

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF COMMERCE

In the Matter of the Debt Collector's
License of Robin Lynn Davis, License No.
20044731

**NOTICE OF AND ORDER FOR HEARING,
ORDER FOR PREHEARING CONFERENCE,
ORDER TO SHOW CAUSE, AND
STATEMENT OF CHARGES**

TO: Robin Lynn Davis
15244-40th Avenue North
Plymouth, MN 55446

Robin Lynn Davis
3455 Lyndale Avenue North
Minneapolis, MN 55411

RESPONDENT ROBIN LYNN DAVIS IS HEREBY NOTIFIED that the Department of Commerce has initiated this action to determine whether Respondent has committed the violations alleged below, subjecting her to disciplinary action.

ORDER FOR PREHEARING CONFERENCE

IT IS HEREBY ORDERED that, pursuant to Minn. Rules 1400.5600 and 1400.6500 (2005), a prehearing conference will be held on Wednesday, June 28, 2006 at 1:30 p.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Administrative Law Judge Barbara L. Neilson, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7604.

The hearing will be conducted under the contested case procedures set out in Chapters 14 and 45 of Minnesota Statutes (2004) and the Rules of the Office of Administrative Hearings, Minnesota Rules Chapter 1400 (2005). A copy of these materials may be purchased from the

Minnesota Book Store, telephone (651) 297-3000, or are available at www.revisor.leg.state.mn.us. Copies of the rules are also available at www.oah.state.mn.us

The attorney handling this case for the Department is Assistant Attorney General Michael J. Tostengard, 1200 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, (651) 296-9701. Mr. Tostengard may be contacted to discuss discovery or informal disposition of this matter.

ALLEGATIONS

1. Davis is currently licensed as a debt collector by the Department, License No. 20044731.

2. In March 2006, Davis performed collection services for Pinnacle Finance Group. Davis made three personal bill payments utilizing the credit card and checking account numbers of three different Pinnacle debtors. Davis obtained the credit card and checking account numbers in the course of representing Pinnacle as a debt collector.

3. On March 30, 2006, Pinnacle terminated its relationship with Davis. Pinnacle further referred her to the Bloomington Police Department. On April 1, 2006, Davis provided a statement to the Bloomington Police Department in which she admitted to personally using the credit card and checking account numbers of three Pinnacle debtors to make payments on her personal debts.

4. This Order is in the public interest.

VIOLATIONS

COUNT I

By falsely obtaining financial information from debtors and using that information to make personal bill payments, Respondent violated Minn. Stat. § 332.37(3) (2004).

COUNT II

Respondent demonstrated untrustworthiness in violation of Minn. Stat. § 45.027, subd. 7 (2004).

ADDITIONAL NOTICE

1. Respondent's failure to appear at the prehearing conference may result in a finding that Respondent is in default, that the Department's allegations contained in the Statement of Charges may be accepted as true, and that its proposed disciplinary action may be upheld.

2. If any party has good cause for requesting a delay of the prehearing conference, the request must be made in writing to the Administrative Law Judge at least five days before the prehearing conference. A copy of the request must be served on the other party.

3. Any party intending to appear at the prehearing conference must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of the Statement of Charges. A copy must be served on the Department's attorney. A Notice of Appearance form is attached.

4. At the hearing, all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily, the hearing is tape-recorded. The parties may request that a court reporter record the testimony at their expense.

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted

into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2 (2004).

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. Rule 1400.7000 (2005). A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (612) 341-7600.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.


8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A publication entitled *A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings* is available at www.oah.state.mn.us or by calling (612) 341-7600.

9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the Administrative Law Judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

10. Pursuant to Minn. Stat. § 45.027, subd. 6 (2004), Respondent(s) may be subject to a civil penalty not to exceed \$10,000 per violation upon a final determination that Respondent(s) violated any law, rule or order.

GLENN WILSON
Commissioner

Dated: 05-10-06

By: 
GARY A. LAVASSEUR
Enforcement Director

Minnesota Department of Commerce
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