

**ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

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In the Matter of the Collection Agency  
License of:

No. 11F-BD004-SBD

**CONSENT ORDER**

**PFS/PROGRESSIVE FINANCIAL  
SERVICES, INC. (FN) AND WESLEY  
HULL, PRESIDENT**  
1919 W. Fairmont Dr., Bldg. 8  
Tempe, AZ 85282-3183

Respondents

On July 15, 2010, the Arizona Department of Financial Institutions (“Department”) issued an Order to Cease and Desist; Notice of Opportunity For Hearing; Consent to Entry of Order (“Cease and Desist Order”), alleging that Respondents had violated Arizona law. Denying liability yet wishing to resolve this matter in lieu of an administrative hearing, Respondents consent to the following Findings of Fact and Conclusions of Law, and consent to the entry of the following Order.

**FINDINGS OF FACT**

1. Respondent PFS/Progressive Financial Services, Inc. (FN) (“Progressive”), is a Pennsylvania corporation authorized to transact business in Arizona as a collection agency, license number CA 0016013, within the meaning of A. R. S. §32-2001, *et seq.* The nature of Progressive’s business is that of soliciting claims for collection and collection of claims owed, due or asserted to be owed or due, within the meaning of A.R.S. §32-1001(2)(a).
2. Respondent Wesley Hull (“Mr. Hull”) is the President of Progressive and is authorized to transact business in Arizona as a collection agency within the meaning of A.R.S. §32-1001, *et seq.*

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3. Progressive and Mr. Hull do not meet any of the exemptions to the licensing requirements set forth in A.R.S. §32-1004(A).

4. By the conduct set forth above, Progressive and Mr. Hull have failed to conduct their collection agency business in accordance with the law, by violating the above-enumerated provisions of the Arizona Revised Statutes and Arizona Administrative code, which is grounds for the suspension or revocation of their license, pursuant to A.R.S. §32-1053(3).

5. The violations, set forth above, constitute grounds for: (1) the issuance of an order pursuant to A.R.S. §6-137 directing Progressive to cease and desist from the violative conduct and to take the appropriate affirmative actions, within a reasonable period of time prescribed by the Superintendent, to correct the conditions resulting from the alleged unlawful acts, practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. §6-132; (3) the suspension or revocation of Progressive's license pursuant to A.R.S. §32-1053; and (4) an order or any other remedy necessary or proper for the enforcement of statutes and rules regulating collection agencies pursuant to A.R.S. §§ 6-123 and 6-131.

**ORDER**

1. Progressive shall immediately stop the violations set forth in the Findings of Fact and Conclusions of Law. Progressive shall use its best faith efforts to:

- a. Not use unauthorized or oppressive tactics to harass any person to pay a debt;
- b. Not contact third parties regarding debts;
- c. Stop contacting debtors after receiving a written notice requesting all further communication with debtor be stopped;
- d. Give copies of its evidence of the debt to the debtors or the debtor's attorneys on request; and

e. Deal openly, fairly and honestly in the conduct of the collection agency business.

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2. Progressive shall immediately pay to the Department an assessment in the amount of **thirty thousand dollars (\$30,000)**.

3. Progressive shall comply with all Arizona statutes and rules regulating Arizona collection agencies (A.R.S. §§32-1001, *et seq.*)

4. The provisions of this Order shall be binding upon Progressive and its employees, agents, and other persons participating in the conduct of the affairs of Progressive.

5. 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 11 day of January, ~~2010~~ <sup>2011</sup>

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

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

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

4 4. Progressive agrees to use its best faith efforts to cease from engaging in the  
5 violative conduct alleged above in the Findings of Fact and Conclusions of Law.

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

10 6. Wesley F. Hull, on behalf of PFS/Progressive Financial Services, Inc. (FN)  
11 and himself, represents that he is the President and that, as such, has been authorized  
12 by PFS/Progressive Financial Services, Inc. (FN) to consent to the entry of this Order on  
13 its behalf.

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

16 DATED this 22<sup>nd</sup> day of December, 2010.

17 By:   
18 Wesley F. Hull, President  
19 PFS/Progressive Financial Services, Inc. (FN)

20 ORIGINAL of the foregoing filed this  
21 11<sup>th</sup> day of January,  
22 2010, in the office of:

23 Lauren W. Kingry  
24 Superintendent of Financial Institutions  
25 Arizona Department of Financial Institutions  
26 2910 N. 44<sup>th</sup> Street, Suite 310  
Phoenix, AZ 85018

COPY of the foregoing mailed/delivered  
this same date to:

1 Robert D. Charlton, Assistant Superintendent  
2 Mack Wynegar, Senior Examiner  
3 Arizona Department of Financial Institutions  
4 2910 N. 44<sup>th</sup> Street, Suite 310  
5 Phoenix, AZ 85018

6 Criag A. Raby, Assistant Attorney General  
7 Office of Attorney General  
8 1275 W. Washington  
9 Phoenix, AZ 85007

10 AND COPY of the foregoing mailed this  
11 same date via Certified Mail Return  
12 Receipt Requested to:

13 Wesley F. Hull, President  
14 PFS/Progressive Financial Services, Inc. (FN)  
15 1919 W. Fairmont Drive, Bldg. 8  
16 Tempe, AZ 85282

17 Jeremy Gaffney, Statutory Agent for:  
18 PFS/Progressive Financial Services, Inc. (FN)  
19 1919 W. Fairmont Drive, Bldg. 8  
20 Tempe, AZ 85282

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