

CA2500661/KRJ

STATE OF MINNESOTA
COMMISSIONER OF COMMERCE

In the Matter of Check Game Solutions,
Inc.

**CEASE AND DESIST ORDER AND
NOTICE OF RIGHT TO HEARING**

TO: Check Game Solutions, Inc.
Post Office Box 2108
Vero Beach, FL 32961

Check Game Solutions, Inc.
2555 27th Avenue
Vero Beach, FL 32960

Minnesota Law prohibits any person from conducting within the State a collection agency or engaging within the State the business of collecting claims for others without having first applied for and obtained a collection agency license issued by the Commissioner of Commerce pursuant to Minn. Stat. § 332.33 (2004), unless such person is exempt from said licensing requirements. *See* Minn. Stat. §§ 332.31 - 332.45 (2004).

Pursuant to the above-referenced statutes, Commissioner of Commerce Glenn Wilson has determined as follows:

STATEMENT OF CHARGES

1. Respondent Check Game Solutions, Inc. ("Respondent") is not licensed by the Department of Commerce ("Department") in any capacity.
2. On January 13, 2005, Respondent sent a dunning letter to International Falls, Minnesota resident Amanda Rapaway, attempting to collect a purported debt on behalf of United Subscription Agency. Respondent's letter claimed that Ms. Rapaway owed \$52 for a canceled check, plus a \$30 fee, for a total purported debt of \$82. Respondent's letter stated that "[t]his is an attempt to collect a debt, any information obtained will be used for that purpose."
3. Ms. Rapaway contacted Respondent at the toll-free number listed on the dunning letter and spoke to Tammy Rexroad, Collection Manager. Ms. Rexroad transferred Ms.

Rapaway to another agent, who claimed that Ms. Rapaway owed the money pursuant to a signed subscription agreement.

4. On February 3, 2005, the Department wrote Respondent regarding its unlicensed collection activities. Specifically, the Department requested copies of collection documents and an explanation of Respondent's collection activities within ten days. On February 8, 2005, Respondent signed the certified mail card acknowledging delivery of the Department's correspondence. To date, Respondent has not responded to the Department's request.

5. This Order is in the public interest.

VIOLATIONS

By conducting business within the State as a collection agency and/or by engaging within the State in the business of collecting claims for others without having first applied for and obtained a collection agency license, Respondent has engaged in unlicensed collection agency and/or collector activities in violation of Minn. Stat. § 332.33, subd. 1 (2004).

NOW, THEREFORE, IT IS HEREBY ORDERED that, pursuant to Minn. Stat. §§ 45.027, subd. 5a and 332.33, subd. 1 (2004), Respondent Check Game Solutions, Inc. shall cease and desist from conducting within this State a collection agency or engaging within this State in the business of collecting claims for others until compliance with Minn. Stat. §§ 332.31 - 332.45 (2004) is achieved, including licensure under Minn. Stat. § 332.33, subd. 1 (2004).

IT IS FURTHER ORDERED that, pursuant to Minn. Stat. § 45.027, subd. 5a (2004), Respondent may request a hearing in this matter. Such request shall be made in writing and served upon the Commissioner, whereupon the Commissioner shall set a date for hearing within ten (10) days after receipt of the request unless Respondent and the Department by agreement waive the 10-day time period. If no hearing is requested by Respondent within thirty (30) days

of service of this Order and none is ordered by the Commissioner, this Order will become permanent and will remain in effect until it is modified or vacated by the Commissioner.

IT IS FURTHER ORDERED that if a hearing is requested, this Order will remain in effect until it is modified or vacated or made permanent by further order of the Commissioner pursuant to Minn. Stat. § 45.027, subd. 5a (2004). The administrative proceeding provided by Minn. Stat. § 45.027, subd. 5a (2004), and subsequent appellate judicial review of that administrative proceeding, constitutes the exclusive remedy for determining whether the Commissioner properly issued this Order and whether this Order should be made permanent.

IT IS FURTHER ORDERED that notwithstanding the provisions of Minn. Stat. § 45.027, subs. 5a through 5b (2004), if Respondent requests a hearing under Minn. Stat. § 45.027, subd. 5a (2004), they may, within fifteen (15) days after service of this Order, bring an action in Ramsey County District Court for issuance of an injunction to suspend enforcement of this Order pending a final decision of the Commissioner under Minn. Stat. § 45.027, subd. 5a (2004), to vacate or make permanent this Order. The Court shall determine whether to issue such an injunction based on traditional principles of temporary relief.


IT IS FURTHER ORDERED that in the event a hearing is requested in this matter, it will be held before an Administrative Law Judge to be appointed by the Chief Administrative Law Judge for the State of Minnesota, Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55402, (612) 341-7600. All parties have the right to represent themselves or be represented throughout the proceedings herein by legal counsel or a person of their choice if not otherwise prohibited as the unauthorized practice of law.

The contested case proceedings are conducted in accordance with the Minnesota Rules of Professional Conduct and the Professional Aspirations adopted by the Minnesota State Bar Association. The hearing will be conducted pursuant to the contested case procedures as prescribed in Minn. Stat. §§ 14.57-14.69 (2004), and the Rules of the Office of Administrative Hearings, Minn. R. 1400.5100-1400.8401 (2003) as amended. Failure to attend a hearing in this matter may result in the allegations of this Order being taken as true. Questions concerning the issues raised in this Order, informal disposition of this proceeding or discovery may be directed to Assistant Attorney General Christopher M. Kaisershot, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, (651) 282-9992.

GLENN WILSON
Commissioner

Dated: _____

5/26/05


PATRICK L. NELSON
Deputy Commissioner
Market Assurance Division

85 Seventh Place East, Suite 500
Saint Paul, Minnesota 55101
Telephone: (651) 296-4051

AG: #1424154-v1