

Frequently Violated FDCPA Guidelines

Basic Definitions

§ 1692 a(3) Definition of a Consumer as any natural person obligated on or allegedly obligated on a debt

§ 1692 a(5) Definition of a Debt as an obligation for money, goods, insurance, or services for primarily personal, family, or household purposes

§ 1692 a(6) Definition of a Debt Collector as collectors, collection agencies, lawyers, forms writers

Contacting Third Parties

§ 1692 b(1) Contact of Third Party: Failed to identify themselves, or failed to state that collector is confirming or correcting location information

§ 1692 b(2) Contact of Third Party: Stated that the consumer owes any debt

§ 1692 b(3) Contact of Third Party: Contacted a person more than once, unless requested to do so

§ 1692 b(4) Contact of Third Party: Utilized postcards

§ 1692 b(5) Contact of Third Party: Any language or symbol on any envelope or communication indicating debt collection business

§ 1692 b(6) Contact of Third Party: After knowing the consumer is represented by an attorney

Prohibited Communications Practices

§ 1692 c(a)(1) At any unusual time, unusual place, or unusual time or place known to be inconvenient to the consumer, before 8:00 am or after 9:00 pm

§ 1692 c(a)(2) After it knows the consumer to be represented by an attorney unless attorney consents or is unresponsive

§ 1692 c(a)(3) At place of employment when knows that the employer prohibits such communications

§ 1692 c(B) With anyone except consumer, consumer's attorney, or credit bureau concerning the debt

§ 1692 c© After written notification that consumer refuses to pay debt, or that consumer wants collector to cease communication

Harassment or Abuse

§ 1692 d Any conduct the natural consequence of which is to harass, oppress, or abuse any person

§ 1692 d(1) Used or threatened the use of violence or other criminal means to harm the consumer or his/her property?

§ 1692 d(2) Profane language or other abusive language?

§ 1692 d(3) Published a list of consumers who allegedly refuse to pay debts?

§ 1692 d(4) Advertised for sale any debts?

§ 1692 d(5) Caused the phone to ring or engaged any person in telephone conversations repeatedly

§ 1692 d(6) Placed telephone calls without disclosing his/her identity?

False or Misleading Representations in Communications

§ 1692 e Any other false, deceptive, or misleading representation or means in connection with the debt collection

§ 1692 e(1) Affiliated with the United States or any state, including the use of any badge, uniform or facsimile

§ 1692 e(2) Character, amount, or legal status of the alleged debt

§ 1692 e(3) Any individual is an attorney or that any communication is from an attorney

§ 1692 e(4) Nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment

§ 1692 e(5) Threaten to take any action that cannot legally be taken or that is not intended to be taken

§ 1692 e(6) Sale or transfer of any interest in the debt will cause the consumer to lose any claim or defense to payment of the debt

§ 1692 e(7) Consumer committed any crime or other conduct in order to disgrace the consumer

§ 1692 e(8) Threatens or communicates false credit information, including the failure to communicate that a debt is disputed

§ 1692 e(9) Represent documents as authorized, issued or approved by any court, official, or agency of the United States or state.

§ 1692 e(10) Any false representation or deceptive means to collect a debt or obtain information about a consumer

§ 1692 e(11) Communication fail to contain the mini-Miranda warning: "This is an attempt to collect a debt... communication is from a debt collector."

§ 1692 e(12) Debt has been turned over to innocent purchasers for value

§ 1692 e(13) Documents are legal process when they are not

§ 1692 e(14) Any name other than the true name of the debt collector's business

§ 1692 e(15) Documents are not legal process forms or do not require action by the consumer

§ 1692 e(16) Debt collector operates or is employed by a consumer reporting agency

Unfair Practices

§ 1692 f Any unfair or unconscionable means to collect or attempt to collect the alleged debt

§ 1692 f(1) Attempt to collect any amount not authorized by the agreement creating the debt or permitted by law

§ 1692 f(2) Accepted or solicit postdated check by more than 5 days without 3 business days written notice of intent to deposit

§ 1692 f(3) Accepted or solicited postdated check for purpose of threatening criminal prosecution

§ 1692 f(4) Depositing or threatening to deposit a post-dated check prior to actual date on the check

§ 1692 f(5) Caused any charges to be made to the consumer, e.g., collect telephone calls

§ 1692 f(6) Taken or threatened to unlawfully repossess or disable the consumer's property

§ 1692 f(7) Communicated with the consumer by postcard

§ 1692 f(8) Any language or symbol on the envelope that indicates the communication concerns debt collection

h –Multiple Debts

§ 1692 h Collector must apply payments on multiple debts in order specified by consumer and cannot apply payments to disputed debts

30 Day Validation Notice

§ 1692 g Failure to send the consumer a 30-day validation notice within five days of the initial communication

§ 1692 g(a)(1) Must state Amount of Debt

§ 1692 g(a)(2) Must state Name of Creditor to Whom Debt Owed

§ 1692 g(a)(3) Must state Right to Dispute within 30 Days

§ 1692 g(a)(4) Must state Right to Have Verification/Judgment Mailed to Consumer

§ 1692 g(a)(5) Must state Will Provide Name and Address of original Creditor if Different from Current Creditor

§ 1692 g(B) Collector must cease collection efforts until debt is validated

Legal Actions

§ 1692 i(a)(2) Brought any legal action in a location other than where contract signed or where consumer resides