

**STATE OF ILLINOIS  
DEPARTMENT OF FINANCIAL & PROFESSIONAL REGULATION  
DIVISION OF FINANCIAL INSTITUTIONS**

In the Matter of )  
 )  
Legal Helpers Debt Resolution LLC ) No. 10CC311  
a/k/a Macey Aleman Hyslip & Searns )

To: Legal Helpers Debt Resolution LLC  
a/k/a Macey Aleman Hyslip & Searns  
233 South Wacker Drive, Suite 5150  
Chicago, IL 60606

**CEASE AND DESIST ORDER**

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, DIVISION OF FINANCIAL INSTITUTIONS (DFI), having conducted an investigation related to the business conducted by Legal Helpers Debt Resolution, LLC a/k/a Macey Aleman Hyslip & Searns (Legal Helpers) pursuant to the Debt Settlement Consumer Protection Act, 225 ILCS 429/1 to /999, (the "Act") and pursuant to 38 Ill. Admin. 145.5 to 145.130 (the "Code"), hereby issues this order for violations of the Act and Code.

**STATUTORY PROVISIONS**

1. Section 10 of the Act states in relevant part:

"Debt settlement provider" means any person or entity engaging in, or holding itself out as engaging in, the business of providing debt settlement service in exchange for any fee or compensation, or any person who solicits for or acts on behalf of any person or entity engaging in, or holding itself out as engaging in, the business of providing debt settlement service in exchange for any fee or compensation. "Debt settlement provider" does not include: (1) attorneys licensed, or otherwise authorized, to practice in Illinois who are engaged in the practice of law. . . .

2. Section 15 of the Act states that it is unlawful to act as a debt settlement provider without a license.
3. Section 80(c) of the Act provides that the Secretary may, after 10 days notice by registered mail, fine an unlicensed entity in an amount not exceeding \$10,000 per violation of the Act or the Code.

4. Section 83 of the Act provides that any unlicensed entity or person who engages in conduct requiring a license under this Act shall be liable to DFI in an amount equal to the greater of \$1,000 or four times the amount of the consumer debt enrolled.
5. Section 95 of the Act gives the Secretary the power to issue cease and desist orders to stop unlicensed persons and entities from violating the Act.
6. Section 125 of the Act addresses fees that may be charged by a debt settlement provider. Subsection (b) states that a debt settlement provider shall not charge a consumer any upfront fees of any kind except for a one-time enrollment fee of no more than \$50. Subsection (c) prohibits a debt settlement provider from charging a settlement fee in an amount greater than 15% of the savings. Subsection (d) states that a debt settlement provider shall not collect any settlement fee from a consumer until a creditor agrees to and receives the funds pursuant to a settlement negotiated by the debt settlement provider.
7. Section 150(c) of the Act states that any contract for debt settlement service that does not comply with the Act shall be treated as void, and may not be enforced by any federal or State court or any other person. Upon notice of a void contract, the debt settlement provider shall remit a refund to the consumer as if the contract had been cancelled.
8. Section 145.70(b) of the Code states that a debt settlement provider shall not take an appointment as attorney in fact or power of attorney.

#### **FACTUAL FINDINGS**

9. Legal Helpers is a Nevada limited liability company with its principal place of business at 233 S. Wacker Drive, Suite 5150, Chicago, Illinois 60606. Legal Helpers is also known as Macey Alman Hyslip & Searns and is engaged in the debt settlement business in Illinois.
10. Eclipse Servicing, Inc. (Eclipse) is a Florida for-profit Corporation with its principal place of business at 5010 W. Carmen Street, Third Floor, Tampa, Florida 33609.
11. On July 19, 2010, Legal Helpers entered into a retainer agreement (Agreement) with an Illinois resident (T.G.) to provide debt settlement services. The Agreement was signed by Jeffrey Hyslip on behalf of Legal Helpers. See Exhibit A attached hereto and made a part of this order
12. DFI has information that from August 2010 to October of 2010, Legal Helpers entered into debt settlement agreements with at least 314 Illinois consumers.
13. DFI has information that Jeffrey Hyslip signed most, if not all, of the 314 debt settlement agreements entered into with Illinois consumers.

