
*
IN THE MATTER OF: *
*
LAW OFFICES OF *
DAVID M. KATZ, P.C. *
*
(“Katz Law Offices”) *
*

CONSENT ORDER

WHEREAS, the Banking Commissioner (“Commissioner”) is charged with the administration of Part XII of Chapter 669, Sections 36a-800 to 36a-814, inclusive, of the Connecticut General Statutes, “Consumer Collection Agencies”, and the regulations promulgated thereunder, Sections 36a-809-6 to 36a-809-17, inclusive, of the Regulations of Connecticut State Agencies;

WHEREAS, Katz Law Offices is a New York law firm with its principal address at 71 Lafayette Avenue, Suffern, New York, and a business address at 516 West 162nd Street, Apt 5B, New York, New York. Attorney David M. Katz is the sole owner of Katz Law Offices;

WHEREAS, Katz Law Offices has never been licensed to act as a consumer collection agency in Connecticut;

WHEREAS, the Commissioner, through the Consumer Credit Division of the Department of Banking (“Division”), conducted an investigation pursuant to Section 36a-17 of the Connecticut General Statutes, in effect at such time, into the activities of Katz Law Offices to determine if it had violated, was violating or was about to violate the provisions of the Connecticut General Statutes and Regulations of Connecticut State Agencies within the jurisdiction of the Commissioner;

WHEREAS, as a result of such investigation, on August 9, 2022, the Commissioner issued a Temporary Order to Cease and Desist, Notice of Intent to Issue Order to Cease and Desist, Notice of

Intent to Impose Civil Penalty and Notice of Right to Hearing against Katz Law Offices (“Order and Notice”), which Order and Notice is incorporated by reference herein;

WHEREAS, the Commissioner alleged in the Order and Notice that Katz Law Offices acted as a consumer collection agency in Connecticut between July 1, 2018 and June 30, 2019, without a consumer collection agency license, in violation of Section 36a-801(a) of the Connecticut General Statutes in effect at such time, which forms the basis to issue an order to cease and desist pursuant to Sections 36a-804(b) and 36a-52(a) of the Connecticut General Statutes and to impose a civil penalty pursuant to Sections 36a-804(b) and 36a-50(a) of the Connecticut General Statutes;

WHEREAS, on August 9, 2022, the Order and Notice was sent by certified mail, return receipt requested, to Katz Law Offices (Certified Mail Nos. 70202450000070267349; 70202450000070267356);

WHEREAS, on August 13, 2022, Katz Law Offices received the Order and Notice;

WHEREAS, Katz Law Offices failed to request a hearing within the statutory time period;

WHEREAS, on December 1, 2022, as a result of Katz Law Offices’ failure to request a hearing, the Commissioner issued an Order to Cease and Desist and Order Imposing Civil Penalty against Katz Law Offices (“Final Order”);

WHEREAS, on April 24, 2023, Attorney David M. Katz from Katz Law Offices contacted the Division and requested that it reconsider the Final Order against Katz Law Offices;

WHEREAS, Section 4-181a(b) of the Connecticut General Statutes provides, in part, that, “[o]n a showing of changed conditions, the agency may reverse or modify the final decision, at any time, at the request of any person or on the agency’s own motion”;

WHEREAS, Attorney David M. Katz represented to the Division that due to extraordinary circumstances, Katz Law Offices was no longer in business;

WHEREAS, Section 4-177(c) of the Connecticut General Statutes and Section 36a-1-55(a) of the Regulations of Connecticut State Agencies provide that a contested case may be resolved by consent order, unless precluded by law;

WHEREAS, the Commissioner and Katz Law Offices acknowledge the possible consequences of formal administrative proceedings, and Katz Law Offices voluntarily agrees to consent to the entry of the sanctions imposed below without admitting or denying the allegation contained in the Order and Notice and set forth herein, and solely for the purpose of obviating the need for formal administrative proceedings concerning the allegation contained in the Order and Notice and set forth herein;

WHEREAS, the Commissioner and Katz Law Offices now desire to resolve the matters alleged in the Order and Notice and set forth herein;

WHEREAS, Katz Law Offices represents that it ceased all collection activity in Connecticut after receiving a letter from the Division dated December 3, 2019, regarding consumer collection activity, and is no longer acting as a consumer collection agency in this state without a license;

WHEREAS, Katz Law Offices agrees that the Order and Notice may be used in construing the terms of this Consent Order and agrees to the language of this Consent Order;

WHEREAS, Katz Law Offices specifically assures the Commissioner that the violation alleged in the Order and Notice and set forth herein shall not occur in the future;

WHEREAS, Katz Law Offices acknowledges that it has had the opportunity to consult with and be represented by independent counsel in negotiating and reviewing this Consent Order and executes this Consent Order freely;

WHEREAS, Katz Law Offices acknowledges that this Consent Order is a public record and is a reportable event for purposes of the regulatory disclosure questions on NMLS, as applicable;

AND WHEREAS, Katz Law Offices, through its execution of this Consent Order, voluntarily agrees to waive its procedural rights, including an opportunity for a hearing as it pertains to the allegation contained in the Order and Notice and set forth herein, and voluntarily waives its right to seek judicial review or otherwise challenge or contest the validity of this Consent Order.

