



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

**Meeting Minutes for August 14, 2019
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Collection Service Board met on August 14, 2019, in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Director Kopchak called the meeting to order at 9:30 a.m. and the following business was transacted:

BOARD MEMBERS PRESENT: Steve Harb, Josh Holden, and Angela Hoover (Teleconference)

BOARD MEMBERS ABSENT: Bart Howard and Chip Hellmann

STAFF MEMBERS PRESENT: Glenn Kopchak, Ashley Thomas, Carol McGlynn, Dennis Gregory, Robert Hunter, and Angela Nelson

ROLL CALL

Director Kopchak took roll and established that quorum was present.

NOTICE OF MEETING/STATEMENT OF NECESSITY

Director Kopchak read the notice of meeting and 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.

AGENDA

Mr. Holden motioned to adopt the Agenda. This was seconded by Mr. Harb. The motion carried by unanimous roll call vote.

MINUTES

Upon review of the minutes from May's meeting, Mr. Harb asked if counsel had received the Attorney General's opinion regarding the license exemptions that were discussed. Ms. Thomas responded that the issue was still under review and a response had not been received. Mr. Harb asked if they would receive the Attorney General's opinion once it was available and Ms. Thomas stated they would. Mr. Harb motioned to adopt the May minutes. This was seconded by Mr. Holden. The motion carried by unanimous roll call vote.

DIRECTOR'S REPORT

Budget Report

Director Kopchak reviewed the budget for the months of April through June. He stated that overall the budget is healthy and trending normally.

Application Review

Director Kopchak stated to the board that when a new applicant is submitting their initial application for a license, they must present a summary of finances. However, when that applicant is a start-up, they will not have the ability to present a summary of finances, and will instead provide a record of financial backing for review. In the application being presented to the board, it appeared that the company's financial backing was healthy, but the final determination would be up to the board. Mr. Harb inquired if the applicant had also provided a business plan and Director Kopchak stated they had provided one with projected revenue. Mr. Harb motioned to approve the application. Mr. Holden seconded. The motion carried by unanimous roll call vote.

Director Kopchak suggested to the board that perhaps they could consider an alternative method for reviewing these and other types of applications moving forward. He stated they could choose to appoint an individual or committee to review applications and then present their conclusions to the board. This would not be required due to the fact that the board does not see many initial applications, but it is something they could evaluate for the future.

Mr. Harb asked if members of the board had to be physically present to vote and approve applications. He expressed concern that applicants could potentially be waiting a long time if their applications were only reviewed at board meetings. Director Kopchak clarified that if the board pursued a delegated committee option for review, then the decision of the committee would simply be captured at the meeting for the purposes of the official record without the need for a full discussion. Mr. Holden asked if they did use the committee option, would there be a need for a public meeting notice at that point. Ms. Thomas stated that if they were to have more than one person on an email for example, then it would be considered a meeting. She continued by stating that what is being suggested as a means to alleviate long wait times for applicants is to send an application via email to the members of the board separately for review and then the administrative staff would compile their individual responses to either approve or deny an application right away. Ms. Hoover made a motion to have at least three (3) board members review applications prior to each meeting and that a three (3) board member approval would constitute approval of that application under review. Mr. Holden seconded. The motion carried by unanimous roll call vote. Director Kopchak concluded that an initial application report, when applicable, will be added to the proceedings of each meeting to record the decisions made by the board.

LEGAL

Legal Report (Presented by Dennis Gregory)

NEW CASES

1. 2019011151

Respondent:

License Status: - ACTIVE

First Licensed: 10/21/2011

License Expiration: 10/20/2019

Disciplinary History: None

Summary:

This complaint stems from a medical bill. The Complainant does not dispute the underlying debt, but is disputing the Respondent's ability to collect interest. The Complainant did not provide a copy of the original physician/patient agreement.

The Respondent claims it is permitted to collect interest pursuant to T.C.A. 47-14-103(3), which states: *Except as otherwise expressly provided by this chapter or by other statutes, the maximum effective rates of interest are as follows:*

(1) For all transactions in which other statutes fix a maximum effective rate of interest for particular categories of creditors, lenders, or transactions, the rate so fixed;

(2) For all written contracts, including obligations issued by or on behalf of the state of Tennessee, any county, municipality, or district in the state, or any agency, authority, branch, bureau, commission, corporation, department, or instrumentality thereof, signed by the party to be charged, and not subject to subdivision (1), the applicable formula rate; and

(3) For all other transactions, ten percent (10%) per annum.

