

STATE OF NORTH DAKOTA

DEPARTMENT OF FINANCIAL INSTITUTIONS

In Re: The Matter of Kirk Wullweber,)	CEASE AND DESIST ORDER;
doing business under the trade name,)	ORDER FOR SUSPENSION
Checkrite of Minot, Inc. and)	AND REMOVAL;
Northland Receivables Inc.,)	ORDER FOR REVOCATION;
)	
)	AND
)	NOTICE OF RIGHT TO
)	REQUEST A HEARING
Respondents.)	

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THE COMMISSIONER OF THE DEPARTMENT OF FINANCIAL INSTITUTIONS OF THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED RESPONDENT:

The Commissioner of the Department of Financial Institutions [“the Department”] has a reasonable basis to believe that Respondents have engaged in, are engaging in, or are about to engage in, acts, practices or transactions, as more fully described below, which are prohibited under North Dakota Century Code (N.D.C.C.) Chapter 13-05. It is necessary and appropriate in the public interest and for the protection of creditors to restrain these acts, practices, or transactions of Respondents.

WHEREAS:

1. The Department is authorized to license collection agencies. N.D.C.C. § 13-05-02.
2. The Department is authorized to issue cease and desist orders against persons or licensees; to suspend, revoke, or otherwise encumber a collection agency’s license; and to suspend or remove from employment any current or former officer or employee of a collection agency. N.D.C.C. §§ 13-05-06, 13-05-06.1, 13-05-08.

3. Respondent Wullweber is a resident of Minot, North Dakota.
4. Respondent Wullweber has been issued a license from the Department for collection agency work in North Dakota.
5. Respondent Wullweber conducts collection agency work in North Dakota under the corporate name of Northland Receivables Inc. or under the trade name of Checkrite of Minot, Inc.
6. Respondent Northland Receivables Inc. is registered as a business corporation with the North Dakota Secretary of State, with an address listed as 900 N. Broadway, P.O. Box 416, Minot, North Dakota. Kirk Wullweber is listed as Registered Agent.
7. Respondent Checkrite of Minot, Inc. is registered with the North Dakota Secretary of State as a trade name of owner Northland Receivables Inc.
8. Respondents accepted money from debtors on behalf of creditors but did not direct or truthfully account for that money on behalf of creditors. N.D.C.C. § 13-05-06.3 (3).
9. Respondents failed to submit, within the required time, notification of a change of address to the Commissioner. N.D.C.C § 13-05-05.1.
10. Respondents failed to respond to the Department's requests for records. N.D.C.C. § 13-05-07.1.
11. Respondents failed to maintain records as required by law, failed to inform the Department of location of records, withheld, removed, disposed, destroyed records contrary to law, or failed to properly maintain a bank account for the customers' funds, in violation of N.D.C.C. § 13-05-07.

12. Respondents failed to timely make payments or account for funds collected as required by the North Dakota Administrative Code §§ 13-04-02-12 and 13-04-02-02(4).
13. The Commissioner has received numerous complaints from Respondents' clients alleging that Respondents have collected amounts owed by debtors to creditors, but that Respondents have not transmitted those collected amounts to the respective creditors.
14. Respondent Wullweber repeatedly represented to Department Examiner/Investigators that the Respondents continued to operate out of its Minot location, and providing service its existing clients.
15. A Department Examiner/Investigator communicated via email with Respondent Wullweber about scheduling an examination authorized pursuant to N.D.C.C. § 13-05-06(2).
16. Respondent Wullweber responded affirmatively regarding Department Examiner/Investigator conducting an examination on April 26, 2018, at Respondents place of business in Minot, North Dakota.
17. When the Department's Examiner/Investigator arrived at Respondents' place of business on April 26, 2018, no one answered the door. The property owner of the building let the Department's Examiner/Investigator into Respondents' place of business. Department Examiner/Investigators received reports from neighbors near Respondents' place of business that there were documents being shredded inside Respondents' place of business.

18. The Department's Examiner/Investigator discovered the place of business had no papers of any kind; no phones; no desks; no computers; looked like a business space that had been completely vacated by the prior tenant and there was no indication of any business being conducted.
19. On the date of the scheduled examination, the Assistant Commissioner emailed Respondent Wullweber regarding his failure to be at his business at the scheduled examination date, the penalties under the law, and period to respond to the Department's requests.
20. The Department has not received any communication from Respondent since April 24, 2018, two days before the scheduled examination.
21. Based upon the foregoing, the Commissioner has a reasonable basis to believe Respondents are:
 - a. Violating, or have violated, provisions of the Collection Agency Practice Act, N.D.C.C. Chapter 13-05, pursuant to N.D.C.C. § 13-05-06(5);
 - b. Willfully engaging or has willfully engaged in any of the following conduct:
 - violating any law, rule, order, or written agreement with the Commissioner;
 - engaging in any harassment or abuse, the making of false or misleading representations, or engaging in unfair practices involving collection activity;
 - performing any act of commission or omission or practice which is a breach of trust or a breach of fiduciary duty, pursuant to N.D.C.C. § 13-05-06.1(1)(a);
 - c. Knowingly or without the exercise of due care to prevent the same, has violated provisions of this chapter or regulations or orders lawfully made pursuant to and within the authority of this chapter, pursuant to N.D.C.C. § 13-05-08(1)(b).

22. This Order is issued in the public interest and for the protection of debtors and creditors.

NOW, THEREFORE, IT IS ORDERED, pursuant to N.D.C.C. § 13-05-06(5), that Respondents shall immediately **CEASE AND DESIST** from any further violations of the Collection Agency Practice Act or rules in connection with collecting debts.

IT IS FURTHER ORDERED, pursuant to N.D.C.C. § 13-05-06.1(1), that Respondent, Kirk Wullweber, shall be immediately **SUSPENDED** and **REMOVED** from employment and participation within the conduct or the affairs of any Collection Agency.

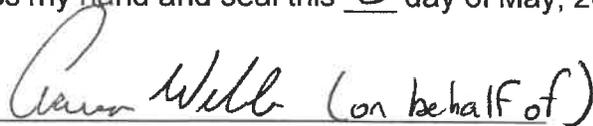
IT IS FURTHER ORDERED, pursuant to N.D.C.C. § 13-05-08, that the license of Respondent Kirk Wullweber and Northland Receivables d/b/a/ Checkrite of Minot Inc. is immediately **REVOKED**, meaning respondents may not engage in any debt collection in the State of North Dakota.

This Order shall be effective upon signature of the Commissioner.

NOTICE OF RIGHT TO REQUEST A HEARING

YOU ARE NOTIFIED that pursuant to N.D.C.C. §§ 13-05-06(5), 13-05-06.1, and 13-05-08 you may request a hearing held pursuant to chapter 28-32 if such a request is made in writing WITHIN TWENTY (20) DAYS AFTER THE RECEIPT OF THIS ORDER. Respondents have the right to be represented by legal counsel at the hearing. This Order is permanent upon failure to request a hearing within the above time frame.

IN TESTIMONY WHEREOF, witness my hand and seal this 8 day of May, 2018.

 (on behalf of)

Lise Kruse, Commissioner
North Dakota Department of Financial Institutions
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(SEAL)