

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS.

COMMISSIONER OF BANKS  
DEBT COLLECTOR LICENSING  
Docket No. 2021-008

---

In the Matter of )  
First American National, LLC )  
Parsippany, New Jersey )  
and )  
First American Funding, LLC )  
Parsippany, New Jersey )  
and )  
B&B Funding, LLC )  
Parsippany, New Jersey )  
and )  
Coastal Financial, LLC )  
Parsippany, New Jersey )

---

CONSENT ORDER

WHEREAS, FIRST AMERICAN NATIONAL, LLC, FIRST AMERICAN FUNDING, LLC, B&B FUNDING, LLC, and COASTAL FINANCIAL, LLC (collectively, “the Companies”) have been advised of their right to Notice and Hearing pursuant to M.G.L. chapter 30A, sections 10 and 11, and having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF A CONSENT ORDER (Consent Agreement) with the Division of Banks (Division) dated January 10, 2022 whereby, solely for the purpose of settling this matter and without admitting any allegations of fact or the existence of any violations of law, the Companies

agree to the issuance of this CONSENT ORDER (Consent Order) by the Commissioner of Banks (Commissioner);

WHEREAS, the Division, through the Commissioner, has jurisdiction over the licensing and regulation of persons and entities engaged in the business of a debt collector in Massachusetts pursuant to M.G.L. chapter 93, sections 24 through 28 and 209 C.M.R. 18.00 *et seq.*;

WHEREAS, the Companies are, and at all relevant times have been, foreign companies conducting business in Massachusetts, with their main office located at 1055 Parsippany Blvd, Ste 200, Parsippany, New Jersey, 07054;

WHEREAS, Ira F. Bailey is, and at all relevant times has been, the manager of the Companies;

WHEREAS, the Companies have never applied for a license to engage in the business of a debt collector in Massachusetts;

WHEREAS, on or about October 6, 2021, the Division received information that the Companies may be engaged in the business of a debt collector without the requisite license;

WHEREAS, books and records reviewed by the Division revealed that the Companies have engaged in the business of a debt collector from at least on or about May 28, 2020 to on or about December 14, 2021 in Massachusetts without the requisite license; and

WHEREAS, First American Trust, LLC, is an entity related to the Companies described above. Previously, on or about April 23, 2020, the Commissioner issued a Cease Directive directing First American Trust, LLC to cease engaging in debt collection activity that is in violation of M.G.L. 93, section 24A;

WHEREAS, First American Trust, LLC, is and at all relevant times has been, a foreign company conducting business in Massachusetts, with its main office located at 1055 Parsippany Blvd, Ste 200, Parsippany, New Jersey, 07054;

WHEREAS, Ira F. Bailey is, and at all relevant times has been, one of the managers of First American Trust, LLC;

WHEREAS, on or about March 18, 2019, the Division received information that First American Trust, LLC may be engaged in the business of a debt collector without the requisite license;

WHEREAS, books and records reviewed by the Division revealed that First American Trust, LLC engaged in the business of a debt collector from at least on or about November 1, 2019 to on or about April 23, 2020 in Massachusetts without the requisite license;

WHEREAS, as a result of the review of the aforementioned unlicensed debt collection activity by First American Trust, LLC, as described above, on or about April 23, 2020, the Commissioner issued First American Trust, LLC a Cease Directive directing First American Trust, LLC to cease engaging in debt collection activity that is in violation of M.G.L. 93, section 24A;

WHEREAS, based on First American Trust, LLC's representations to the Division, First American Trust, LLC has utilized a licensed company to engage in the business of a debt collector

in Massachusetts to collect debts on accounts in Massachusetts on their behalf since the effective date of the April 23, 2020 Cease Directive; and

WHEREAS, the parties now seek to resolve by mutual agreement the matters identified above.

ORDER

NOW COME the parties in the above-captioned matter, the Division and the Companies, and stipulate and agree as follows:

1. The Companies shall pay an administrative penalty to the Division in the amount of ten thousand dollars (\$10,000.00). The penalty shall be due upon execution of the Consent Order and shall be payable by check to the “Commonwealth of Massachusetts,” mailed to the Division of Banks, Attn: Consumer Finance Examination Unit, 1000 Washington Street, 10th Floor, Boston, Massachusetts 02118.
2. The Companies shall immediately cease and desist from engaging in any business activity that is prohibited in Massachusetts, including but not limited to engaging in the business of a debt collector in violation of M.G.L. chapter 93, sections 24 through 28.
3. The Companies shall establish, implement, and maintain adequate internal policies and procedures to ensure that the Companies refrain from engaging in any business activity that is prohibited in Massachusetts, including but not limited to engaging in

the business of a debt collector, in violation of M.G.L. chapter 93, sections 24 through 28.

4. Nothing in this Consent Order shall be construed as permitting the Companies to violate any law, rule, regulation, or regulatory bulletin to which the Companies are subject.
5. Failure to comply with the terms of this Consent Order shall constitute grounds for formal regulatory action pursuant to applicable provisions of the General Laws of the Commonwealth of Massachusetts.
6. This Consent Order shall become effective immediately upon the date of its issuance.
7. The provisions of this Consent Order shall be binding upon the Companies and their respective subsidiaries, officers and directors, successors and assigns, and those persons in active participation with them, directly or indirectly, acting individually or through any corporate or other entity.
8. In consideration of this Consent Order, the Division agrees not to pursue any other remedial measures, sanctions or penalties relative to this matter unless the Division is made aware of material information that is not addressed in this Consent Order, or if the Companies fail to comply with the terms of this Consent Order.
9. The provisions of this Consent Order shall not limit, estop, or otherwise prevent any other state agency or department, from taking any other action under separate authority affecting the Companies or any of their officers and directors, or their successors or assigns.

10. The provisions of this Consent Order shall remain effective and enforceable except to the extent that, and until such time as the Commissioner or a court of competent jurisdiction modifies, terminates, suspends, or sets aside any provision of this Consent Order.
11. In accordance with the terms of the Consent Agreement entered into by the Companies and the Commissioner, the Companies have waived all rights of appeal that they may have relative to this Consent Order or any of its provisions.
12. This Consent Order and the Consent Agreement are the complete documents representing the resolution of this matter. There are no other agreements between the Division and the Companies.

BY ORDER AND DIRECTION OF THE COMMISSIONER OF BANKS:

Dated at Boston, Massachusetts, this 10<sup>th</sup> day of January 2022.

By:

Mary L. Gallagher  
Commissioner of Banks