Tennessee law does not specifically prohibit collection agencies from collecting interest (as stated above). However, the Fair Debt Collections Practices Act (FDCPA) and T.C.A. 62-20-115(b)(2) prohibits a collection service from "collecting or attempting to collect from the debtor any fee, commission or other compensation not provided by law for collection services rendered to a client." The interest is, arguably, not a fee, commission or other compensation. Further, section "(3)" suggests that as long as the agreement is reduced to writing, which the physician/patient agreement is, then the interest can be collected.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

2. 2019013371

Respondent:

License Status: - ACTIVE

First Licensed: 3/19/2008

License Expiration: 3/18/2021

Disciplinary History: None

Summary:

This complaint stems from an apartment lease. The Complainant does not deny the debt, rather he seems to be disputing the "validation" of the debt.

The Respondent has provided validation, to include sending a copy of the lease the Complainant appears to have signed in 2018.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

3. 2019015591

Respondent:

License Status: - ACTIVE

First Licensed: 2/4/1975

License Expiration: 12/31/2020

Disciplinary History: None

Summary:

This complaint arises from a hospital bill. The Complainant is, apparently, an elderly person that acquired a \$30,000.00 medical bill from a stay at a hospital. The Complainant went on Medicaid shortly after the stay, but health insurance still in effect did pick up some.

The Respondent provided a break-down of the expenses, which appear to be straight from the hospital. As the Complainant went on Medicaid, the Respondent sent the account back and the hospital brought the balance to "0."

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

4. 2019016881

Respondent:

License Status: - EXPIRED

First Licensed: 8/13/2016

License Expiration: 8/2/2018

Disciplinary History: None

Summary:

This complaint stems from a defaulted loan. Based on the documentation provided, the loan is in the form of a promissory note and, therefore, would not require a collection service license to collect upon. In any event, the Respondent and Complainant resolved the debt through a payment plan once the Respondent filed a lawsuit. There does not appear to be any dispute as to the underlying debt.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

5. 2019017611

Respondent:

License Status: - ACTIVE

First Licensed: 9/30/2013

License Expiration: 9/29/2019

Disciplinary History: None

Summary:

The Complainant appears to be requesting that the Respondent cease and desist communication with him regarding the subject debt. There is no allegation of misconduct contained in the complaint.

The Respondent explains that they did speak with the Complainant by phone regarding the debt, but no payment arrangements were made. Not long after that last communication and the Complainant's cease and desist letter, the account was sent back to the creditor. The Respondent, apparently, did stop communicating with the Complainant.

Recommendation: Close.**BOARD DECISION: The Board approved counsel's recommendation.****6. 2019019921****Respondent:****License Status: - ACTIVE****First Licensed: 7/14/1998****License Expiration: 12/31/2020****Disciplinary History: 2010 Letter of Warning****Summary:**

The Complainant alleges he found negative information on his credit report that he did not recognize. The Complainant says he asked for verification of the debt, but says he has yet to receive a contract "with my signature..."

The Respondent indicates the Complainant's account was sold to them in 2016. The Respondent, after receiving the Complainant's request, forwarded him a copy of the original loan agreement. There does not appear to be a dispute as to the underlying debt. In any event, the Respondent has complied with its obligation under the FDCPA.

Recommendation: Close.**BOARD DECISION: The Board approved counsel's recommendation.****7. 2019017461****Respondent:****License Status: - ACTIVE****First Licensed: 7/14/1998****License Expiration: 12/31/2020****Disciplinary History: 2010 Letter of Warning, 2018 Letter of Warning****Summary:**

The Complainant is requesting validation of two separate accounts being handled by the Respondent for collection. The Respondent provided copies of what was already sent to the Complainant, detailing from where the accounts stem and the applicable amounts owed.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

8. 2019022051

Respondent:

License Status: - ACTIVE

First Licensed: 8/11/2011

License Expiration: 8/10/2019

Disciplinary History: None

Summary:

This complaint stems from a medical bill in collections. The Complainant's attorney filed the complaint alleging that his client's SSI Medicaid was erroneously cancelled, but had since been retroactively reinstated. Therefore, the attorney was requesting that the collection efforts cease and allow the Medicaid to pick up the bills for service.

