

**TENNESSEE
COLLECTION SERVICE BOARD
MINUTES**

DATE: November 9, 2011

PLACE: Andrew Johnson Tower – 2nd Floor Conference Room
710 James Robertson Parkway
Nashville, Tennessee

PRESENT: Board Members:
Bart Howard, Chairman
Elizabeth Trinkler, Vice Chairman
Chip Hellmann

ABSENT: Elizabeth Dixon

PRESENT: Staff Members:
Donna Hancock, Executive Director
Terrance Bond, Assistant General Counsel
Susan Lockhart, Executive Assistant

GUESTS: Mike Schwegler

CALL TO ORDER: Chairman Howard called the meeting to order at 9:30 a.m. and the following business was transacted:

Roll Call - Director Hancock called the roll. Three (3) of the four (4) board members were present. Ms. Dixon was absent.

AGENDA: Mr. Hellmann made a motion to accept the agenda as amended, seconded by Ms. Trinkler. **Motion Carried.**

Minutes – Ms. Trinkler made a motion to approve the minutes of the September 14, 2011 meeting, seconded by Mr. Hellmann. **Motion Carried.**

TD AUTO FINANCE, LLC – MIKE SCHWEGLER

Mr. Schwegler appeared before the board to discuss a letter submitted by a representative of TD Auto Finance regarding their business practices and the collection service license requirements. After some discussion, Ms. Trinkler made a motion to accept their letter as a voluntary surrender of the agency's license as their current practices do not appear to meet the definition of a collection agency at this time. The motion was seconded by Mr. Hellmann. **Motion Carried.** Mr. Bond advised he would do some research to determine the appropriate recording of the status for the administration's records.

LEGAL REPORT – TERRANCE BOND, ASSISTANT GENERAL COUNSEL

Mr. Bond introduced Hosam William to the Board advising that he would be serving as Mr. Bond's paralegal.

Mr. Bond gave an oral report of the recent North American Collection Agency Regulatory Association (NACARA) Conference held in Baltimore, Maryland. He advised that he was elected to serve as the association's president during the next term and therefore Tennessee would be hosting the annual conference in 2011.

Mr. Bond then presented the following Legal Report for the board's consideration:

1. 201102558-1

The Board's administrative office filed a complaint alleging that the Respondent failed to maintain proof of a valid surety bond in the Board office for each of the agency's licensed collection service locations. The agency provided proofs of mailing for its updated surety bonds—the mailing records show that the agency timely responded to the office's request for proof of continuing coverage.

Recommendation: Close with no action.

2. 201102319-1

The Complainant alleges that the Respondent did the following while attempting to collect an allegedly past due account from him: 1] continued placing calls to him after being advised that he was represented by counsel, 2] continued calls to third parties at their places of employment, 3] contacted third parties and did not disclose its identity during such contacts, 4] gave false or misleading information about the legal status of the account and 5] used obscene, profane and abusive language. The Complainant did not set forth any facts in support of his allegations.

The Respondent denies the Complainant's allegations, stating that there was only one (1) communication with the Complainant's spouse during the account's placement. According to the Respondent, the spouse indicated that the Complainant would contact the Respondent concerning the account. The Respondent also provided its account notes, which show only one (1) contact with the Complainant's spouse and support the Respondent's statement.

Recommendation: Close with no further action.

3. 201102320-1

The Board's administrative office filed a complaint alleging that the Respondent failed to maintain proof of a valid surety bond in the Board office. The agency ultimately provided proof of a valid surety bond; however, this is the second occasion upon which the Respondent has provided such proof following the opening of a disciplinary complaint for failure to timely provide such proof.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$250.00 civil penalty.

4. 201102275-1

The Board's administrative office filed a complaint alleging that the Respondent failed to maintain proof of a valid surety bond in the Board office. According to the Board office, the Respondent's proof of coverage expired on July 1, 2011. The office documented two (2) requests to the Respondent for response, including a request for a response to the disciplinary complaint. Both requests were duly served; however, there is no record of a response in the Board office's records.

Recommendation: Issue a CEASE and DESIST advisory notice.

