NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALWIN CARPENTER,	No. 13-17585
Plaintiff - Appellant,	D.C. No. 2:11-cv-01495-PMP-GWF
v.	
ALESSI & KOENIG, LLC,	MEMORANDUM[*]
Defendant - Appellee.	

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, Senior District Judge, Presiding

Argued and Submitted December 9, 2015
San Francisco, California

Before: KOZINSKI, BYBEE, and CHRISTEN, Circuit Judges.

The district court abused its discretion by awarding Alessi & Koenig, LLC

("Alessi") $5,843.75 in attorney's fees.

1. Alessi constitutes a law firm retained by its clients to collect debts in the

usual course of its practice. *See* Nev. Rev. Stat. § 649.020(2)(g). As such, it is

---

[*]   This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

exempted from the requirement that it obtain a license from the State of Nevada before collecting claims on behalf of its clients. *Id.* § 649.075; *see also* Nev. Dep't of Bus. & Indus., Fin. Insts. Div., Advisory Opinion Regarding Attorneys Acting as Collection Agencies (2012).[1]

2. However, given the ambiguity of the "conducting collection agencies" language in § 649.020(2) and that clarifying guidance from the State was not available until several months after Carpenter filed suit against Alessi, Carpenter's claim was not brought "without reasonable ground." Nev. Rev. Stat. § 18.010(2)(b).

3. Additionally, the district court's order awarding fees to Alessi did not contain the mandated "find[ings]" necessary to support its decision. *Id.*; *see also Rivero v. Rivero*, 216 P.3d 213, 234 (Nev. 2009).

REVERSED.

---

[1] *Available at* http://fid.state.nv.us/AdvisoryOpinion/2012/2012-03-22_ OPINION_AttorneyActingAsCollectionAgency.pdf.