The Respondent indicates the accounts have been returned to the creditor. As a result, the Complainant's attorney notified the TDCI that the Complainant wished to withdraw the complaint.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

9. 2019019601

Respondent:

License Status: - ACTIVE

First Licensed: 10/31/2018

License Expiration: 10/30/2020

Disciplinary History: None

Summary:

This complaint stems from an unpaid medical bill. The Complainant says he has negative information on his credit report that he doesn't recognize. He says he has no "contractual agreement" with the Respondent.

The Respondent explains they have two accounts in their office for collection that arise from two separate bills for medical services. The Respondent says the Complainant is either uninsured or underinsured. The Respondent goes on to say that the original creditor has no record of any payment arrangements being made with the Complainant. The original creditor has since recalled these accounts from the Respondent. Therefore, the Respondent is making no further attempts to collect them.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

10. 2019026441

Respondent:

License Status: - ACTIVE

First Licensed: 3/14/2006

License Expiration: 3/13/2021

Disciplinary History: 2018 Letter of Warning, 2018 Letter of Warning

Summary:

This complaint deals with an unpaid dental bill. The Complainant says he did not receive the original service agreement from the Respondent and, therefore, thinks the debt is not valid.

The Respondent says they sent a validation letter in 2017 and the Complainant requested nothing until 2019. Per the FDCPA and applicable rules, the validation timeframe has already lapsed. In any event, this appears to be a valid debt for dental services rendered.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

11. 2019017171

Respondent:

License Status: UNLICENSED

First Licensed: N/A

License Expiration: N/A

Disciplinary History: None

Summary:

The Complainant is disputing an account showing on her credit report. The account supposedly stems from an apartment rental contract that was in the Complainant's son's name. The original creditor claims the Complainant's name is also on the rental contract (co-signor most likely).

The Respondent appears to be located in Pennsylvania and is not licensed in Tennessee.

Recommendation: Consent Order for \$500.00 and authorization for formal hearing for violation of T.C.A. 62-20-105(a) (unlicensed activity).

BOARD DECISION: The Board approved counsel's recommendation.

12. 2019020781

Respondent:

License Status: - ACTIVE

First Licensed: 2/20/1975

License Expiration: 12/31/2020

Disciplinary History: None

Summary:

This complaint arises from unpaid medical bills. The Complainant requested the Respondent cease and desist all communication with him regarding the debt. There appears to be no dispute as to the validity of the debt.

The Respondent says they have already complied with the Complainant's request to stop communicating with him.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

13. 2019027841

Respondent:

License Status: - ACTIVE

First Licensed: 6/27/2014

License Expiration: 6/26/2020

Disciplinary History: 2018 Letter of Warning

Summary:

The Complainant mailed in a copy of a collection notice addressed to his spouse. The only information regarding the validity of the debt is that it is "bogus."

The Respondent says the letter was sent to the Complainant in error. Apparently, there is a valid debtor who has a similar name as the Complainant's. The Respondent advised that the Complainant should disregard the notice.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

14. 2019020121

Respondent:

License Status: - ACTIVE

First Licensed: 8/11/2011

License Expiration: 8/10/2019

Disciplinary History: None

Summary:

The Complainant was previously attempting to qualify for a home loan, and during the credit check, several negative notations were found on her credit report made by the Respondent. There appears to

be no dispute as to the validity of the debts. The problem arose when the Complainant could not acquire a letter from the Respondent showing satisfaction of the underlying debts.

The Respondent explains that they have since provided the requested letters to the Complainant and have educated its staff on providing such letters when requested. T.C.A. 62-20-114(2) suggests that pay-off letters or balances should be provided when requested.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

15. 2019024801

Respondent:

License Status: - EXPIRED

First Licensed: 11/15/1999

License Expiration: 12/31/2018

Disciplinary History: 2011 Letter of Warning

Summary:

This complaint arises from a debt stemming from a lease. The Complainant says he broke his lease early due to new military orders; but his apartment complex sent him to collections as a result. The Complainant provided no proof of the collection action.