5. 201102362-1

The Complainant's complaint does not allege a violation of the Tennessee Collection Service Act or another law applicable to the credit and collection industry, but rather, states that her account was assigned to a licensed collection service. The Complainant also provided copies of documents she received from the Respondent. The Respondent denies that its activities toward the Complainant violated applicable law.

Recommendation: Close with no action.

6. 201102241-1

The Complainant alleges that the Respondent placed twenty-two (22) collection-related telephone calls to her after she sent the Respondent a written "cease communication" demand relative to an allegedly past due account. According to the Complainant, on January 27, 2011, she mailed a "cease communication" request to the Respondent, which the Respondent ignored. On or around June 7, 2011, the Complainant's attorney contacted the Respondent, advised the Respondent's agent of the previous demand, and again demanded that the Respondent cease communication with the Complainant. The Complainant documented the telephone calls the Respondent allegedly placed to her following her initial demand.

The Respondent disputes the Complainant's allegations, stating that it never received a letter from the Complainant in January 2011 and that it ceased all communication with the Complainant after receiving a telephone call from the Complainant's counsel on June 7, 2011. The Respondent provided its account notes, which indicate that the Respondent never received any written correspondence from the Complainant and that the Respondent did not attempt to contact the Complainant further following its conversation with her attorney on June 7, 2011.

Recommendation: Close with no action.

7. 201102259-1

The Complainants allege that the Respondent made false and/or misleading statements to them relative to their delinquent auto finance account. According to the Complainants, after receiving a notice of collection from the Respondent on September 9, 2010, they contacted the Respondent with questions regarding how they could obtain title to the vehicle that was the subject of Respondent's efforts. The Complainants allege that the Respondent's agent stated that upon payment of a sum certain to the Respondent, the Complainant would receive title to the vehicle. The Complainants tendered such payment on November 22, 2010, receipt of which was acknowledged by the Respondent on November 23, 2010. The Respondent's agent represented to the Complainants on or around November 18, 2010 that they could expect to receive their automobile title within thirty (30) to ninety (90) days following their payment date.

Approximately thirty (30) days following the Respondent's acknowledgement of the Complainants' "settlement in full" payment, the Complainants spoke to the Respondent's agent again and were advised that they "only" paid a certain amount and that, if more money were paid, the agent could obtain their title [the day the payment was received]. According to the Complainants, they spoke with the Respondent's agent at least one (1) additional time following the previous conversation with the agent but were unsuccessful in obtaining their title. As of August 9, 2011, the date the Complainants' filed their complaint with the Board office, they had not received title to the vehicle.

The Respondent states it made three (3) requests to its client to forward the Complainants title to their vehicle following their November 22nd payment and has made efforts to assist the Complainants. According to the Respondent, the Complainants should receive title to their vehicle within three (3) to six (6) weeks of August 25, 2011.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty.

8. 201102113-1

A complaint filed by the Board's administrative office alleges that the Respondents failed to respond to three (3) notices requesting the name the Respondent's location manager after the Respondent notified the office of the loss of its location manager on May 19, 2010. The Respondent received notice of the complaint and request for response; however, as of the date of this summary, there is no record of the Respondent's response in the Board office.

Recommendation: Issue a CEASE and DESIST advisory notice.

9. 201102114-1

A complaint filed by the Board's administrative office alleges that the Respondent failed to respond to a notice requesting the name the Respondent's location manager after the Respondent notified the office of the loss of its location manager on May 19, 2010. The Respondent received notice of the complaint and request for response; however, as of the date of this summary, there is no record of the Respondent's response in the Board office.

Recommendation: Issue a CEASE and DESIST advisory notice.**10. 201102115-1**

The Complainant alleges that a credit grantor made harassing phone calls to her telephone relative to the past due account of a third party that does not live with her.

Recommendation: Close with no action.**11. 201102240-1**

The Complainant alleges that the Respondent refused to remove its entry from his credit report relative to an allegedly unpaid medical services account. According to the Complainant, after receiving a dunning notice from the Respondent dated October 31, 2009, he contacted the Respondent and advised that the account was paid by his insurance provider. The Complainant states the credit report entry now reflects payment in full, but that the Respondent refuses to remove its entry, stating that too much time elapsed before confirmation of payment was received.

