the meaning of A.R.S. §§ 32-1001, *et seq.* The nature of Gold Key's business is that  
17 of soliciting claims for collection and collection of claims owed, due or asserted to be owed or due  
18 within the meaning of A.R.S. § 32-1001(2).

19 2. Respondent Robert E. Jenkins, III ("Mr. Jenkins") is the owner of Gold Key. Mr. Jenkins  
20 is not and was not, at any time material herein, authorized to transact business in Arizona as a  
21 collection agency within the meaning of A.R.S. §§ 32-1001, *et seq.*

22 3. Gold Key and Mr. Jenkins are not exempt from licensure as a collection agency within  
23 the meaning of A.R.S. § 32-1004.

24 4. Respondents previously held an Arizona collection agency license, number CA 0907094,  
25 from April 5, 2005 through February 1, 2006, when it was terminated due to non-renewal.

26 5. On February 11, 2009, the Department received a complaint from an Arizona resident

1 who stated that the original creditor of her complaint is a hospital who had rejected payment and  
2 instructed her to re-file with insurance. The Complainant claimed that on July 30, 2008, she  
3 received a harassing telephone call to her Arizona cellular telephone number at 5:23 a.m. from Gold  
4 Key, and provided telephone records from T-Mobile to show an incoming call at 5:23 a.m. from the  
5 number 1-800-218-3280. The Complainant also claims that she was unaware of who Gold Key was,  
6 therefore, she refused to provide the caller with her social security number.

7 6. The Complainant claimed that on or about September 8, 2008, she received a voicemail  
8 message from Ted Murphy of Gold Key at 6:09 a.m.

9 7. The Complainant also claimed that Gold Key has repeatedly called her parents' residence  
10 in New York, although she has not lived in New York for years.

11 8. The Complainant further claimed that Gold Key has updated a lien on her credit report in  
12 July 2008 that lists her current Arizona residence.

13 9. On or about February 23, 2009, the Department sent a letter to Gold Key stating that the  
14 Department had reason to believe that Gold Key was operating in Arizona without the benefit of a  
15 collection agency license, and gave Gold Key an opportunity to respond by March 10, 2009.

16 10. On March 3, 2009, the Department granted an extension until March 20, 2009 for Gold  
17 Key's attorneys to respond.

18 11. On or about March 11, 2009, the Department received a letter from Mayas D. Erickson  
19 ("Ms. Erickson") of Sessions Fishman Nathan & Israel, LLP on behalf of Gold Key. Ms. Erickson  
20 stated, in part, "...As Gold Key would no longer be contacting Arizona consumers or servicing an  
21 Arizona client, Gold Key did not renew its Arizona license. Gold Key suppressed Arizona area  
22 codes and addresses within its computer system to ensure that Gold Key would not attempt contact  
23 with Arizona consumers... Any contact with Arizona consumers after Gold Key's license expired  
24 was unintentional, and occurred despite procedures in place to avoid such contact."

25 12. As of August 26, 2009, the Department had not received a collection agency license  
26 application from Gold Key.

1         13. On March 18, 2009 at 2:50 p.m., Lori Mann, Examiner at the Department, called and  
2 confirmed that 1-800-218-3280 is a valid and operating telephone number for Gold Key.

3         14. Based upon the above findings, the Department issued and served upon Gold Key and  
4 Mr. Jenkins the Cease and Desist Order on December 16, 2009.

5         15. Respondents filed a request for a hearing to appeal the Cease and Desist Order on  
6 December 30, 2009.

7   **CONCLUSIONS OF LAW**

8         1. Pursuant to A.R.S. §§ 32-1001, *et seq.*, the Superintendent has the authority and duty  
9 to regulate all persons engaged in the collection agency business and with the enforcement of  
10 statutes, rules, and regulations relating to collection agencies.

11         2. By the conduct set forth in the Findings of Fact by Gold Key Credit, Inc. and Mr.  
12 Jenkins constitutes engaging in the conduct of a collection agency in the State of Arizona without  
13 having first applied for and obtained a collection agency license pursuant to Chapter 9 of Title 32, in  
14 violation of A.R.S. §§ 32-1021(A) and 32-1055(A).

15         3. Respondents do not meet any of the exemptions to the licensing requirements set  
16 forth in A.R.S. § 32-1004(A).