The Respondent now appears to no longer be in business in TN. The TN Collections Service license also expired at the end of 2018.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

16. 2019027401

Respondent:

License Status: - ACTIVE

First Licensed: 10/2/2014

License Expiration: 10/1/2020

Disciplinary History: None

Summary:

This complaint arises from an overdue medical bill. The Complainant contends the Respondent may have the wrong person as the healthcare provider has record of different dates of service than that provided by the Respondent.

The Respondent says they are ceasing all further communication with the Complainant and direct the Complainant to contact the healthcare provider directly. Additionally, the Respondent says they have not reported any of the alleged debts to the Complainant's credit report.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

17. 2019034121

Respondent:

License Status: - ACTIVE

First Licensed: 7/29/1999

License Expiration: 12/31/2020

Disciplinary History: None

Summary:

This complaint stems from an unpaid cable service bill. Initially, the Complainant says the Respondent did not provide proof of the underlying debt to the cable service provider.

The Respondent provided proof of the debt (\$81.00). The Respondent goes on to say that the Complainant paid the delinquent amount directly to the creditor. Therefore, the Respondent has closed its account relating to the Complainant.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

18. 2019034331

Respondent:

License Status: - ACTIVE

First Licensed: 2/27/1975

License Expiration: 12/31/2020

Disciplinary History: 2008 Consent Order

Summary:

This complaint stems from a cell phone contract. The Complainant says the Respondent is attempting to collect a debt resulting from an "early termination fee" by a major cellular phone service. The Complainant claims he never signed anything with the cell phone carrier and terminated the service before he was committed to any long-term contract.

The Respondent requested the information the original creditor was relying upon before proceeding with any further collection attempts. The original creditor relies on the "terms and conditions" of the underlying agreement. In any event, the Respondent has ceased communication on the account.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

19. 2019033971

Respondent:

License Status: - EXPIRED GRACE

First Licensed: 6/4/2007

License Expiration: 6/3/2019

Disciplinary History: 2017 Letter of Warning

Summary:

This complaint is lodged by the executive director of the Board. The Respondent submitted a license renewal application in February 2019 in which their trust account was deemed not solvent. This is a violation of T.C.A. 62-20-114(3), which states that a licensee must *"maintain a separate fiduciary or trust bank account with sufficient funds at all times to disburse amounts due all clients."*

The Respondent openly admits to being unaware of the requirement. Apparently, in other states where they operate, this is not a specific requirement. The Respondent adds that they have never had a complaint from a client in which the client had not been paid in a timely fashion.

For the past two years, the Respondent has been asked by the Board's full-time staff why its end of the month cash balance is not greater than the amount owed to its clients. They claim to have answered this in both years. In any event, the Respondent withdrew their renewal and will apply again when they can meet this requirement.

Recommendation: Close OR Issue a Letter of Warning.

BOARD DECISION: The Board elected to send a Letter of Warning to Respondent.

20. 2019036311

Respondent:

License Status: - ACTIVE

First Licensed: 6/27/2006

License Expiration: 6/26/2020

Disciplinary History: None

Summary:

This complaint stems from unpaid medical bills. The Complainant was attempting to qualify for financing on a new car and the delinquencies were appearing on the credit report. Apparently, the applicable health insurance was supposed to pick up most of the bill, but did not due to a filing mistake.

The Respondent says they have deleted the amount in dispute from the Complainant's credit report and are utilizing the insurance for the other remaining bills.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

21. 2019030201

Respondent:

License Status: UNLICENSED

First Licensed: N/A

License Expiration: N/A

Disciplinary History: None

Summary:

This complaint stems from an unpaid medical bill. Complainant alleges he received calls from the Respondent in an attempt to collect a debt on three different occasions within the same hour. The calls came in roughly between 6:30 am-7:30am. There does not seem to be any dispute about the underlying debt.