CONSENT TO ENTRY OF SANCTIONS

WHEREAS, Katz Law Offices, through its execution of this Consent Order, consents to the Commissioner's entry of a Consent Order imposing the following sanctions:

1. Katz Law Offices and Attorney David M. Katz shall cease and desist from acting as a consumer collection agency in this state without a license, in violation of Section 36a-801(a) of the Connecticut General Statutes;
2. No later than the date this Consent Order is executed by Katz Law Offices, it shall remit to the Department of Banking by electronic funds transfer, cashier's check, certified check or money order made payable to "Treasurer, State of Connecticut", the sum of Twenty Thousand Dollars (\$20,000) as a civil penalty.

CONSENT ORDER

NOW THEREFORE, the Commissioner enters the following:

1. The Sanctions set forth above be and are hereby entered;
2. The Final Order issued on December 1, 2022, is hereby **VACATED**;
3. Upon issuance of this Consent Order by the Commissioner, this matter will be resolved and the Commissioner will not take any future enforcement action against Katz Law Offices based upon the allegation in the Order and Notice and set forth herein; provided that issuance of this Consent Order is without prejudice to the right of the Commissioner to take enforcement action against Katz Law Offices based upon a violation of this Consent Order or the matters underlying its entry, if the Commissioner determines that compliance with the terms herein is not being observed or if any representation made by Katz Law Offices and reflected herein is subsequently discovered to be untrue;
4. Katz Law Offices shall not take any action or make or permit to be made any public statement, including in regulatory filings, any proceeding in any forum or otherwise, denying, directly or indirectly, any allegation referenced in this Consent Order or create the impression that this Consent Order is without factual basis. Except as specifically provided herein, Katz Law Offices shall not take any position in any proceeding brought by or on behalf of the Commissioner, or to which the Commissioner is a party, that is inconsistent with any part of this Consent Order. Nothing in this provision affects Katz Law Offices' (i) testimonial obligations, or (ii) right to take legal or factual positions that may contradict an allegation in this Consent Order in litigation or other legal proceedings in which the Commissioner is not a party;
5. Subject to the foregoing, and so long as this Consent Order is promptly disclosed by Katz Law Offices and its control persons on NMLS, as applicable, nothing in the issuance of this Consent Order shall adversely affect the ability of Katz Law Offices to apply for or obtain licenses or renewal licenses under Part XII of Chapter 669, Sections 36a-800 *et seq.* of the Connecticut General Statutes, provided that all applicable legal requirements for any such license are satisfied and the terms of this Consent Order are being followed;

6. This Consent Order shall be binding upon Katz Law Offices and its successor and assigns; and
7. This Consent Order shall become final when issued.

Issued at Hartford, Connecticut
this 18th day of August 2023.

/s/

Jorge L. Perez
Banking Commissioner

I, David M. Katz, state on behalf of Law Offices of David Katz, P.C., that I have read the foregoing Consent Order; that I know and fully understand its contents; that I am authorized to execute this Consent Order on behalf of Law Offices of David Katz, P.C.; that Law Offices of David Katz, P.C. agrees freely and without threat or coercion of any kind to comply with the sanctions entered and terms and conditions ordered herein; and that Law Offices of David Katz, P.C. voluntarily agrees to enter into this Consent Order, expressly waiving the procedural rights set forth herein as to the matters described herein.

By: /s/
Name: David M. Katz
Title: Owner
Law Offices of David Katz, P.C.

State of: New Jersey

County of: Bergen

On this 15th day of August 2023, before me, Hyukjong Lee, the undersigned officer, personally appeared David M. Katz, who acknowledged himself/herself to be the Owner of Law Offices of David Katz, P.C., a corporation, and that he/she as such Owner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as Owner.

In witness whereof I hereunto set my hand.

/s/
Notary Public
Date Commission Expires: 8/23/2026

I, David M. Katz, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I attest to the representations made herein and agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order.

By: /s/ _____
David M. Katz

State of: New Jersey

County of: Bergen

On this the 15th day of August, 2023, before me, Hyukjong Lee, the undersigned officer, personally appeared David M. Katz, known to me (or satisfactorily proven) to be the person whose name David M. Katz is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

/s/ _____
Notary Public –
Date Commission Expires: 08/23/2026