14. Jeffrey Hyslip is not licensed to practice law in the State of Illinois. See Exhibit B attached hereto and made a part of this order. Pursuant to Section 10 of the Act, an attorney licensed to practice in Illinois who is engaged in the practice of law is exempt from the licensure requirement of Section 15.
15. Legal Helpers charged T.G. an "initial flat fee retainer payment" of \$500, and a \$50 monthly maintenance fee. In addition, Eclipse charged a service fee of 15% of the total scheduled debt to be paid in installments commencing immediately upon preparation of the debt resolution plan. See Paragraph VIII of Exhibit A.
16. T.G. executed a special limited power of attorney that gives Legal Helpers and its designees the authority to negotiate and settle her accounts with creditors. See Exhibit A.
17. DFI has information that between August 13, 2010, and May 20, 2011, T.G. paid \$3,411.92: \$3,121.91 in fees and only \$290.01 set aside for the payment of debt.
18. DFI has information that neither Legal Helpers nor its third party assigns settled any of T.G.'s debts.
19. Despite the name, "*Legal Helpers*", the company does not provide legal representation to consumers or otherwise act in an attorney capacity. See Exhibit A.
20. Legal Helpers is not and has never been licensed by DFI pursuant to the Act.

#### **LEGAL CONCLUSIONS**

21. Legal Helpers violated Section 15, Section 125(b)-(d), and Section 145(1) of the Act, and Section 145.70(b) of the Code.
22. Legal Helpers cannot avail itself of the exception for attorneys provided in Section 10 of the Act.
23. Jeffrey Hyslip cannot avail himself of the exception for attorneys provided in Section 10 of the Act.

#### **NOW IT IS HEREBY ORDERED THAT,**

1. Legal Helpers shall **CEASE AND DESIST** from engaging in the debt settlement business without the proper license.
2. Legal Helpers shall pay a **FINE** in the amount of \$314,000.00 (314 Illinois clients at \$1,000.00 each) to the Illinois Department of Financial and Professional Regulation, Division of Financial Institutions by **August 30, 2011**. Payment shall be by money order, payable to the Illinois Department of Financial and Professional Regulation, Division of Financial Institutions and shall be delivered to the Consumer Credit

Supervisor at the Illinois Department of Financial and Professional Regulation, Division of Financial Institutions, 100 W. Randolph Street, 9<sup>th</sup> Floor, Chicago, Illinois 60601.

3. Legal Helpers is ordered to **PRODUCE DOCUMENTS** to the DFI consisting of any and all records, files, account statements, and documents containing information relevant to the accounts of all active Illinois consumers since August 3, 2010. Legal Helpers shall provide a copy of its non-exclusive reciprocal agreement with Eclipse. Legal Helpers shall provide a list of all third party entities that service Legal Helpers' Illinois clients, any and all agreements between or applicable to said third party entities, and any and all agreements to provide debt settlement services to Illinois clients. Legal Helpers shall provide copies of all advertising, mailings, fliers and any other type of solicitation or advertisement Legal Helpers is using or has used since August 3, 2010 to solicit Illinois consumers. Legal Helpers is ordered to report to the DFI any and all debt settlements, including settlement amounts, negotiated for Illinois consumers since August 3, 2010. All documents requested pursuant to this paragraph shall be produced by August 30, 2011, and delivered to the Consumer Credit Supervisor at the Illinois Department of Financial and Professional Regulation, Division of Financial Institutions, 100 W. Randolph Street, 9<sup>th</sup> Floor, Chicago, IL 60601.
4. Legal Helpers is **LIABLE** to the Department for an amount equal to four times the total amount of Illinois consumer debt that Legal Helpers enrolled in debt settlement plans.
5. Beginning August 3, 2010, all existing contracts entered into between Legal Helpers and Illinois consumers for debt settlement services are unlawful and therefore declared **VOID**. Legal Helpers shall pay full **RESTITUTION** to all said Illinois consumers.

Pursuant to Section 95(c) of the Act, the Secretary shall serve notice of his action, including a statement of the reasons for his actions either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail. Within 10 days after service of the cease and desist order, the licensee or other person may request, in writing, a hearing.

Dated this 1 day of August 2011.

Brent E. Adams  
Secretary of Financial and Professional Regulation

By: Roxanne Nava  
Roxanne Nava, Director  
Division of Financial Institutions