



**COLLECTION SERVICE BOARD
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-3600**

**Meeting Minutes for December 12, 2018
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Collection Service Board teleconferenced on December 12, 2018, in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Mr. Howard called the meeting to order at 9:30 a.m. and the following business was transacted:

BOARD MEMBERS PRESENT: Bart Howard, Steve Harb, Josh Holden, and Angela Hoover.

BOARD MEMBERS ABSENT: Chip Hellmann

STAFF MEMBERS PRESENT: Glenn Kopchak, Ashley Thomas, and Dennis Gregory.

NOTICE OF MEETING

Director Glenn Kopchak provided the notice of meeting.

STATEMENT OF NECESSITY

Mr. Harb motioned to adopt the statement of necessity. This was seconded by Ms. Hoover. The motion carried by unanimous roll call vote.

MINUTES

Ms. Hoover motioned to adopt the minutes from the October 10, 2018 meeting as written. Mr. Holden seconded. The motion was carried by unanimous roll call vote.

LEGAL REPORT (Presented by Dennis Gregory)

1. 2018050031

Respondent:

License Status:

First Licensed: 9/11/1997

License Expiration: 12/31/2018

Disciplinary History: 2006 Consent Order, 2007 Letter of Warning, 2007 Consent Order, 2008 Consent Order, 2011 Letter of Warning, 2016 Consent Order

Summary:

This complaint arises from a delinquent credit card account in collections. The Complainant says they were sued in TN general sessions on the \$1,100.00 account. Further, the Complainant alleges the Respondent is not licensed in TN.

The Respondent is licensed. The account was delinquent and was placed in collections by the original creditor. The law firm that filed suit is widely-known as a collections law firm. There are no apparent violations.

Recommendation: Close.

BOARD DECISION: CONCUR

2. 2018051071

Respondent:

License Status: - EXPIRED

First Licensed: 3/17/1975

License Expiration: 12/31/2016

Disciplinary History: 2006 Letter of Warning; 2006 Consent Order; 2012 Letter of Warning/Caution

Summary:

This complaint is from an Alabama resident. The Complainant provides little information about what the problem really is. There is correspondence from Wells Fargo Bank and a collections notice from the Respondent that appears to be dated October 13, 2011 (Respondent was licensed at that time). The underlying debt may be a radiology bill of \$155.00.

There is no evidence of any collection attempts after the Respondent's license expired.

Recommendation: Close.

BOARD DECISION: CONCUR

3. 2018054691

Respondent:

License Status: - ACTIVE

First Licensed: 7/31/2015

License Expiration: 7/30/2019

Disciplinary History: None

Summary:

This complaint arises from an out of state, unpaid traffic ticket from 2016. The Complainant is the wife of the alleged debtor. However, the Complainant adamantly states in the complaint that her deceased husband never resided in the area where the ticket was issued. This appears to be a case of misidentification. While there is no violation for sending the collection notice to the wrong address, the Respondent has yet to respond to the complaint.

Recommendation: Consent Order with a \$250.00 civil penalty and authorization for formal charges for failure of a licensee to respond to a sworn complaint in accordance with T.C.A. 62-20-115(3).

BOARD DECISION: CONCUR

4. 2018054841

Respondent:

License Status: - ACTIVE

First Licensed: 2/25/2016

License Expiration: 2/24/2020

Disciplinary History: None

Summary:

This complaint arises from a dispute over an alleged unpaid bill from Direct TV. The Complainants say they originally ordered the service; however, the installation technician could not install the service due to trees blocking the satellite's reception. After several phone calls to Direct TV, the matter was seemingly concluded after the Complainants returned the equipment. Now the matter is in collections for roughly \$200.00. The Complainants dispute the alleged debt.

The Respondent says they closed the account and returned it to the original creditor before this complaint was filed. The Respondent does not take the position they were in error or that the client was in error, but the account is now closed and no further collections attempts will be made.

Recommendation: Close.

BOARD DECISION: CONCUR

5. 2018056721

Respondent:

License Status: - ACTIVE

First Licensed: 3/15/2018

License Expiration: 3/14/2020

Disciplinary History: None

Summary:

The Complainant alleges the Respondent contacted her by phone "25 times in a 10 minute time span" on one day. The Complainant forwarded screenshots of her phone along with the complaint. It does indicate numerous calls made by a number an 877 number, but it does not state the name of the caller.

The Respondent says their records reflect a single call placed to the Complainant on the date in question. Without knowing the number belonged to the Respondent, finding a violation of the FDCPA may be difficult.

Recommendation: Letter of Warning.

BOARD DECISION: CONCUR

6. 2018059661

Respondent:

License Status: - ACTIVE

First Licensed: 2/25/2016

License Expiration: 2/24/2020

Disciplinary History: None

Summary:

The Complainant says that the Respondent failed to provide validation of a debt regarding a DirectTV bill of \$663.33. After validation was mailed out, the Respondent returned the account to the original creditor pursuant to the creditor's request.

Recommendation: Close.