The Respondent states that it was assigned the Complainant's account on March 24, 2009 and did not receive confirmation from its client that the Complainant's account had been paid in full on March 30, 2009 until January 29, 2010, after the Complainant presented a copy of his Explanation of Benefits (EOB) on November 20, 2009 showing that his account had, in fact, been paid in full by the insurer. According to the Respondent, it acted in accordance with the Complainant's July 5, 2011 request to have its entry removed from his credit report on August 1, 2011.

Recommendation: Close with no action.**12. 201102029-1**

The Board's administrative office filed a complaint alleging that the Respondent failed to maintain proof in the office that it continued to carry a valid surety bond after May 27, 2011. The Respondent failed to respond to the Board office's initial request for proof of compliance, dated June 17, 2011; however, the Respondent timely responded to the office's July 21, 2011 notice of complaint and request for response by providing a copy of its valid surety bond, which was effective beginning May 27, 2011.

Recommendation: Close with a letter of warning.**13. 201102030-1**

The Complainant alleges that the Respondent continues its attempts to collect an allegedly past due commercial account that he disputes. The Respondent states that it has been unable to obtain sufficient information to investigate the Complainant's claim from either the Complainant or its client – the Respondent claims that the account has now been returned to its client.

Recommendation: Close with no action.

14. 201102110-1

The Board's administrative office filed a complaint alleging that the Respondent failed to maintain proof in the office that it continued to carry a valid surety bond after June 10, 2011. The Respondent provided documentation showing that it enclosed proof of continuing surety bond coverage with its license renewal application, which was filed in April 2011.

Recommendation: Close with no action.

15. 201101880-1

The Complainant alleges that the Respondent continues to "threaten her with legal action" relative to a past due account that she states was previously paid to the creditor or through another collection agency. According to the Complainant, she paid a settlement amount to another collection agency pursuant to a letter from the creditor advising her that settlement on the account was available provided she responded by November 5, 2009 and paid in three equal installments. The Complainant provided copies of three (3) canceled checks showing that she made payments in accordance with the letters instructions on October 12, 2009, October 20, 2009 and January 5, 2010.

According to the Respondent, it purchased the Complainant's account from her creditor in August of 2010—at such time, the seller indicated that a balance was due on the Complainant's account. After receiving notice of the Complainant's dispute in September 2010, the Respondent states that, at that time, it inquired with both the previous collection agency servicing the account and the creditor relative to the status of the account at time of sale. The Respondent states that the creditor could not find record of any payment on the account.

After the Respondent received notice of the Complainant's complaint and the office's request for response on or around July 5, 2011, it alleges that it again contacted the creditor for additional information on the account. According to the Respondent, the creditor then advised that settlement on the account was completed in January 2010. The Respondent states that it has now closed the Complainant's account and requested that its entry on the Complainant's credit report be deleted.

Recommendation: Close with no action.

16. 201101789-1

The Board's administrative office filed a complaint alleging that the Respondent failed to maintain proof in the office that it continued to carry a valid surety bond after May 12, 2011. The Respondent submitted a copy of a renewed bond in response to the Board's request dated May 23, 2011 on June 15, 2011; however, such copy was not received in the Board office until June 21, 2011, four (4) days after the deadline for response.

Recommendation: Close with no action.

**17. 201100484-1
201100486-1
201100487-1**

The Board office alleges that each of the above-referenced Respondents, who are licensed location manager, failed to submit with their renewal applications sufficient proof that they were qualified to continue holding a location manager license, pursuant to Tenn. Code Ann. §62-20-108(d)(1). Upon initial review, counsel agreed with the office's assessments and recommended that the cases against the Respondent's be authorized for formal hearing with authority to settle by Consent Order of License Revocation; however, upon further review of both of the facts and the applicable law, counsel feels that the Respondents do meet the qualification criteria set forth in the above-referenced section; and, as such, are entitled to continue holding location manager licenses.

Recommendation: Close with no further action.

18. 201102530-1

A complaint was filed alleging that the Respondent engaged in unlicensed collection service business in this state. The Complainant provided a copy of a dunning notice, which appears to demand payment relative to an account created by the Respondent. The Respondent states that it only attempts to collect its own accounts.

Recommendation: Close with no action.

