



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

**Meeting Minutes for October 13, 2021
Davy Crockett Tower
Conference Room 1-B**

The Tennessee Collection Service Board met on October 13, 2021, in the first floor conference room of the Davy Crockett Tower in Nashville, Tennessee. The following business was transacted:

BOARD MEMBERS PRESENT: Chip Hellmann, Tony Zikovich and Jason Hill

BOARD MEMBERS ABSENT: Josh Holden and Gregg Swersky

STAFF MEMBERS PRESENT: Glenn Kopchak, Hugh Cross, Robert Hunter, and Angela Nelson

CALL TO ORDER/ROLL CALL

Director Kopchak called the meeting to order at 9:31 a.m. and took roll, establishing that a physical quorum was present.

AGENDA

Mr. Hellmann motioned to adopt the agenda. This was seconded by Mr. Zikovich. The motion passed unanimously.

APRIL MINUTES

Upon review of the minutes from April's meeting, Mr. Hellmann motioned to accept them. This was seconded by Mr. Hill. The motion passed unanimously.

DIRECTOR'S REPORT

Budget Report

Director Kopchak provided a brief overview of the budget for the months of February through July 2021. Director Kopchak highlighted that technology expenses were increased due to several system enhancements and the cost was shared across all the programs. Director Kopchak concluded that the budget is currently healthy and trending normally.

Meeting Dates 2022

Director Kopchak presented the scheduled meeting dates for 2022; January 12th, April 13th, July 13th, and October 12th. Mr. Hill motioned to accept these dates. This was seconded by Mr. Hellmann. The motion passed unanimously.

Application Review

Director Kopchak reminded the Board that back in August of 2019, they voted to approve an applicant who was a start-up company that provided a business plan and projected financials prepared by a CPA in lieu of an actual financial report. Director Kopchak inquired if the Board would grant the administrative staff the authority to approve applications with these circumstances, instead of having to present them to the Board. He stated that although these types of applications are rare, it would significantly reduce the delay in licensure if they did not have to wait for a Board meeting. Mr. Hellmann motioned to grant this authority to the administrative staff. This was seconded by Mr. Hill. The motion passed unanimously.

LEGAL

Legal Report (Presented by Hugh Cross)

NEW CASES

1. 2021020651

Respondent:

License Status: License #- ACTIVE

First Licensed: 6/27/2014

License Expiration: 6/26/2022

Disciplinary History: 2018 Letter of Warning

Summary: This complaint alleges that Respondent mailed a letter to a member of Complainant's family in effort to collect. Complainant also alleges that no validation letter was provided. Respondent denied the allegation and stated that an initial validation letter was mailed to the consumer. Respondent also stated that an additional validation letter was mailed with statements from the initial creditor validating the balance they state is owed. Respondent has since closed this account, and any collection on the account has ceased.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

2. 2021022551

Respondent:

License Status: License # - ACTIVE

First Licensed: 10/14/2019

License Expiration: 10/13/2021

Disciplinary History: None

Summary: This complaint alleges that Respondent called to collect on a debt that was already paid. Respondent stated that records indicate Complainant's account has been paid in full and closed. Further, Respondent has made a request to the consumer reporting agencies to have this account deleted from reporting.

Recommendation: Close.

BOARD DECISION:

3. **2021022631**
Respondent:
License Status: License # - ACTIVE
First Licensed: 9/11/1997
License Expiration: 12/31/2022
Disciplinary History: 2010 Letter of Warning; 2012 Letter of Warning

Summary: This complaint alleges that Respondent attempted to collect on a fraudulent account that was opened in Complainant's name. However, Respondent appears to be a passive debt collector which hired a licensed collection agency to collect on their behalf. Passive debt collectors may engage in collection activity through use of a licensed collection agency (or, through an attorney authorized to practice law in Tennessee). See T.C.A. 62-20-103(a)(9) (Passive debt collectors are exempt from licensure). Further, Respondent submitted information regarding this collection account showing that this account originates from a General Sessions judgment against Complainant. Complainant states they did not attend the court hearing because they had a death in the family. Complainant states Respondent did not provide a copy of the judgment as required. Whether Respondent provided a copy of the judgment that Complainant was required to attend is at issue with the respective court, and any judgment rendered by the court in this matter is outside board jurisdiction.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