BOARD DECISION: CONCUR

7. 2018060181

Respondent:

License Status: - ACTIVE

First Licensed: 3/18/1975

License Expiration: 12/31/2018

Disciplinary History: 2005 Closure with Letter

Summary:

This complaint arises from a medical bill placed in collections. The Complainant says the Respondent collection service appears to be post-dating correspondence in an effort to intimidate debtors into paying. In other words, the debtors will be more likely to pay if it appears the suspense has already run. The Complainant says they do not check their mail often, but claims the Respondent's letter was not in the mailbox on July 20, 2018.

The Respondent provides proof where this particular correspondence went out on June 4, 2018. The mail was not sent certified; therefore, there is no way to conclusively know when the Complainant received the subject letter. There are no statutory or rule violations here.

Recommendation: Close.

BOARD DECISION: CONCUR

8. 2018061481

Respondent:

License Status: - ACTIVE

First Licensed: 3/22/2010

License Expiration: 3/21/2020

Disciplinary History: 2010 Civil Penalty

Summary:

This complaint arises out of an unpaid bill for court reporting services. The Complainant was a pro se litigant in a lawsuit. The Complainant says she never ordered the transcript, but rather told the court reporter she would order one at a later date. Apparently, she never ordered it. Therefore, there was some misunderstanding between the Complainant and creditor.

The Respondent says they have reviewed the file and are closing the same. All collection efforts have ceased.

Recommendation: Close.

BOARD DECISION: CONCUR

9. 2018061631

Respondent:

License Status: UNLICENSED

First Licensed: N/A

License Expiration: N/A

Disciplinary History: None

Summary:

This complaint deals with an allegation of unlicensed collection activity. The complainant alleges the Respondent is acting as an unlicensed collection service for chiropractic services. The Complainant claims she has had a medical lien filed against her by the Respondent acting on behalf of a chiropractor. There is no dispute that the Complainant received treatment from the subject chiropractor. The Complainant is now engaged in a civil lawsuit stemming from a personal injury claim. The chiropractor's lien, undoubtedly, has become relevant to the Complainant's settlement since the chiropractor will have to be paid.

The Respondent says they are not a debt collection agency. Rather, they claim to be an "independent personal injury case management and consulting company." They work, exclusively, in the chiropractic profession. According to one of the owner's, they verify the injured parties' coverage, manage their entire file while they are treating, bill auto insurance for med-pay only and assist unrepresented patients with settling their own claim with the third-party insurance carrier.

The Respondent is not an office extension for this chiropractor, so they are a third-party. A license would not be required for any of the "consulting" they provide to the chiropractor. The act of filing a medical lien, while close to the definition of collection, is not specifically addressed by the statute. The Complainant provided no other form of communication with the Respondent, such as letters demanding payment, etc.

Recommendation: Close or send out for investigation to gain more information

BOARD DECISION: THE BOARD ELECTED TO SEND THIS FOR INVESTIGATION AND THEN REPRESENT FOR DECISION.

CASES TO BE RE-PRESENTED

10. 2018036901

Respondent:

License Status: - ACTIVE

First Licensed: 11/23/2010

License Expiration: 11/22/2018

Disciplinary History: 2016 Consent Order

Summary:

This complaint arises from an alleged debt stemming from a credit card bill. It is not clear, however, whether the credit card was in the Complainant's name or her ex-spouse's name. In any event, the

Complainant is getting the collection notices at her address and says the matter was resolved with the original creditor.

The Respondent has never responded to the complaint. The certified mail was not signed for, but the complaint was also e-mailed.

Recommendation: Consent Order with a \$250.00 civil penalty and authorization for formal charges for failure of a licensee to respond to a sworn complaint in accordance with T.C.A. 62-20-115(3).

BOARD DECISION: CONCUR

NEW INFORMATION: Respondent did respond to the complaint in a timely fashion.

NEW RECOMMENDATION: Close

NEW BOARD DECISION: CONCUR

11. 2018044891

Respondent:

License Status: - ACTIVE

First Licensed: 8/25/2016

License Expiration: 8/24/2020

Disciplinary History: None

Summary:

The Complainant says they are receiving phone calls from the Respondent at various times of the day and night regarding an alleged debt.

The Respondent has yet to respond to the complaint.

Recommendation: Consent Order for \$250.00 for failure of a licensee to respond to a sworn complaint in accordance with T.C.A. 62-20-115(3).

BOARD DECISION: THE BOARD REJECTED COUNSEL'S RECOMMENDATION AND ELECTED TO SEND A CONSENT ORDER WITH A \$500.00 CIVIL PENALTY.

New Information: Respondent provided a response to the complaint. The Respondent went through a lengthy explanation as to why the complaint lodged was not forwarded to the correct "desk."

New Recommendation: Close.

NEW BOARD DECISION: THE BOARD REJECTED COUNSEL'S RECOMMENDATION AND ELECTED TO SEND A LETTER OF WARNING TO RESPONDENT.

ADJOURNMENT

There being no other new business, Ms. Hoover made a motion to adjourn. Mr. Harb seconded. The motion was carried by unanimous roll call vote. Mr. Howard adjourned the meeting at 10:03 a.m.