The Respondent says they only have record of two calls being placed: one on February 22, 2019 and one on February 27, 2019. The telephone number the Complainant provided is not a number, according to the Respondent, that is associated with their agency. Furthermore, the calls were not placed in such a manner that would have violated the FDCPA.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

22. 2019035301

Respondent:

License Status: - ACTIVE

First Licensed: 2/1/2018

License Expiration: 1/31/2020

Disciplinary History: None

Summary:

This complaint arises from a cable service bill. The Complainant disputes the debt as she says she cancelled the service in September 2018, but was told by the cable service representatives that no balance was owed. The Complainant is now requesting validation of the underlying debt.

The Respondent says the account will remain in a disputed status. Additionally, they will not report the matter to the credit bureaus. Further, they are requesting that the creditor provide whatever agreement or documentation exists supporting the debt.

Recommendation: Close.

BOARD DECISION: The Board approved counsel's recommendation.

CASES TO BE RE-PRESENTED

23. 2018075331

Respondent:

License Status: UNLICENSED

First Licensed: N/A

License Expiration: N/A

Disciplinary History: None

Summary:

The Complainant says she is being contacted by the Respondent regarding a debt that is in a debt consolidation program. The Complainant further alleges that she is receiving phone calls at work and that family members are getting calls from the Respondent. The Complainant has requested these calls cease and that the Respondent only contact her through the mail.

The Respondent says they were never notified in writing that the Complainant was in a debt consolidation program. The Respondent goes on to say that when the Complainant requested no calls be made while she was at work, that request was honored. The Respondent also contends that no information was shared with any third parties such as family members. All further communication will be through the mail.

Recommendation: Close.

BOARD DECISION: BOARD REJECTED THE RECOMMENDATION AND ELECTED TO SEND A CONSENT ORDER WITH A \$500.00 CIVIL PENALTY FOR UNLICENSED ACTIVITY, HOWEVER, UPON FURTHER RESEARCH COUNSEL DETERMINED THAT THIS RESPONDENT HAS A PARENT ENTITY THAT IS DULY LICENSED IN TENNESSEE AND THIS WILL BE RE-PRESENTED AT THE MAY 8, 2019 MEETING FOR CLOSURE.

NEW INFORMATION: See above

NEW RECOMMENDATION: Close

NEW BOARD DECISION: The Board elected to authorize a formal hearing and send a consent order with a \$500.00 civil penalty for unlicensed activity. The consent order will also include cease and desist language and give the Respondent sixty (60) days to apply for licensure. If within that sixty (60) day period, Respondent fails to apply for licensure, then counsel may refer this matter to the local district attorney's office.

New Information: The Respondent is not, in fact, a collection service. They are only a bank. They were contacting the Complainant about an overdue account.

New Recommendation: Close.

NEW BOARD DECISION: The Board approved counsel's recommendation.

24. 2018091261

Respondent:

License Status: UNLICENSED

First Licensed: N/A

License Expiration: N/A

Disciplinary History: None

Summary:

The Complainant alleges the Respondent shared account information with a third-party without the Complainant's permission. The Complainant does not appear to dispute the debt, but is adamant no permission was given to speak with a third-party.

The Respondent, who is seemingly unlicensed in Tennessee, claims the individual whom the representative spoke with stated she was the Complainant's spouse. As such, the representative went into more detail about the account.

The Complainant says the third-party is his "girlfriend," but not his wife. In any event, the Respondent was unlicensed.

Recommendation: Consent Order for \$500.00 and authorization for formal hearing for violation of T.C.A. 62-20-105(a) (unlicensed activity).

BOARD DECISION: CONCUR

NEW INFORMATION: COMPANY IS DULY LICENSED AND IN GOOD STANDING

NEW RECOMMENDATION: CLOSE

NEW BOARD DECISION: The Board approved counsel's recommendation.

25. 2018091251

Respondent:

License Status: - ACTIVE

First Licensed: 10/11/2018

License Expiration: 10/10/2020

Disciplinary History: None

Summary:

The Complainant financed a vehicle that was ultimately repossessed due to non-payment. There appears to be some disagreement with whether or not the loan was in default, but in any event it was taken back by the creditor. The car was recovered by the Complainant; however, the account was then moved to a collections agency for further payments. It appears the Respondent is now the servicing agency for the Complainant's payments going forward.

The Respondent is a recently-licensed collection agency in Tennessee. The Respondent has never responded 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

NEW INFORMATION: RESPONDENT DID TIMELY RESPOND TO THE COMPLAINT

NEW RECOMMENDATION: CLOSE

NEW BOARD DECISION: The Board approved counsel's recommendation.