4. **2021031081**
Respondent:
License Status: License # - ACTIVE
First Licensed: 7/11/2013
License Expiration: 7/10/2021
Disciplinary History: None

Summary: This complaint was opened by a member of the Board's full-time staff. The staff member received a notice of cancellation from Respondent's bond issuer which expired on January 1, 2021. Respondent was contacted via email multiple times to provide information relating to the replacement bond as is required by statute (T.C.A. 62-20-110(a)). Respondent told staff they will renew the bond with the bond company and provide that information. Respondent has since provided updated bond information.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

5. **2021031251**
Respondent:
License Status: License # - ACTIVE
First Licensed: 9/29/2009
License Expiration: 9/28/2021
Disciplinary History: None

Summary: This complaint alleges that Respondent repeatedly called Complainant and their family members in effort to collect. Respondent denied the allegation stating that Complainant has mistaken Respondent for another agency as Respondent was not servicing the account in question during the time of the allegation. Further, Respondent provided supporting documentation which shows they were able to resolve the account with a settlement. There does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

6. **2021031091**

Respondent:

License Status: License # - ACTIVE

First Licensed: 8/27/2019

License Expiration: 8/26/2023

Disciplinary History: None

Summary: This complaint was opened by a member of the Board's full-time staff. The staff member received a notice of cancellation from Respondent's bond issuer which expired on January 1, 2021. Respondent was contacted via email multiple times to provide information relating to the replacement bond as is required by statute (T.C.A. 62-20-110(a)). Respondent has since renewed their bond.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

7. **2021028341**

Respondent:

License Status: License # - ACTIVE

First Licensed: 6/27/2006

License Expiration: 02/07/2023

Disciplinary History: 2000 Letter of warning, 2011 Letter of Warning, 2012 Letter of Warning

Summary: This consumer complaint alleges Respondent could not be contacted regarding settlement. This complaint stems from a judgment rendered in an out-of-state court. Respondent provided their contact information in their response noting where the Complainant may contact their office regarding this outstanding judgment. Respondent also stated their office attempted to contact the Respondent on multiple occasions, but the Complainant's contact information is invalid. Overall, there does not appear to be a violation, and any judgment rendered by the court in this matter is outside board jurisdiction.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

8. **2021031071**
Respondent:
License Status: License # - ACTIVE
First Licensed: 09/01/2005
License Expiration: 12/31/2022
Disciplinary History:

Summary: This complaint was opened by a member of the Board's full-time staff. The staff member received a notice of cancellation from Respondent's bond issuer which expired on January 1, 2021. Respondent was contacted via email multiple times to provide information relating to the replacement bond as is required by statute (T.C.A. 62-20-110(a)). Respondent told staff they will renew the bond with the bond company and provide that information. Respondent has since provided updated bond information.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

9. **2021036981**
Respondent:
License Status: License # - ACTIVE
First Licensed: 9/11/1997
License Expiration: 12/31/2022
Disciplinary History: 2005- Consent order, 2007- Letter of Reprimand/Censure, 2007- Consent order, 2008- letter of warning, 2010- Letter of warning, 2011- letter of warning, 2017- consent order

Summary: This complaint alleges that Respondent attempted to collect on a fraudulent account that was opened in Complainant's name. This complaint also originates from a General Sessions case against Complainant which appears to be ongoing. Both Complainant and Respondent submitted information, including a summons served on Complainant, regarding this collection account. Complainant disputes owing this debt. Based on the summons, Complainant filed a Sworn Denial which was filed and noticed to the Respondent. Respondent denies stating the debt is owed. Complainant further states Respondent did not provide a copy of the judgment as required, stating the summons was served on an unknown individual at Complainant's parent's home, but was not served on Complainant. However, no documents have been submitted which show the court denies proper service was made on Complainant. Further, Complainant states in their complaint they are aware of this summons and acknowledged receipt. Complainant states this summons was fabricated because it included a handwritten notation of revised court date. Complainant states their copy of the summons did not include the handwritten notation of a revised court date which proves the document is false. However, all copies of the summons attached in Complainant's complaint documents have this same handwritten notation. The court date does not appear to be an issue as both Complainant and Respondent acknowledge this court date in their respective documents. Further, Respondent provided documentation showing a validation letter was mailed to Complainant. Respondent also states they have responded to Complainant's notice of dispute. Overall, there does not appear to be a violation, but rather a concern that this debt stems from fraudulent activity. This complaint essentially amounts to a debt dispute which would be outside board jurisdiction. Further, any judgment rendered by the court is outside board jurisdiction.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

