

THE DIRTY LITTLE SECRETS DEBT COLLECTORS DON'T WANT YOU TO KNOW

Self Credit Repair Solution



THE WAY TO **WEALTH**

Knowledge is Power

Our objective is to arm you with information to level the playing field. This information will prove to be quite valuable so you can disarm the "Powers that Be."

Debt Collectors rely on the assumption that they can prey on uninformed individuals who don't know their consumer rights. Well, we are about to expose their dirty little secret. They automatically assume they are operating from a position of strength because you don't know what you don't know. As a result, they employ unfair and sometimes illegal tactics to meet their primary objective which is to collect on monies they believe is rightfully and a lot of times unrightfully owed to them.

Know Your Rights

The good news is there have been several Acts that have been passed by Congress to protect consumers. One of the most recent Acts is The **Telephone Consumer Protection Act of 1991** (TCPA). The TCPA restricts telemarketers efforts in soliciting you by telephone and/or fax by limiting their use of [automatic dialing systems](#), artificial or prerecorded voice messages, [SMS text messages](#), and [fax machines](#). It also specifies that a telemarketer must provide who they are and their contact information in their message when they contact you via fax machines, autodialers, and voice messaging systems.

Although Congress mandated the Federal Communications Commission (FCC) to develop a Do-Not-Call registry, the FCC "passed the buck" by requiring each company to create and maintain a Do-Not-Call registry. This mandate was unsuccessful because it was too onerous for consumers to place their names on a Do-Not-Call registry for each company. As a result, the Federal Trade Commission (FTC), not the FCC, created a **National Do-Not-Call Registry** so that consumers could avoid undesired solicitations calls from commercial telemarketers.

Why is this important to you?

Although the TCPA Act was never intended for debt collectors who are rightfully seeking repayment from debt owed to them, it was inadvertently extended to them as well. Debt collectors have fallen prey to the limitations of the TCPA Act due to the fact the restrictions are general and broad in nature.

The two critical components of the TCPA Act that can make all the world of difference for you are:

- Was the debt collector given prior express consent to call you on your **cellphone**?
Please take note the TCPA Act only covers calls placed to your cellphone.
- Is the debt collector contacting you via an **auto dialer** mechanism?

What is prior express consent?

Hopefully, you never gave the debt collector consent to call you in the first place. Sadly, we may have unknowingly provided prior express consent. Surprisingly, it is quite easy for debt collectors to get your consent to receive an autodialed call from them.

How is that?

You may have provided your consent to receive autodialed phone calls when filling out an application or you implicitly agreed upon receiving an autodialed call or text message when you did not tell the company otherwise. Sadly, just providing your number may be perceived as an agreement to get autodial calls.

How do you know if you are being autodialed?

You can usually identify an autodial call if there is a pause or click before a person comes on the line. An automated message is also a clear sign of an autodialed call.

In July of 2015, the FCC updated their rules to clarify the liabilities that debt collectors may encounter when they utilize auto dialers to contact a debtor.

Fortunately for you, the consumer, when debt collectors use auto dialers to contact you on your cell phone regarding a debt, the FCC once again airs in your favor.

What does the FCC consider to be an auto dialer?

An auto dialer is any predictive dialers and devices that dial a fixed set of numbers. The FCC expanded the breadth of devices that fall under the definition of an auto dialer. Any device that has the current or expanded capacity to make calls without human intervention.

Debt collectors could minimize their liability by calling debtors on an individual basis. Due to the economies of scale, it is quite cost prohibitive to contact debtors in that manner. Therefore, they are betting on the fact that you don't know they shouldn't be calling you via an auto dialer. The good news is there's an easy remedy to stop them in their tracks.

How so?

You can easily rescind your agreement with the company to receive auto dial calls.

If there are no contractual limitations, it's as simple as verbally telling the debt collector to stop calling you. You can do that several ways. I suggest that you cover "you know what" by taking all actions and documenting them.

The first action is to verbally inform a company representative that you no longer want to receive calls. You should make sure you document the name of the company representative you spoke to as well as the date and time. You can call them or tell them when they call you.

I wouldn't stop there. I would also send a certified letter requesting they no longer call you. Make sure you include the cell phone number that you no longer want to receive calls on. If they continue to call you in spite of your verbal and written request, then document all the dates and times that they called you. At this point, you may need further assistance. If so, you can reach us at contactus@selfcreditrepairsolution.com.

In addition, if you are receiving unintended calls for an individual who may have had your cellphone number prior to you, then you can make a TCPA claim against the debt collector. If you need additional help, you can reach us at contactus@selfcreditrepairsolution.com.

Lastly, you can revoke consent in person at the company's place of business.

Fortunately, the FCC ruled on behalf of the consumer by stating that the debt collector cannot restrict how you communicate to them that you no longer want to receive calls. Therefore, they **CANNOT** mandate that you only send a written request for it to be valid.

It is important to remember these calls are only legal if the debt collector has permission to call you.

Damages

In addition, the debt collector may be in violation of the Fair Debt Collections Practices Act (FDCPA.) Under the FDCPA, the debt collector must adhere to:

- Calling residences before 8 a.m. or after 9 p.m., local time.
- Maintaining a company-specific "do-not-call" (DNC) list of consumers who asked not to be called; the DNC request must be honored for 5 years.
- Honoring the [National Do Not Call Registry](#).

- Providing their name, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which that person or entity may be contacted.
- Prohibiting solicitations to residences that use an artificial voice or a recording.^[2]
- Prohibiting any call made using automated telephone equipment or an artificial or prerecorded voice to an emergency line (e.g., "911"), a hospital emergency number, a physician's office, a hospital/health care facility/elderly room, a cellular telephone, or any service for which the recipient is charged for the call.^[3]
- Prohibiting autodialed calls that engage two or more lines of a multi-line business.
- Prohibiting unsolicited advertising faxes.

The debt collector may not only be in violation of the TCPA rules but the FDCPA rules as well. If so, you are entitled to damages for violation of both.

- In the event of a violation of the TCPA, a subscriber may (1) sue for up to \$500 for each violation or recover actual monetary loss, whichever is greater, (2) seek an injunction, or (3) both.^[4]
- In the event of a willful violation of the TCPA, a subscriber may sue for up to three times the damages, i.e. \$1,500, for each violation.^[5]
- In event of violation of the FDCPA, the consumer can recover damages up to \$1,000 from the creditor.
- Violation of FDCPA - Above and beyond what the consumer may collect for losses related to lost wages, psychological distress, and the like, the FDCPA allows the consumer to recover damages up to \$1,000 from the creditor.

Hopefully, this information has provided you the tools to successfully combat any harassment that you have been experiencing from debt collectors.

Please **sign up** for our newsletter or services to continue to get valuable resources that can assist you in achieving financial wellness.

We look forward to continuing the journey with you.