



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

**Meeting Minutes for October 5, 2022  
Davy Crockett Tower  
Conference Room 1-B**

The Tennessee Collection Service Board met on October 5, 2022, in the first-floor conference room of the Davy Crockett Tower in Nashville, Tennessee. The following business was transacted:

**BOARD MEMBERS PRESENT:** Tony Zikovich, Gregg Swersky and Laurie Hadwyn.

**BOARD MEMBERS ABSENT:** Chip Hellmann and Jason Hill

**STAFF MEMBERS PRESENT:** Roxana Gumucio, Hugh Cross, and Robert Hunter

**CALL TO ORDER/ROLL CALL**

Director Gumucio called the meeting to order at 9:35 a.m. and took roll, establishing that a physical quorum was present.

**NOTICE OF MEETING**

Director Gumucio read the notice of the meeting as follows: "Notice of the October 5, 2022, meeting of the Collection Service Board including date, time, and location has been noticed on the website since October 13, 2021; additionally, this month's agenda has been posted on the website since September 27, 2022."

**AGENDA**

Mr. Gregg Swersky motioned to adopt the agenda as amended. This was seconded by Ms. Laurie Hadwyn. The motion passed unanimously.

**JULY MINUTES**

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

**DIRECTOR'S REPORT**

***Budget Report***

Director Gumucio provided a brief overview of the budget for fy22. The numbers as of September show a surplus of 5,757 added leaving the year-to-date surplus at \$931,467.

## LEGAL

### *Legal Report (Presented by Hugh Cross)*

1. **2022023681**

**Respondent:**

**License Status: Active**

**First Licensed: 09/21/2021**

**License Expiration: 09/20/2023**

**Disciplinary History: None.**

**Summary:** This complaint was opened by a member of the Board's full-time staff alleging Respondent's bond expired. Respondent has since renewed their bond.

**Recommendation:** Close.

**BOARD DECISION:**

2. **2022030071**

**Respondent:**

**License Status: Unlicensed**

**First Licensed: N/A**

**License Expiration: N/A**

**Disciplinary History: None.**

**Summary:** This complaint alleges unlicensed activity. Respondent is not a collection agency and is not required to seek licensure. This complaint stems from civil/probate litigation where Respondent is a creditor. The civil/probate matter is outside jurisdiction of this board.

**Recommendation:** Close.

**BOARD DECISION:**

3. **2022031171**

**Respondent:**

**License Status: Active**

**First Licensed: 10/20/2021**

**License Expiration: 10/19/2023**

**Disciplinary History: None.**

**Summary:** This complaint alleges Respondent improperly reported Complainant to credit bureaus for medical debt that should have been paid for through insurance claims. The issue appears to be due to miscommunication between Complainant and the initial creditors as to the scope of Complainant's insurance policy. Those claims were not paid by insurance due to a miscommunication and were eventually sent to collection. Complainant provided Respondent with the information required to allow the creditors to bill insurance. However, creditors state they can no longer bill insurance because the accounts are not timely for insurance billing. Respondent stated they have closed all accounts and returned them to the creditors since the creditors are not willing to file for insurance billing. This complaint stems

from a debt dispute with the initial creditor and does not appear to involve a violation of collection services.

**Recommendation:** Close.

**BOARD DECISION:**

**4. 2022031141**

**Respondent**

**License Status: Active**

**First Licensed: 06/04/2010**

**License Expiration: 06/03/2024**

**Disciplinary History: None.**

**Summary:** This complaint alleges a billing issue with the initial creditor and that no validation of debt was provided. Respondent stated that validation of debt has been provided. A billing statement was included in the complaint files to show the debt owed for medical services. There does not appear to be a violation.

**Recommendation:** Close.

**BOARD DECISION:**

**5. 2022030721**

**Respondent:**

**License Status: Unlicensed**

**First Licensed: n/A**

**License Expiration: n/A**

**Disciplinary History: None.**

**Summary:** This complaint alleges unlicensed activity. This complaint stems from a payroll dispute between multiple businesses, and it does not involve a consumer. Respondent states they are not the collection agency for the initial creditor but were merely hired to investigate fraudulent claims. Respondent states their agency contacted Complainant to investigate these fraudulent claims, but not to collect. Respondent also claims to meet the attorney exemption (per T.C.A. 62-20-103(a)(2)). There is not enough information in the submitted documentation to determine whether Respondent meets the statutory exemption.

**Recommendation:** Letter of warning regarding unlicensed activity.

**BOARD DECISION:**

**6. 2022029751**

**Respondent:**

**License Status: Active**

**First Licensed: 02/27/1975**

**License Expiration: 12/31/2022**

**Disciplinary History: None.**

**Summary:** This complaint alleges Respondent continues attempts to collect on a matter that has been settled between Complainant and initial creditor. Respondent has determined that Complainant made a

payment to settle the debt owed with the initial creditor and that the account shows paid/settled in full. Respondent has remitted the account to the initial creditor for investigation into why Complainant did not receive credit for this payment. There does not appear to be a violation.

**Recommendation:** Close.

**BOARD DECISION:**

**7. 2022037151**

**Respondent:**

**License Status: Active**

**First Licensed: 09/25/2019**

**License Expiration: 09/24/2023**

**Disciplinary History: None**

**Summary:** This consumer complaint alleges Respondent is charging excessive interest on an auto loan. Respondent states the amount charged is not excessive. Respondent presented documentation which included the underlying agreement where Complainant agreed to the listed terms of the contract. There are also apparent issues with jurisdiction. The Tennessee Collections Act exempts from licensure business entities that collect only its own unpaid accounts (per T.C.A. 62-20-103(a)(9)(b)) such as Respondent. Further, this board does not regulate auto financing. Overall, there does not appear to be a violation.

**Recommendation:** Close.

**BOARD DECISION:**

**NEW BUSINESS/ADJOURNMENT**

Director Gumucio presented the final agenda for the NACARA conference to be held in Nashville October 12 - 14, 2022.

There being no new business, Ms. Laurie Hadwyn made a motion to adjourn. This was seconded by Mr. Tony Zikovich. The motion passed unanimously. The meeting adjourned at 9:46 a.m.