

STATE OF VERMONT

SUPERIOR COURT
Washington Unit

CIVIL DIVISION
Docket No. 484-7-10 Wncv

STATE OF VERMONT,)
Plaintiff)
)
v.)
)
CSA-CREDIT SOLUTIONS)
OF AMERICA, LLC and)
DOUG VAN ARSDALE,)
Defendants)

FILED

2012 MAR 21 A 9:51

VT SUPERIOR COURT
WASHINGTON UNIT
CIVIL DIVISION
AT

ORDER

BASED UPON the Court's "Decision and Order: Motion for Summary Judgment" entered in this action on March 5, 2012, and the Affidavit of Elliot Burg and related documents submitted in support of reimbursement of fees and costs:

IT IS HEREBY ORDERED AND DECREED:

1. In the event that Defendants CSA-Credit Solutions of America, LLC, and/or Doug Van Arsdale (hereinafter "Defendants" or "the two Defendants") conduct any future debt settlement or similar business in Vermont, they shall (a) first obtain leave from this Court to conduct such a business; (b) not advertise the savings or other results they can achieve unless they first possess reasonable and specific factual substantiation that those results actually represent the typical outcome for their customers, using a calculation based on all debts enrolled, the amounts due at the time of enrollment, and the inclusion of service fees; (c) strictly comply with Vermont's right-to-cancel requirement as set out in 9 V.S.A. § 2454 and Consumer Fraud Rule (CF) 113; and (d) first obtain a state debt adjuster's license and comply with all requirements of the Vermont Debt Adjusters Act.

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

2. No later than thirty (30) days after entry of this Order, Defendants shall pay to the 201 Vermont consumers whose names appear on Appendix A hereto, which the State of Vermont has submitted to the Court under seal in light of the personal information involved, the applicable dollar amounts set out in therein. Based on information furnished to the State by Defendants in this litigation, Appendix A lists the 201 Vermont consumers from whom Defendants received fees in connection with actual or promised debt settlement services; the consumers' last-known addresses; and the amounts the consumers paid Defendants, net of any refunds. Defendants shall make such payments by check sent via first-class mail, postage prepaid, to each consumer's last-known address. Within ten (10) business days of making any refund payment under this paragraph, Defendants shall report in writing to the Vermont Attorney General's Office the name of the consumer, the mailing address, and the amount paid. In addition, within one hundred twenty (120) days of the date of mailing, Defendants shall pay to the State of Vermont the amount of the total of all refund checks under this paragraph that are returned as undeliverable or that remain uncashed at the end of ninety (90) days from the date of mailing (which sum shall be treated as unclaimed funds under Vermont state law), and shall at the same time provide to the State of Vermont a list of the consumers whose checks were returned or went uncashed, the consumers' last-known addresses, and each consumer's amount of funds not paid.

3. No later than thirty (30) days after entry of this Order, Defendants shall pay to the State of Vermont civil penalties under 9 V.S.A. § 2458(b) in the amount of two million seventy thousand dollars (\$2,070,000.00).

4. No later than thirty (30) days after entry of this Order, Defendants shall pay to the State of Vermont the sum of ninety-one thousand fifty-nine dollars and fifty cents

(\$91,059.50) as reimbursement of reasonable fees and costs incurred by the State in connection with this matter.

5. Any payments that Defendants make to the State of Vermont under either paragraph 3 (civil penalties) or paragraph 4 (fees and costs), above, shall be deemed first to have been made under paragraph 4 and, then, once that obligation has been fully satisfied, shall be deemed to have been made under paragraph 3.

6. In addition, on any payment required under paragraph 2, 3, and/or 4 that is not paid within the time period stated in this Order, Defendants shall pay to the consumer(s) and/or to the State of Vermont, as the case may be, post-judgment interest in the amount of twelve percent (12%) per annum.

7. This Court shall retain jurisdiction for purposes of enforcing compliance with the terms of this Order, but the State of Vermont may also seek to enforce those terms in any other appropriate court of law; and in the event that the State brings a successful enforcement action in any court, Defendants shall also reimburse the State the reasonable fees and costs associated with such action.

8. Liability for the payments described in paragraphs 2 through 7 shall be joint and several as between the two Defendants.

9. All payments and reports that Defendants are required to make to the State of Vermont under this Order shall be sent to the State of Vermont in care of the Vermont Attorney General's Office, 109 State Street, Montpelier, Vermont 05609.

Dated: March 21, 2012

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Hon. Michael S. Kupersmith
Superior Judge