



STATE OF CONNECTICUT
DEPARTMENT OF BANKING

260 CONSTITUTION PLAZA • HARTFORD, CT 06103-1800



Howard F. Pitkin

Commissioner

Notice of Declaratory Ruling Proceeding

Notice is hereby given that the Connecticut Department of Banking, pursuant to Section 4-176(e)(2) of the Connecticut General Statutes, has initiated a comment period for a declaratory ruling regarding the interpretation of the exemption to debt negotiation regulatory requirements provided in Section 36a-671c of the 2012 Supplement to the General Statutes for “[a]ny attorney admitted to the practice of law in this state who engages or offers to engage in debt negotiation as an ancillary matter to such attorney’s representation of a client”.

On March 21, 2012, Persels & Associates, LLC filed a Petition for Declaratory Ruling with the Banking Commissioner, pursuant to Section 4-176 of the Connecticut General Statutes and Section 36a-1-84 of the Regulations of Connecticut State Agencies, requesting that the Commissioner:

1. Issue a declaratory ruling stating that, pursuant to Section 36a-671c of the 2012 Supplement to the General Statutes, a law firm that offers debt negotiation services to a client using Connecticut attorneys is not required to have a debt negotiation license from the Department when the debt negotiation services are delivered in aid of the firm’s representation of the client, as evidenced by a retainer agreement, the offering of legal advice, and the delivery of other services constituting the practice of law, or
2. Issue a declaratory ruling clarifying the Commissioner’s interpretation of the attorney exemption provided in Section 36a-671c of the 2012 Supplement to the General Statutes, with specific guidance as to when a Connecticut attorney or law firm must have a license from the Department to offer legal services in the field of debt negotiation.

The Petition for Declaratory Ruling may be viewed on the Department’s website at www.ct.gov/dob.

Comments regarding this declaratory ruling must be submitted in writing no later than May 24, 2012, to: Howard F. Pitkin, Banking Commissioner, State of Connecticut, Department of Banking, 260 Constitution Plaza, Hartford, CT 06103. Comments may be accompanied by any data, facts and arguments supporting such commenter’s position. The comments must be signed by the commenter or the commenter’s attorney or other representative and contain the name and telephone number of the commenter and the commenter’s attorney or other representative, in accordance with Section 36a-1-87(c) of the Regulations of Connecticut State Agencies.

Persons who submit comments are further advised that additional proceedings may be held concerning this declaratory ruling, including a hearing pursuant to Section 4-176(g) of the Connecticut General Statutes, and such person’s presence at any such additional proceeding may be necessary.

By law, a declaratory ruling constitutes a statement of agency law which is binding upon the parties to the proceeding, and may also be utilized by the Department, on a case-by-case basis, in future proceedings before it.

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