10. 2021039471

Respondent:

License Status: License # - ACTIVE

First Licensed: 08/01/2013

License Expiration: 07/31/2023

Disciplinary History: 2009 Consent Order, 2013 Letter of Warning, 2016 Statutory Citation and letter of warning,

Summary: This consumer complaint alleges an attempt to collect on time-barred debt, not providing validation of debt, and harassing members of Complainant's family. Collection efforts are not prohibited on time-barred accounts, although the statute of limitations would prohibit the filing of a lawsuit. Here, Respondent hired a law firm to collect on the account which filed a lawsuit. However, documentation provided shows that the lawsuit was filed prior to the statute of limitations and the court entered a non-suit without prejudice for failure to process service on Complainant. Further, documentation provided shows that validation of the debt was provided as required. Documentation provided does not show any evidence to substantiate any behavior that would be considered harassment. Respondent has since closed this account, and any collection on the account has ceased. There does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

11. 2021043411

Respondent:

License Status: License #- ACTIVE

First Licensed:03/14/2006

License Expiration: 03/13/2023

Disciplinary History: 2018 Letter of warning, 2021 letter of warning

Summary: This consumer complaint alleges illegal telemarketing. Complainant alleges Respondent violated the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 *et seq.* Complainant states the Respondent called their business phone number, not a residence which would not be prohibited by the TCPA. Respondent states Complainant's contact information has been removed from any telemarketing services. Overall, the actions taken here do not appear to rise to the level of a violation under either the Tennessee Collection Service Act or related rules.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

12. 2021045081

Respondent:

License Status: License # - ACTIVE
First Licensed: 03/27/2013
License Expiration: 03/26/2023
Disciplinary History: None

Summary: This consumer complaint alleges an account for utilities was opened fraudulently which resulted in a fraudulent account being sent to collection. No documentation was provided to substantiate the account was opened fraudulently. Further, Complainant paid the account in question, and the account has since been closed. There does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

13. **2021041321**
Respondent:
License Status: License # - Expired
First Licensed: 5/13/2013
License Expiration:5/12/2019
Disciplinary History: None

Summary: This consumer complaint alleges duplicate accounts were erroneously submitted to the credit bureaus making it appear as if the complainant had three accounts in collection instead of one account. Respondent provided documentation showing three, separate accounts in collection for three, separate delinquencies. There does not appear to be a violation for this allegation. However, further review of Respondent's license information in CORE shows Respondent had an expired license at the time of the attempt to collect. Further, CORE currently shows Respondent has not renewed their license.

Recommendation: Letter of warning if proof of a renewed license is provided within 30 days. Otherwise, Consent Order with a \$250.00 civil penalty, proof of license renewal, and authorization for formal hearing for violation of T.C.A. 62-20-105(a) (unlicensed activity—expired license).

BOARD DECISION: The Board accepted counsel's recommendation.

14. **2021040451**
Respondent:
License Status: License #- Active
First Licensed: 03/18/2019
License Expiration: 03/17/2023
Disciplinary History: None

Summary: This consumer complaint alleges that Respondent continues to garnish their paycheck for a debt that is not their debt because when Complainant attempts to call Respondent, Respondent cannot find the Complainant's account. Respondent denies the allegation stating that the debt resulted from a judgment against Complainant's. Respondent provided documentation showing this collection is the result of a judgment against Complainant stemming from General Sessions Court. Respondent further states they cannot find her account when Complainant calls

because Complainant gives a different last name than the name on the underlying contract at issue. Overall, there does not appear to be a violation, and any judgment rendered by the court in this matter is outside board jurisdiction.

Recommendation: Close.

