



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

**Meeting Minutes for August 12, 2020
WebEx Teleconference
Davy Crockett Tower**

The Tennessee Collection Service Board met on August 12, 2020, via a WebEx Teleconference. The following business was transacted:

BOARD MEMBERS PRESENT: Josh Holden, Chip Hellmann, Jason Hill, and Gregg Swersky

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Hugh Cross, Carol McGlynn, Robert Hunter

CALL TO ORDER/NOTICE OF MEETING

Director Kopchak called the meeting to order at 9:30 a.m. and read the notice of meeting into the record as follows: "Notice of August 12, 2020 meeting of the Collection Service Board Meeting was posted to the Collection Service Board website on August 4, 2020."

ROLL CALL/STATEMENT OF NECESSITY

Director Kopchak took roll and established that a quorum was present. Director Kopchak then read the Statement of Necessity into the record. Mr. Hellmann motioned to accept it as written. This was seconded by Mr. Holden. The motion carried by unanimous roll call vote.

AGENDA

Prior to the review of the agenda, Director Kopchak took a moment to introduce the new Board Members, Jason Hill and Gregg Swersky.

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

MAY MINUTES

Upon review of the minutes from May's meeting, Mr. Hellmann motioned to accept these 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 FY20. Mr. Hellmann noted that only \$500 was collected from fines issued in FY20 resulting from disciplinary action. Director Kopchak indicated that consideration is

ongoing for NMLS onboarding to enhance these collection capabilities, especially as it pertains to obtaining legal service on all notices of disciplinary actions that are issued.

LEGAL

Legal Report (Presented by Hugh Cross)

- 1. 2020018611**
Respondent:
License Status: - ACTIVE
First Licensed: 10/4/2019
License Expiration: 10/3/2021
Disciplinary History: None

Summary:

This consumer complaint alleges that the Respondent utilized unfair or unconscionable means to collect or attempt to collect any debt. The Respondent stated that the Complainant's account has been closed and deleted from the Respondent's records. All matters have since been resolved between the parties.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

- 2. 2020030481**
Respondent:
License Status: - ACTIVE
First Licensed: 10/14/2019
License Expiration: 10/13/2021
Disciplinary History: None

Summary:

This consumer complaint alleges that the Respondent did not provide written notice to the Complainant containing the amount of the debt owed. The Complainant also alleges that the Respondent required sensitive information over the telephone. Specifically, the Complainant states that they contacted the Respondent via telephone to ask about their account, and the Respondent refused to provide the Complainant with any information until the Complainant provided their date of birth and last four digits of their social security number. The Complainant refused to provide the Respondent with that identifying information, concerned it could result in identity fraud. The Respondent denied the allegations, stating that notification of the debt owed was mailed to the Complainant. The Respondent admits receiving phone call from the Complainant as described; however, it is the Respondent's policy to identify a consumer by requesting the caller's full name and a second piece of identifying information such as the date of birth, last four digits of the social security number, or physical address. The Respondent also stated that the account has since been paid in full and all matters have been resolved between the parties.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

3. **2020031791**

Respondent:

License Status: - ACTIVE

First Licensed: 6/26/2009

License Expiration: 6/25/2021

Disciplinary History: 2018 Consent Order

Summary:

This consumer complaint alleges that the Respondent erroneously reported the Complainant to a credit bureau. The Respondent denied the allegation, stating that the Complainant missed a payment which was properly reported. Further, the Respondent contacted the consumer to advise that they will delete the account from the credit reporting agencies in good faith since the Complainant has resumed paying their account.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

4. **2020032211**

Respondent:

License Status: - ACTIVE

First Licensed: 10/14/2019

License Expiration: 10/13/2021

Disciplinary History: None

Summary:

This consumer complaint alleges that the Respondent would not provide validation of debt and erroneously reported the Complainant to a credit bureau. Specifically, the Complainant alleges that a representative for the Respondent told the Complainant via telephone that they must request a validation of debt from the court system. The Respondent denies the allegation regarding not providing validation of debt, stating that a verification letter was mailed to the Complainant on two separate occasions. However, the Respondent admits that requiring validation of debt from the court system is not required, and that the account representative provided incorrect information. The Respondent has taken internal action to educate the account representative whom provided the incorrect information. Further, as a courtesy, the Respondent contacted the consumer to advise that they have since submitted a credit deletion request from the credit reporting agencies.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

5. **2020033481**
Respondent:
License Status: - ACTIVE
First Licensed: 5/12/2014
License Expiration: 5/11/2022
Disciplinary History: None

Summary:

This consumer complaint alleges that the Respondent would not provide validation of debt. The Complainant also disputes owing the debt. The Respondent stated that verification of debt was mailed to the Respondent on multiple occasions, providing dates for when the verifications were sent. The Respondent provided documentation to support that verification of debt was mailed. Further, the Respondent provided documentation to support their contention that the Complainant owes the debt in question which stems from a legally binding residential lease agreement which was granted judgment and placed for collection.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

6. **2020034741**
Respondent:
License Status: - ACTIVE
First Licensed: 6/27/2014
License Expiration: 6/26/2022
Disciplinary History: 2018 Letter of Warning

Summary:

