

FILED

STATE OF VERMONT  
WASHINGTON COUNTY, SS 2010 JUL -8 P 2: 51

In re:	)	Washington Superior Court
THE MOSSLER LAW FIRM, P.C.	)	Docket No. Wncv
	)	496-7-10

**ASSURANCE OF DISCONTINUANCE**

WHEREAS The Mossler Law Firm, P.C. ("the Mossler Law Firm") is an Indiana corporation with offices at 4000 West 106<sup>th</sup> Street, Suite 160-123, Carmel, IN, 46032, that is engaged in the business of assisting consumers ("clients") in debt settlement and related legal services;

WHEREAS the Mossler Law Firm offers, among other things, to negotiate with its clients' creditors reductions in the amounts due the creditors;

WHEREAS The Mossler Law Firm provided refunds to Vermont consumers when requested including maintenance fees;

WHEREAS the Mossler Law Firm provides debt settlement account processing, negotiations, settlement, and customer service (collectively, "services") to its clients for a fee of between 8-10% of the principal amount of the debt, a monthly maintenance fee between \$30 and \$100 per month, and a settlement fee of 33% of the difference between the amount of a debt and the settlement amount;

WHEREAS the Mossler Law Firm began doing business in Vermont in November 2008;

WHEREAS the Mossler Law Firm provided services to 51 Vermont consumers, who paid a total in fees, after refunds, of approximately \$79,504.13 to the company;

WHEREAS the Attorney General asserts that the Vermont Debt Adjusters Act, 8 V.S.A. ch. 133, is applicable to the Mossler Law Firm's business and its services;

Office of the  
ATTORNEY  
GENERAL  
09 State Street  
Montpelier, VT  
05609

WHEREAS at no time relevant to this Assurance of Discontinuance did the Mossler Law Firm possess a Vermont debt adjuster license;

WHEREAS the Mossler Law Firm also did not (1) pay the fees or obtain the bond required by 8 V.S.A. §§ 4862 and 4864-4865; (2) include in its client contract the right-to-cancel disclosure required by 8 V.S.A. § 4869a(b); (3) make payments to creditors at least once every 30 days as required by 8 V.S.A. § 4870a; or (4) limit its fee for services to the \$50.00 initial setup fee plus 10% of any payment received by the company for distribution to credits, as prescribed by 8 V.S.A. § 4872;

WHEREAS the Attorney General alleges that all of the above-described practices violated the Vermont Consumer Fraud Act's prohibition on unfair and deceptive trade practices, 9 V.S.A. § 2453(a);

WHEREAS the Attorney General also alleges that although the Mossler Law Firm offered consumers a right to cancel, the company's disclosures of that right, and its exclusion of refunds for its processing fee, violated the right-to-cancel provisions of 9 V.S.A. § 2454 and Vermont Consumer Fraud Rule 113 for telephonic sales;

AND WHEREAS the Attorney General and the Mossler Law Firm are willing to accept this Assurance of Discontinuance pursuant to 9 V.S.A. § 2459;

THEREFORE the parties agree as follows:

1. The Mossler Law Firm shall cease all further business and debt settlement activities with Vermont consumers.
2. Within sixty (60) days of signing this Assurance of Discontinuance, the Mossler Law Firm shall refund to its Vermont clients all unrefunded fees paid by each of those clients to the company. In the event that the Mossler Law Firm is unable to make one or more

refunds, for example because certain clients cannot be located, the company shall, within ninety (90) days of signing this Assurance of Discontinuance, pay the total amount of those unpaid refunds to the State of Vermont, in care of the Vermont Attorney General's Office, as unclaimed funds.

3. Also within sixty (60) days of signing this Assurance of Discontinuance, the Mossler Law Firm shall pay liquidated damages in the amount of two thousand dollars (\$2,000.00) to any Vermont client who was sued by one or more creditors between the date of the consumer's sign-up with the Mossler Law Firm and the date of the company's settlement with the creditor.

4. The Mossler Law Firm shall inform its Vermont customers that it will cease all further settlement efforts, and return all customer information to the customer.