26. 2018090601

Respondent:

License Status: UNLICENSED

First Licensed: N/A

License Expiration: N/A

Disciplinary History: None

Summary:

The Complainant says he has received a "robocall" that instructs him to call a number regarding an "important matter." When the Complainant called the number, an individual on behalf of the Respondent explained that he was attempting to collect a debt stemming from an on-line cash advance. The Complainant provided no information to the Respondent. The Complainant says he has the call or one of the calls recorded.

The Respondent currently has no license to collect in Tennessee.

Recommendation: Consent Order for \$500.00 and authorization for formal hearing for violation of T.C.A. 62-20-105(a) (unlicensed activity).

BOARD DECISION: CONCUR

NEW INFORMATION: RESPONDENT IS DULY LICENSED AND IN GOOD STANDING

NEW RECOMMENDATION: CLOSE

NEW BOARD DECISION: The Board approved counsel's recommendation.

27. 2017059161

Respondent:

Status: UNLICENSED

First Licensed: N/A

License Expiration: N/A

Disciplinary History: None.

This complaint arises out of an alleged debt stemming from a defaulted payday loan from 2012. The Complainant does not specifically deny knowledge of the loan. The Complainant takes the view the collection efforts are a scam.

The Respondent indicates the debt is from a defaulted payday loan in the amount of approximately \$900. The Respondent is not licensed; however, they describe themselves as a "Mediation Firm." In further explanation, the Respondent says once they are assigned the debt, the creditor has already requested civil action against the debtor. Their role is to attempt a settlement of the debt on a "voluntary basis."

The Respondent appears to be a debt collector who is operating without a license.

Recommendation: \$250 civil penalty and a Consent Order for failure to secure licensing in accordance with T.C.A. 62-20-105(a).

DECISION: CONCUR

New Information: Counsel filed a Notice of Hearing and Charges in April 2019. The notice was sent via certified mail to the out of state Respondent's physical address and registered agent for service of process. The notice has not been accepted at either address. The likelihood of going forward at a formal hearing is slim as the administrative law judge (ALJ) will require, at the least, some indication the Respondent has received the notice.

There have been no complaints against this Respondent since 2018.

New Recommendation: Close (re-open both complaints if any new complaints are received).

NEW BOARD DECISION: The Board approved counsel's recommendation.

28. 2018011991

Respondent:

License Status: UNLICENSED

First Licensed: N/A

License Expiration: N/A

Disciplinary History: None

Summary:

The Complainant says she is being contacted by the Respondent alleging that she owes a debt stemming from an old pay day loan. The Complainant denies ever having a pay day loan with any entity in the past. The Respondent has not responded to the complaint.

The Respondent appears to be an active collection agency, but not licensed in TN.

Recommendation: Consent Order for \$250 and authorization for formal hearing for violation of T.C.A. 62-20-105(a) (unlicensed activity).

BOARD DECISION: THE BOARD REJECTED THE RECOMMENDATION AND ELECTED TO INCREASE THE AMOUNT OF THE CIVIL PENALTY TO \$500.00.

New Information: Counsel filed a Notice of Hearing and Charges in April 2019. The notice was sent via certified mail to the out of state Respondent's physical address and registered agent for

service of process. The notice has not been accepted at either address. The likelihood of going forward at a formal hearing is slim as the administrative law judge (ALJ) will require, at the least, some indication the Respondent has received the notice.

There have been no complaints against this Respondent since 2018.

New Recommendation: Close (re-open both complaints if any new complaints are received).

NEW BOARD DECISION: The Board approved counsel's recommendation.

Legislative Update

There were no legislative updates to report.

NEW BUSINESS

Director Kopchak presented the board meeting dates for 2020 as follows: February 12, May 13, August 12, and November 18. Mr. Harb made a motion to accept these meeting dates. Mr. Holden seconded. The motion was carried by unanimous roll call vote.

ADJOURNMENT

There being no other new business, Mr. Harb made a motion to adjourn. Mr. Holden seconded. The motion was carried by unanimous roll call vote. The meeting adjourned at 10:12 a.m.