19. 201102474-1

The Complainant alleges that the Respondent impermissibly obtained her credit report and refuses to remove its inquiry from her report. The Respondent states that it "pulled" the report in order to obtain location information for the Complainant that would assist its efforts to collect a past due account the Complainant allegedly owes. According to the Respondent, it has advised the Complainant that it is permitted to take such action pursuant to federal law that it cannot remove such entries.

Recommendation: Close with no action.

20. 201101790-1

The Complainant alleges that the Respondent refuses to provide a copy of letter authorizing it to collect an allegedly past due commercial account from the Complainant. The Respondent states that it provided a copy of its authorization to collect on behalf of its client to the Complainant as soon as the client provided same.

Recommendation: Close with no action.

21. 201101791-1

The Complainant alleges that the Respondent placed collection-related telephone calls to her despite her efforts to regularly pay her past due account. According to the Complainant, the Respondent's agent(s) insist that she make payment via check-by-phone, even though she has advised the agent(s) that she "[doesn't] do things that way".

The Respondent states that it has placed calls to the Complainant in an effort to encourage her to enter into an acceptable payment arrange and also to remind her of an upcoming payment or follow-up in the event a payment deadline was missed. The Respondent states that it has now marked the Complainant's account to prevent any further contact.

Recommendation: Close with no action.

22. 201102479-1

The Complainant states that she is concerned about possible identity theft after receiving a notice of collection from the Respondent. The Respondent states that it has requested validation of the alleged account from its client and will mail it to the Complainant once it is received.

Recommendation: Close with no action.

23. 201102773-1

The Complainant alleges that the Respondent unlawfully reported adverse credit information relative to two (2) accounts in the Complainant's name that were wrongfully placed for the collection. According to the Complainant, she notified the Respondent promptly after placement that the placement was in error and that the account in question was current—shortly thereafter, the Respondent's client re-classified the account as "current" status and recalled it from the Respondent. At such time, the Respondent sent a letter of apology to the Complainant acknowledging the erroneous placement and stating that the account had not been reported as a delinquent item on the Complainant's credit report.

The Complainant further alleges that the account was re-placed with the Respondent approximately one (1) month following the previous placement, after which she again contacted both the Respondent and the creditor to inform them that the account was being timely paid and that the placement was in error. The Complainant states that, despite her attempts to resolve the placement errors with both the Respondent and its client, the Respondent made two (2) entries relative to the account on her credit report, approximately two (2) months after the second erroneous placement was noted and several days after the account had been paid in full to the client. The Complainant ultimately filed a dispute with a major credit reporting agency, which resulted in both entries being removed from her report.

The Respondent acknowledges that the Complainant's account was erroneously placed in collections on both occasions, and states that, while it did not report the Complainant's account as unpaid following the first placement, it reported after the second placement because its client failed to notify it that the Complainant had made payment on the account and that the account status was current. The Respondent further states that it took action to remove its entries from the Complainant's report after it received notice of the Complainant's dispute with the credit

reporting agency. According to the Respondent, it took such action one (1) day prior to the credit reporting agency notifying the Complainant that the Respondent's entries had been deleted as a result of the investigation.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty.

24. 201102645-1

The Complainant alleges that the Respondent has contacted her by telephone on at least four (4) occasions and by mail on at least one (1) occasion seeking an unfamiliar individual relative to an alleged debt. According to the Complainant, the calls have stopped since she sent written notice to the Respondent demanding that the calls cease. The Respondent admits that it contacted the Complainant seeking another individual based on search information returned for the actual debtor. According to the Respondent, the Complainant's telephone number has been blocked and all matters alleging harassment by its agents will be investigated.

Recommendation: Close with a letter of warning.

25. 201100530-1

The Complainant does not allege that the Respondent acted in violation of applicable law.

Recommendation: Close with no action.

26. 201102614-1

The Complainant alleges that the Respondent refused to validate an alleged debt, that the Respondent is attempting to collect an alleged debt where the applicable statute of limitations has expired and that the Respondent's agents were rude to the Complainant and his wife while discussing the alleged debt. The Respondent accepted service of, but failed to respond to, the allegations in the complaint.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty.

27. 201102599-1

The Complainant alleges that the Respondent placed a collection-related telephone call to her residence at 7:55 am. The Respondent, a debt collection law firm, states that it is a law firm representing the interests of creditors and that its activities in Tennessee are conducted through a Tennessee-licensed attorney. It is the Respondent's position that it is exempt from regulation by the Board, pursuant to Tenn. Code. Ann. § 62-20-103(2).