5. To implement the provisions of paragraphs 2 through 4, above, within sixty (60) days of signing this Assurance of Discontinuance, the Mossler Law Firm shall send to each of its Vermont clients, by first class mail, postage prepaid, a letter in substantially the same form as Exhibit 1, enclosing an itemized list of the amounts and dates of all fees paid to the company, and further enclosing any payments required by paragraphs 2 and 3, above, in the form of a check or checks. If the letter is returned as undeliverable, the Mossler Law Firm shall make all reasonable efforts to find a valid mailing address for the consumer in question and shall promptly resend the letter and any accompanying payment (if applicable) required by this Assurance of Discontinuance to the new address.

6. Within seventy (70) days of signing this Assurance of Discontinuance, the Mossler Law Firm shall pay to the State of Vermont, in care of the Vermont Attorney General's Office, the sum of sixty thousand dollars (\$60,000.00) in civil penalties.

7. Acceptance of this Assurance of Discontinuance by the Vermont Attorney General does not constitute approval of any business practices by the Mossler Law Firm, nor shall the company or anyone acting on its behalf state or infer otherwise.

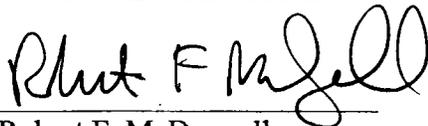
8. This Assurance of Discontinuance shall be binding on the Mossler Law Firm, its officers, directors, owners, managers, successors and assigns. The undersigned authorized agent of the Mossler Law Firm shall promptly take reasonable steps to ensure that copies of this document are provided to all officers, directors, owners, and managers of the company.

9. This Assurance of Discontinuance resolves all existing claims the State of Vermont may have against the Mossler Law Firm stemming from the conduct described in this document.

DATED at Montpelier, Vermont this 8<sup>th</sup> day of July, 2010.

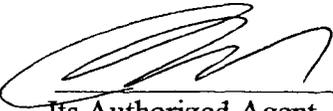
STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By:   
Robert F. McDougall  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609

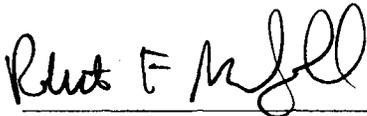
DATED at Carmel, IN this 2<sup>nd</sup> day of July, 2010.

THE MOSSLER LAW FIRM, P.C.

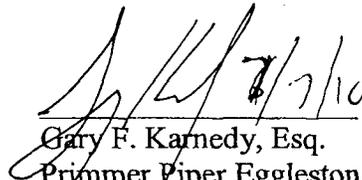
By:   
Its Authorized Agent

Richard S. Mossler, President  
Name and Title of Authorized Agent

APPROVED AS TO FORM:



Robert F. McDougall  
Assistant Attorney General  
Office of Attorney General  
109 State Street  
Montpelier, VT 05609  
For the State of Vermont



Gary F. Kamedy, Esq.  
Primmer Piper Eggleston & Cramer PC  
150 South Champlain Street  
P.O. Box 1489  
Burlington, VT 05402-1489  
For The Mossler Law Firm, P.C.

**Exhibit 1**

**Important Information on Refunds to Consumers**

Dear \_\_\_\_\_:

I am writing to inform you that the Mossler Law Firm has entered into a legal settlement with the Vermont Attorney General's Office. The Attorney General alleges that The Mossler Law Firm violated Vermont law in several respects, including engaging in the business of debt adjustment without a required license.

Under the settlement, the Mossler Law Firm is refunding to you all fees that you paid to the Mossler Law Firm, as itemized on the enclosed sheet. If the amount of the enclosed refund appears to be less than the total of what you paid us, please let us know at once by telephone at [telephone number] or by email at [email address].

In addition, if, while we were working for you, you were sued by one of the creditors enrolled in your program, we are enclosing a payment in the amount of an additional \$2,000, as required by the settlement. If you were sued during that time but did not notify us of that fact, you will need to provide us with documentation of the lawsuit (for example, a copy of the complaint), which you may fax to [fax number] or mail to [mailing address] or email to [email address].

Enclosed please find your complete file. Under the settlement, we will no longer be providing you services.

Finally, if you have any questions about the settlement, you may call the Vermont Attorney General's Office at (802) 828-5507.

Sincerely,