BOARD DECISION:

15. **2021046991**

Respondent:

License Status: License # – ACTIVE

First Licensed: 03/18/2019

License Expiration: 03/17/2023

Disciplinary History: None

Summary: This consumer complaint alleges that the Respondent would not accept payment on their account. Respondent stated that the Complainant provided incorrect billing address information when attempting to make a payment on Respondent's payment system. Respondent has since contacted Complainant, and Complainant was able to make the payment. There does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

16. **2021040831**

Respondent:

License Status: License # – Expired

First Licensed: 05/13/2013

License Expiration: 05/12/2019

Disciplinary History: none

Summary: This consumer complaint alleges that the Respondent would not accept payment on their account. Respondent stated that the Complainant provided incorrect billing address information when attempting to make a payment on Respondent's payment system. Respondent has since contacted Complainant, and Complainant was able to make the payment. The confusion seems to be there were two (2) accounts which were being collected on, not a single account. Complainant setup a payment plan with the original creditor for the first account. The second account remains due and owing. However, Respondent stated that the original creditor charged fee for disconnection of a utilities on the first account, and that disconnection fee was erroneously applied to the second account. A credit adjustment has been made to reflect the new balance (minus the disconnection fee) on the second account, but a balance remains. Due to the confusion, Respondent has since made a settlement offer that is lower than the balance. Overall, there does not appear to be a violation and appears to be a dispute between the parties.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

17. 2021046141

Respondent:

License Status: License # – ACTIVE

First Licensed: 9/11/1997

License Expiration: 12/31/2022

Disciplinary History: 2005 Consent order, 2007 Letter of Warning, 2010 Letter of Warning, 2016 Consent order, 2017 consent order

Summary: This consumer complaint alleges Respondent violated the Fair Debt Collection Practices Act (FDCPA). Complainant states the Respondent did not provide debt verification, as required under the FDCPA—such verification is also required under Tennessee law. Respondent provided documentation showing debt verification was provided. Further, Complainant states Respondent lacks the authority to collect on this debt as the initial creditor has charged off this debt. Charging off an account means the creditor no longer believes the consumer will pay the debt and has otherwise written off the debt. The creditor may then sell this debt to a collection agency. Here, it appears the initial credit charged off Complainant's debt, and Respondent purchased that debt. Further, Complainant states this is a fraudulent account. Respondent provided information to Complainant on how to provide a police report or affidavit of fraud showing Complainant reported the fraudulent activity. Further, Complainant alleges Respondent is attempting to collect while unlicensed. However, Respondent's license is current and was current at the time of the attempt to collect. Respondent has since marked this account cease and desist to allow Complainant time to submit any forms related to the fraud allegation. Overall, there does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

18. 2021047691

Respondent:

License Status: License # –active

First Licensed: 6/26/2009

License Expiration: 6/25/2023

Disciplinary History: 2017 Consent Order

Summary: This consumer complaint alleges Respondent violated the Health Insurance acquired Complainant's protected health information (PHI). Respondent states initial creditor submitted the information at issue to their office to collect on unpaid accounts. This appears to be an issue between the initial creditor and Complainant which does not involve Respondent. Respondent has closed these accounts due to the confusion and returned them to the initial creditor. There does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

19. 2021050431

Respondent:

License Status: License # – ACTIVE
First Licensed: 03/18/1975
License Expiration:12/31/2022
Disciplinary History: 2005 Letter of Warning

Summary: This consumer complaint alleges an account was erroneously submitted to the credit bureaus and failure to validate. Respondent provided documentation stating a validation letter was mailed to Complainant on March 31, 2021. Complainant responded and disputed the debt on May 24, 2021. Complainant has thirty (30) days from the time of the initial validation letter to dispute the underlying debt. Here, Complainant did not dispute the debt within that time frame. Further, Respondent stated this account has been closed and returned to the creditor. Respondent stated the account will also be removed from Complainant's credit. There does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

20. **2021050451**

Respondent:
License Status: License # – ACTIVE
First Licensed: 12/13/2019
License Expiration:12/12/2021
Disciplinary History: none