This consumer complaint alleges that the Respondent erroneously mailed a collection letter to the Complainant, stating that the collection letter appeared to be a scam, and that the collection was time barred due to the statute of limitations. The Complainant disputes owing the debt. The Respondent stated they only collect on balances placed in their office by their clients, and do not participate in scams against Tennessee consumers. It is not unlawful to request payment on a past statute account. The statute of limitations sets forth the maximum period of time, after certain events, that legal proceedings based on those events may be initiated. However, as a courtesy, the Respondent has closed this account.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

7. **2020037541**
Respondent:
License Status: - ACTIVE
First Licensed: 6/26/2009
License Expiration: 6/25/2021

Disciplinary History:

Summary:

This consumer complaint alleges that they were harassed by the Respondent in their attempt to collect a debt. The Complainant disputes owing the debt, and states that they never deal with third parties—including collection agencies—regarding any financial matters. The Respondent reviewed their telephone calls with the Complainant and deny engaging in any harassing behavior based on that review. Further, the Respondent stated this was an attempt to collect a legitimate, verified debt. However, the Respondent has closed this account and stated their work and communication with the Complainant has completed. The Complainant rebutted stating they have documentation to support harassment by the Respondent, however, no documentation was provided in that regard.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

8. 2020033811

Respondent:

License Status: - ACTIVE

First Licensed: 4/10/2014

License Expiration: 4/9/2022

Disciplinary History: None

Summary:

This consumer complaint alleges that the Respondent improperly added a collection to the Complainant's credit report. The Respondent stated that this complaint involves two (2) separate creditors (Creditor 1 and 2, respectively). The Respondent stated that Creditor 1 has since recalled the Complainant's account after receiving notice of the bankruptcy filing, and the Complainant's account was updated accordingly. However, the Respondent stated that Creditor 2 did not recall Complainant's account as this account was ruled collectible by the bankruptcy court, and as a result, the account remains due and payable. However, Creditor 2 placed the Complainant's account on hold status and has ceased all activity on it at this time. Further, the Respondent advised the Complainant that it is the creditors whom report accounts to credit bureaus at their discretion, and the Respondent does not control whether a particular creditor reports the Complainant's accounts to credit bureaus.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

9. 2020040521

Respondent:

License Status: UNLICENSED

Disciplinary History: None

Summary:

This consumer complaint was forwarded from an out-of-state agency for potential investigation, if needed, and the complaint amounts to a debt dispute. The complaint also alleges that the Respondent improperly added a collection to the Complainant's credit report. The Respondent stated that this complaint is a duplication of a complaint filed with an out-of-state agency, and it involves business conducted in the state of California. No events occurred in the state of Tennessee. The Respondent further stated that the consumer paid the account in question, and the Respondent has since requested deletion of the credit report line item in the regular monthly cycle following the Complainant's payment. All matters have since been resolved between the parties.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

10. **2020045441**

Respondent:

License Status: - ACTIVE

First Licensed: 10/21/1987

License Expiration: 12/31/2020

Disciplinary History: 2010 Letter of Warning; 2010 Consent Order; 2012 Letter of Warning

Summary:

This consumer complaint alleges that the Respondent would not provide validation of debt. The Complainant also disputes owing the debt. The Complainant provided a confirmation number to support their notion that they paid the account in full. The Respondent stated that verification of debt was mailed to the Respondent on multiple occasions, providing dates for when the verifications were sent. Further, the Respondent states that the confusion likely stems from the two (2) separate bills—a bill from the hospital and a bill from the physician. With an urgent care visit at issue here, patients tend to think there is only one charge, when there are in fact separate bills for the facility and for the physician. The Respondent concedes the Complainant has paid the first bill from the hospital but did not pay the second bill from the physician. The second bill from the physician is still due and outstanding.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

11. **2020049681**

Respondent:

License Status: - ACTIVE

First Licensed: 4/9/2003

License Expiration: 3/27/2021

Disciplinary History: None

Summary:

This consumer complaint alleges that the Respondent did not provide a receipt letter to the Complainant stating that the account has been paid in full, stating that the Respondent did not provide adequate customer service. The Respondent stated that the Complainant paid off their account as noted. The Respondent also states that, at the Complainant's request, they sent a receipt later to the Complainant on two occasions, once via regular mail and once via electronic mail (e-mail). Further, the Respondent states that the Complainant was advised that it can take up to two business days for the receipt letter to be delivered via e-mail. The Respondent did not receive any returned mail which leads to believe the receipt letter was received.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

CASES TO BE REPRESENTED

12. **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: Approved.

NEW INFORMATION: This complaint involves an unlicensed, out-of-state Respondent. Counsel mailed a Consent Order to Respondent via certified mail on August 21, 2019. The Consent Order was returned as not deliverable on September 6, 2019. A formal disciplinary hearing cannot be conducted without proper service of process on this Respondent. Legal has received no additional information from the Complainant as would be necessary to go forward with litigation. Legal has no service information for the Respondent.

NEW RECOMMENDATION: Close and flag as insufficient information to go forward with litigation.

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

ADJOURNMENT

There being no other new business, Mr. Swersky made a motion to adjourn. This was seconded by Mr. Hellmann. The motion carried by unanimous roll call vote. The meeting adjourned at 10:00 a.m.