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**STATE OF CALIFORNIA**  
**BUSINESS, TRANSPORTATION AND HOUSING AGENCY**  
**DEPARTMENT OF CORPORATIONS**

<p>TO: Brandon Gutman, Director Ann Gutman, Director William Troy, Director Credit Counseling Express, Inc. 809 East Palmetto Park Road Boca Raton, Florida 33432</p>	<p>William Troy, President Brandon Gutman, Registered Agent American Debt Counselors, Inc., <a href="http://www.americandci.com">www.americandci.com</a> 809 East Palmetto Park Road Boca Raton, Florida 33432</p>
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**DESIST AND REFRAIN ORDER**

(For violations of section 12200 of the Financial Code)

The California Corporations Commissioner finds that:

1. Brandon Gutman, Ann Gutman and William Troy are Directors of and conducted business as Credit Counseling Express, Inc., a non-profit Florida corporation, with offices located at 809 East Palmetto Park Road, Boca Raton, Florida. Also located at this address is American Debt Counselors, Inc., a for profit corporation. Brandon Gutman serves as the registered agent of American Debt Counselors, Inc., and William Troy serves as its president

2. The above-described individuals and corporations (hereinafter subjects) in concert or participation, or with others, engaged in activities which are in violation of the Check Sellers, Bill Payers and Proraters Law pursuant to the California Financial Code section 12000 et seq.

3. Subjects offer their services to the general public. These services include working with a consumer and creditors of that consumer to renegotiate debt and arrange a payment schedule that restructures the consumer's monthly payments to creditors. Subjects also offer their services of arranging for the payment of a consumer's bills from the funds that a consumer forwards to subjects for such purposes.

1           4.       To promote their services subjects solicit California consumers by offering  
2 information to them via the Internet using a variety of domain names affiliated with the  
3 Internet Web site for American Debt Counselors, Inc., which is at [www.americandci.com](http://www.americandci.com).  
4 Some of the domain names of subjects' affiliates include the following: 123awayout.com;  
5 123awayout.net; 123clearoffdebtnow.com; 2minonlinequote.com; 3minquote.com;  
6 4minquote.com; 5reasonstogetout.com; 60percentbillreduction.com;  
7 anewwayoutforyou.com; awayawayforyouandme.com; awayoutforyouandme.com;  
8 awayoutofdebtfast.com; itseasyas123out.net; letsgetdebtfree.com; weneedthehelp.com;  
9 nomoredebtforyou.com; nomoredebtisgood.com; out-outforyouandme.com;  
10 outoutforyouandme.com; reducebillsandgetoutofdebt.com; reducemonthlyayments.com;  
11 and reduceyourbillstoday.com. They also offer their services via a toll-free number,  
12 (877) 955-9777, in addition to other telephone numbers.

13           5.       The services of Credit Counseling Express, Inc., are in part described in a  
14 document entitled "Debt Consolidation Agreement" provided to California residents by  
15 Credit Counseling Express, Inc. These services involve negotiations of repayment  
16 plans with creditors of consumers whereby the directors and Credit Counseling  
17 Express, Inc., or others acting in concert or participation with them, will receive money  
18 from a consumer for the purpose of negotiating with and paying a consumer's creditors.  
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20           6.       According to the agreement of Credit Counseling Express, Inc., a  
21 consumer sends to Credit Counseling Express, Inc., a monthly (consolidated) payment  
22 in accordance with the creditor payment schedule arranged by Credit Counseling  
23 Express, Inc. Thereafter, Credit Counseling Express, Inc., and/or others on behalf of  
24 that consumer distribute the payments monthly to the creditors of the consumer.

25           7.       In exchange for these services California consumers were charged and  
26 required to pay to Credit Counseling Express, Inc., "a non-refundable initial service fee  
27 equal to the 1st payment amount for preparing the initial [sic] monthly payment  
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1 [program]”. The consumer was obligated to pay Credit Counseling Express, Inc., a  
2 monthly processing fee “with a minimum monthly charge of \$39.00 per month [sic].”

3 8. The Department of Corporations has jurisdiction over and regulates  
4 proraters under the Check Sellers, Bill Payers and Proraters Law set forth in the  
5 California Financial Code section 12000 et seq. California Financial Code section  
6 12200, states:

7 No person shall engage in the business, for compensation, of  
8 selling checks, drafts, money orders, or other commercial paper  
9 serving the same purpose, or of receiving money as agent of an  
10 obligor for the purpose of paying bills, invoices, or accounts of such  
11 obligor, or acting as a prorater, nor shall any person, without direct  
12 compensation and not as an authorized agent for a utility company,  
13 accept money for the purpose of forwarding it to others in payment  
14 of utility bills, without first obtaining a license from the  
15 commissioner.

16 9. A prorater is defined in Financial Code section 12002.1, which  
17 states:

18 A prorater is a person who, for compensation, engages in whole or  
19 in part in the business of receiving money or evidences thereof for  
20 the purpose of distributing the money or evidences thereof among  
21 creditors in payment or partial payment of the obligations of the  
22 debtor.

23 10. The California Corporations Commissioner has not licensed Brandon  
24 Gutman, Ann Gutman, William Troy, Credit Counseling Express, Inc., and American  
25 Debt Counselors, Inc., to act as a bill payer or prorater in this State.

26 11. Based upon the foregoing findings, the California Corporations  
27 Commissioner is of the opinion that Brandon Gutman, Ann Gutman, William Troy, Credit  
28 Counseling Express, Inc., and American Debt Counselors, Inc., or others acting in  
concert and/or participation with them, have been engaging in the business of bill  
paying or prorating, as defined in the Check Sellers, Bill Payers and Proraters Law  
without a license from the California Corporations Commissioner.

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3 Pursuant to Financial Code section 12103, the California Corporation Commissioner  
4 hereby orders Brandon Gutman, Ann Gutman, William Troy, Credit Counseling Express,  
5 Inc., American Debt Counselors, Inc., and others acting in concert and/or participation with  
6 them, to desist and refrain from engaging in the business as a bill payer and prorater  
7 unless and until they are licensed or exempt.

8 This Order is necessary, in the public interest, and for the protection of consumers.

9 Dated: January 23, 2004

10 Los Angeles, California

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WILLIAM P. WOOD  
California Corporations Commissioner

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By \_\_\_\_\_

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ALAN S. WEINGER  
Supervising Counsel  
Enforcement and Legal Services Division

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