Summary: This consumer complaint alleges an account was erroneously submitted to the credit bureaus and failure to validate. Respondent provided documentation stating a validation letter was provided on or around December 26, 2020. Respondent has also responded to multiple other requests for validation by Complainant. Complainant responded and disputed the debt on May 26, 2021. Respondent responded on May 28, 2021 with documentation that included copies of the original contract, e-sign disclosures, pay history for the underlying debt which also included information for the creditor. Complainant has thirty (30) days from the time of the initial validation letter to dispute the underlying debt. Here, Complainant did not dispute the debt within that time frame. Further, Respondent also mailed copies of the documents via certified mail to Complainant, as well as to the Department. Further, Respondent has requested the account be reported with the credit bureaus as disputed. There does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

21. **2021045551**

Respondent:
License Status: License # – ACTIVE
First Licensed: 3/19/2008
License Expiration:3/18/2023
Disciplinary History: None

Summary:

This consumer complaint alleges Respondent could not be contacted regarding settlement. This complaint stems from charges leftover by a residential lease. Respondent provided their contact information in their response noting where the Complainant may contact their office regarding the settlement. Respondent also stated their office attempted to contact the Respondent on multiple occasions, but the Complainant's contact information is invalid. Complainant rebutted that Respondent had the incorrect telephone number. This appears to be a communication issue between the parties. Both parties have seen the complaint and related documents such that any confusion with contact information should now be resolved. Both Complainant's current contact information and Respondent's current contact information are included in the complaint and related documents. Overall, there does not appear to be a violation.

Recommendation: Letter of instruction to Respondent that includes Complainant's current contact information to expedite resolution between the parties.

BOARD DECISION: The Board accepted counsel's recommendation.

22. 2021050441

Respondent:

License Status: License # – ACTIVE

First Licensed: 01/28/2010

License Expiration: 01/27/2022

Disciplinary History: None

Summary: This consumer complaint alleges an account was erroneously submitted to the credit bureaus and failure to validate. Respondent provided documentation stating a validation letter was provided on or about June 2, 2021. Further, Respondent has since ceased collection on the account. Further, Respondent has requested the account be reported with the credit bureaus as disputed. There does not appear to be a violation.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

23. 2021047331

Respondent:

License Status: Unlicensed

First Licensed: n/a

License Expiration: n/a

Disciplinary History: None

Summary: This consumer complaint alleges an account was opened fraudulently which resulted in a fraudulent account being sent to collection. No documentation was provided to substantiate the account was opened fraudulently. Further, this complaint is by an out-of-state consumer, and there does not appear to be an attempt to collect in Tennessee. Also, Respondent in this matter does not appear to be the creditor on the account alleged in the complaint. Finally, Respondent appears to be a passive debt collector which hired a licensed collection agency to collect on their behalf. Passive debt collectors may engage in collection activity through use of a licensed collection agency (or,

through an attorney authorized to practice law in Tennessee). See T.C.A. § 62-20-103(a)(9) (Passive debt collectors are exempt from licensure). Further, Respondent has since closed this account, and any collection on the account has ceased.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

24. 2021051271

Respondent:

License Status: License # – ACTIVE

First Licensed:10/24/2011

License Expiration:10/23/2021

Disciplinary History: None

Summary: This consumer complaint alleges Respondent would not accept payment towards the principal due on the account, and that Respondent did not send any correspondence to notify Complainant of the debt at issue. Respondent states they will take a payment towards the account in question and once payment is received for the principal amount the account will be closed. Further, Respondent states correspondence was sent to Complainant's previously known address.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

25. 2021052841

Respondent:

License Status: License # – ACTIVE

First Licensed: 02/20/1975

License Expiration:12/31/2022

Disciplinary History: none

Summary: This consumer complaint alleges Respondent is collection an amount in fees that is not expressly authorized by the underlying agreement. This complaint also disputes the debt owed to the original creditor. Respondent provided copies of the underlying agreement to counsel, as well as to Complainant. This documentation shows the financial agreement signed by Complainant agreeing Complainant would be responsible for fees related to collection costs should an amount remain due and owing after service are provided. Licensees may collect fees when those fees are created by the contract with the original creditor. See Rules of Tennessee Collection Service Board § 0320-05-.06(1)(a) (Prohibits collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or is permitted by law). Here, fees were added for collection costs as part of the underlying agreement between Complainant and the original creditor. Complainant provided additional information reiterating their dispute to the amount owed, stating this account is the result of a billing issue with the original creditor. However, a debt dispute with the original creditor would be outside board jurisdiction.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