Recommendation: Close with no action.

28. 201102561-1

The Complainant alleges that the Respondent, who is unlicensed according to office records, collected a commercial account on its behalf and failed to remit [Complainant's] portion of the recovery. The Respondent states that it has not yet remitted the Complainant's portion pursuant to its contract with the Complainant, which states, according to the Respondent, that payment is due once the entire collection account balance has been collected.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and instructions to CEASE and DESIST along with notice to the Complainant relative to the Respondent's licensure status.

29. 201102478-1

The Complainant alleges that the Respondent used threatening and harassing tactics to induce her to pay her delinquent account. According to the Complainant, an agent of the Respondent impersonated friends and contacted her employer under the pretense of obtaining an employment reference in order to speak to her concerning her account. In addition, the Complainant alleges that the agent advised her husband that she would be jailed or "end up in court" if she didn't satisfy her obligation and disclosed information concerning her debt to her husband.

The Respondent denies the Complainant's allegations. Specifically, the Respondent denies ever speaking to the Complainant while her account was in collection. According to the Respondent, its agent only left one (1) message with her husband for her to call [the agent] to discuss her account and left several messages at the Complainant's place of employment. Further, the Respondent states that the Complainant's account is now paid in full after legal action was commenced against the Complainant by the Respondent's attorneys.

Recommendation: Close with no action.

30. 201101621-1

The above-referenced case was authorized for formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty on allegations that the Respondent engaged in unlicensed activity in the state of Tennessee. The Respondent provided additional information in response to the Board's offer of settlement indicating that the Respondent does hold a valid, Board-issued license and that, prior to the Complainant's complaint filing, it purchased the collection agency referenced in the Complainant's complaint and changed the name of such agency to its current trade name. According to the Respondent, the Complainant's account with prior agency was closed prior to its purchase of the former agency.

Recommendation: Close with no action.

NOTE: This item was deferred until the January 11, 2012 meeting.

31. 200801827-1

The Complainant states that she received conflicting information from several collection agencies, including the Respondent, regarding her allegedly delinquent student loan account. The Complainant requested itemized statements of her account. The Complainant's request for forwarded to the Respondent along with a request for response, to which the Respondent initially failed to respond. Consequently, upon reviewing the case, the Board voted to authorize formal hearing against the Respondent for failure to respond to a disciplinary complaint, with authority to settle by Consent Order and payment of a civil penalty. In response to the offer of settlement, the Respondent stated, through counsel, that it failed to respond due to the ambiguity of the Complainant's complaint – to the Respondent, the Complainant merely asserted that she had prior dealings with the Respondent but did not allege that the Respondent engaged in unlawful conduct during the course of such dealings.

The Respondent requests that, in lieu of settlement, the Board issue a letter of warning relative to its failure to respond.

Recommendation: Close with a letter of warning.

32. 201100854-1 (oral summary)

The Complainant alleged that the Respondent unlawfully charged him an insufficient funds fee after a check he tendered in payment of a past due account was returned unpaid.

The Complainant states that, according to his bank, no insufficient funds items were documented for his account. The Respondent states that the check was returned unpaid because the Complainant's account could not be located at his bank – according to the Respondent, the Complainant provided his account number and check number when asked to provide his bank account number to the Respondent. The Respondent has offered to refund the fee to the Complainant in order to address his concerns.

Recommendation: Close with no action.

MOTION: Ms. Trinkler made a motion to accept Legal's recommendation on all of the complaints presented as amended, seconded by Mr. Hellmann. **MOTION CARRIED.**

Location Manager Examination Contract – Mr. Bond advised that the request for proposal should be released for bidders within the next week and he hoped to have a contract in place to offer an exam during the first quarter of 2011. Ms. Hancock advised that the emergency rules approved by the Board at the last meeting regarding the examination contract would be discussed by the Government Operations Committee on Wednesday, November 16, 2011 at 2:00 p.m. in Legislative Plaza Room 30. She advised that she and Mr. Bond would be attending to explain the rules and invited the board members to attend if they are available.