17         4. The violations, set forth above, constitute grounds for: (1) the issuance of an order  
18 pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the violative conduct and  
19 to take the appropriate affirmative actions, within a reasonable period of time prescribed by the  
20 Superintendent, to correct the conditions resulting from the unlawful acts, practices, and  
21 transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-132; (3) an order  
22 to pay restitution of any fees earned in violation of A.R.S. § 32-1001, *et seq.*, pursuant to A.R.S. §§  
23 6-131(A)(3) and 6-137; and (4) an order or any other remedy necessary or proper for the  
24 enforcement of statutes and rules regulating collection agencies pursuant to A.R.S. §§ 6-123 and 6-  
25 131.

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**ORDER**

1. Gold Key Credit, Inc. and Mr. Jenkins shall immediately stop all collection agency activity in Arizona until such time as Respondents have obtained a collection agency license from the Superintendent as prescribed by A.R.S. § 32-1021.

2. Respondents shall immediately pay to the Department an assessment in the amount of **five thousand dollars (\$5,000.00)**. Respondents are jointly and severally liable for payment of the assessment.

3. Mr. Jenkins shall comply with all Arizona statutes and rules regulating Arizona collection agencies §§ 32-1001, *et seq.*

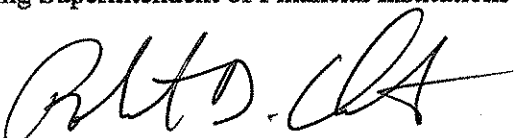
4. The provisions of this Order shall be binding upon Gold Key Credit, Inc. and Mr. Jenkins, their employees, agents, and other persons participating in the conduct of the affairs of Gold Key.

5. The provisions of this Order shall be binding upon Respondents, and resolves the Cease and Desist Order, subject to Respondents' compliance with the requirements of this Order.

6. This Order shall become effective upon service, and shall remain effective and enforceable until such time as, and except to the extent that, it shall be stayed, modified, terminated, or set aside.

SO ORDERED this 3 day of February, 2010.

Thomas L. Wood  
Acting Superintendent of Financial Institutions

By   
Robert D. Charlton  
Assistant Superintendent of Financial Institutions

**CONSENT TO ENTRY OF ORDER**

1. Respondents acknowledge that they have been served with a copy of the foregoing

1 Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, have read the  
2 same, are aware of their right to an administrative hearing in this matter, and have waived the same.

3 2. Respondents admit the jurisdiction of the Superintendent and consent to the entry of  
4 the foregoing Findings of Fact, Conclusions of Law, and Order.


5 3. Respondents state that no promise of any kind or nature has been made to induce  
6 them to consent to the entry of this Order, and that they have done so voluntarily.

7 4. Respondents acknowledge that the acceptance of this Agreement by the  
8 Superintendent is solely to settle this matter and does not preclude this Department, any other agency  
9 or officer of this state or subdivision thereof from instituting other proceedings as may be  
10 appropriate now or in the future.

11 5. Robert E. Jenkins, III, on behalf of Gold Key Credit, Inc. and himself, represents that  
12 he is the President, and that, as such, has been authorized by Gold Key Credit, Inc. to consent to the  
13 entry of this Order on its behalf.

14 6. Respondents waive all rights to seek judicial review or otherwise to challenge or  
15 contest the validity of this Consent Order.

16 DATED this 18 day of JANUARY, 2010.

17  
18 By   
19 Robert E. Jenkins, III, President  
20 Gold Key Credit, Inc.

21 ORIGINAL of the foregoing filed this 24th  
22 day of February, 2010, in the office of:

23 Thomas L. Wood  
24 Acting Superintendent of Financial Institutions  
25 Arizona Department of Financial Institutions  
26 ATTN: Susan Longo  
2910 N. 44th Street, Suite 310  
Phoenix, AZ 85018

1 COPY mailed/delivered same date to:

2 Erin O. Gallagher  
3 Assistant Attorney General  
4 Office of the Attorney General  
5 1275 West Washington  
6 Phoenix, AZ 85007

7 Robert D. Charlton, Assistant Superintendent  
8 Lori Mann, Senior Examiner  
9 Arizona Department of Financial Institutions  
10 2910 N. 44th Street, Suite 310  
11 Phoenix, AZ 85018

12 AND COPY MAILED SAME DATE by  
13 Certified Mail, Return Receipt Requested, to:

14 Mayas D Erickson, Esq.  
15 David Israel, Esq.  
16 Sessions, Fishman, Nathan & Israel, LLP  
17 3850 N. Causeway Blvd., Ste. 200  
18 Metairie, LA 70002-7227  
19 Attorneys for Respondents

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