26. **2021057171**
Respondent:
License Status: License # – ACTIVE
First Licensed: 10/14/2019
License Expiration:10/13/2021
Disciplinary History: none

Summary: This consumer complaint alleges Respondent did not credit Complainant for payments made to three collection accounts. Respondent states this appears to have been an error on their part and has since applied the payments to two of Complainant's account. Respondent has since closed the two accounts at issue and requested credit deletion for both accounts. However, Respondent states the third account remains due and owing, and they will recommend closer and credit deletion once payment of the principal balance is received.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

27. **2021056191**
Respondent:
License Status: License # – ACTIVE
First Licensed: 10/14/2019
License Expiration:10/13/2021
Disciplinary History: none

Summary: This complaint is from a former employee for Respondent alleging Respondent adds improper fees to collection accounts. Respondent denies all allegations. Complainant presents no supporting documents to substantiate this claim. Respondent stated this claim stems from a legal dispute between Complainant and Respondent. Further, Respondent submitted supporting documentation. The court issued a temporary injunction and subsequent temporary injunction against Complainant on May 12, 2020 where the court stated that Complainant was restrained from making disparaging or defamatory statements in any form (whether via social media, news media, direct contact with customers, employees, or any other form of communication) about Respondent. Complainant subsequent filed a retaliatory discharge claim against Respondent in the same court on June 26, 2020, asserting the same allegations asserted in this complaint. Respondent filed a motion for judgment on the pleadings on July 12, 2021 to dismiss Complainant's claims stating failure to state a claim upon which relief can be granted. This complaint essentially amounts to a dispute between the parties resulting from a former employer-employee relationship which would be outside board jurisdiction. Further, any judgment rendered by the court in this matter is outside board jurisdiction.

Recommendation: Close.

BOARD DECISION: The Board accepted counsel's recommendation.

CASES TO BE REPRESENTED

28. 2020089861
Respondent:
License Status: License # – Active
First Licensed: 06/04/2010
License Expiration:6/03/2022
Disciplinary History: None

Summary: This complaint involves an unlicensed, out-of-state respondent. This appears to be a debt dispute that would be outside board jurisdiction. However, based on the complaint there was also an attempt to collect by an unlicensed collection agency.

Recommendation: Consent Order for \$250.00 and authorization for formal hearing for violation of T.C.A. 62-20-105(a) (unlicensed activity).

BOARD DECISION: CONCUR

New Information: Respondent has since provided their updated contact information, as well as supplemental information which shows their license is current. CORE has since been corrected to show that Respondent was doing business as a separate entity which is properly licensed. Further, this entity was licensed at the time of the attempt to collect. There is no violation based on this new information.

New Recommendation: Close.

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

Rule Amendments and Law Updates

Mr. Cross informed the Board that the current rules were amended to align with the changes within Public Chapter 549, which took effect on October 1st. These changes include the discontinuation of the requirements for solicitor cards and separate branch licenses. Mr. Cross also pointed out that while not a rule change, Public Chapter 549 also changed the mailing requirements for complaints. Complaints are no longer required to be sent via certified mail and can now be sent via first class mail. Mr. Hellmann motioned to accept the rule amendments as presented. This was seconded by Mr. Hill. The motion passed unanimously.

Director Kopchak let the Board know that while the rules are only being updated to coincide with the recent law changes, it would require a rule making hearing, which will tentatively take place on January 12, 2022.

NEW BUSINESS

Mr. Hellmann asked for clarification regarding the addition of court costs and fees to a debt, and if collection companies could collect those fees because of a judgment. Mr. Cross stated that based upon existing law, the addition of any fees as the result of a judgment would be outside board jurisdiction as the collection service act does not apply to any person handling claims, accounts or collections under order of any court and most likely would not be considered a violation because fees issued by a court are not likely

to be considered random or arbitrary. Mr. Cross concluded that judgements would fall outside of the jurisdiction of the Board since they are the result of court actions.

ADJOURNMENT

There being no other new business, Mr. Hill made a motion to adjourn. This was seconded by Mr. Zikovich. The motion passed unanimously. The meeting adjourned at 10:11 a.m.