Ms. Hancock advised the office has received several calls from agencies that have either lost their location managers and are attempting to replace them or new agencies that cannot be issued licenses until they have a licensed location manager on staff. Mr. Bond advised the lack of an examination contract would be taken into consideration regarding companies that are forced into

non-compliance who have managers waiting to take the exam. Ms. Hancock further advised there are no provisions for issuing licenses to the new agencies that have managers waiting to take the exam which prevents them from doing business in Tennessee until an examination is held. She also pointed out that a new examination vendor will result in the need for a new examination to be developed which will delay the next test date even more.

The Board recessed at 10:50 a.m. for break and reconvened at 11:00a.m.

ADMINISTRATIVE REPORT – DONNA HANCOCK, EXECUTIVE DIRECTOR

Budget Report - Ms. Hancock presented a budget comparison report for the last four (4) fiscal years. The current adjusted balance is \$361,724.

Complaint Status Report - Ms. Hancock presented a comparison of the complaints pending in November 2010 to those currently pending.

Civil Penalties Report – Ms. Hancock presented a list of the civil penalties collected during the previous fiscal year. The total amount collected was \$24,000.

Discussion regarding Attorneys and Collection Agency License Requirements – Ms. Hancock presented a letter from an out-of-state law firm inquiring as to the licensing exemptions for attorneys operating in the collection service industry in Tennessee. Mr. Bond distributed a copy of the Tennessee Office of the Attorney General’s Opinion #00-105 relating to Tenn. Code Ann. 62-20-103(a)(2) which addresses such exemptions. After some discussion, Ms. Trinkler made a motion to adopt the A.G.’s Opinion as the board’s current interpretation, seconded by Mr. Hellmann. **Motion Carried.**

Collection Agency Application Form – Ms. Hancock presented a revised application form for the Board’s review. After some discussion, Mr. Hellmann made a motion to adopt the application in lieu of the old one, seconded by Ms. Trinkler. **Motion Carried.**

LOCATION MANAGER APPLICATION REVIEW

The following Location Manager Applications previously denied by the Board were presented for reconsideration at the applicants’ requests:

Aditya Kashyap – Ms. Trinkler made a motion to approve the application, seconded by Mr. Hellmann. **MOTION CARRIED.**

The following Location Manager Applications previously reviewed by the Board including the additional information requested were presented for consideration:

Ronald Perry Bay – The Board tabled the application and requested additional information.

Roy Briseno, Jr. – Mr. Hellmann made a motion to deny the application pursuant to TCA 62-20-125(3), seconded by Ms. Trinkler. **MOTION CARRIED.**

Paul Mitchell Mora – The Board tabled the application and requested additional information.

The following Location Manager Applications were presented to the Board for their consideration:

David Raul Castillo – Ms. Trinkler made a motion to deny the application pursuant to TCA 62-20-125(3), seconded by Mr. Hellmann. **MOTION CARRIED.**

Troy Marvyn Dupuis – The Board tabled the application and requested additional information.

Theresa Marie Fischer – Ms. Trinkler made a motion to approve the application, seconded by Mr. Hellmann. **MOTION CARRIED.**

Dwight Andrew Johnson – Ms. Trinkler made a motion to approve the application, seconded by Mr. Hellmann. **MOTION CARRIED.**

Blaine Donelson Lahrs – Ms. Trinkler made a motion to deny the application pursuant to TCA 62-20-125(3), seconded by Mr. Hellmann. **MOTION CARRIED.**

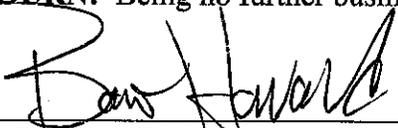
The following Location Manager Application was presented to the Board at the applicant's request to waive retesting:

William Patrick McNemar – Ms. Trinkler made a motion to approve the applicant's request, seconded by Mr. Hellmann. **MOTION CARRIED.**

NEW BUSINESS OR UNFINISHED BUSINESS:

Ms. Hancock announced that Cecile Testerman of Rogersville, Tennessee was recently appointed to serve on the Collection Service Board and should hopefully be in attendance at the next meeting.

AJOURN: Being no further business to discuss, the meeting adjourned at 11:50 a.m.



Bart Howard, Chairman