

DEBT COLLECTION VIOLATIONS UNDER THE FDCPA WHAT DEBT COLLECTORS ARE NOT ALLOWED TO DO!

Use this guide as a quick checklist for some of the most commonly used debt collection tactics that are violations of the Fair Debt Collection Practices Act (FDCPA).

If a debt collector has contacted you, please keep a call log of all communications with the content of all conversations, and the date and time of all calls. Also, contact us immediately for a free evaluation of your rights!

Contacting third parties

- Cannot contact a third party and disclose that you owe a debt;
- Cannot contact a third party more than once, unless requested to do so;
- Cannot contact a third party once the consumer is represented by an attorney.

Prohibited Communications

- A debt collector cannot contact you at any unusual time or place known to be inconvenient to the consumer;
- A debt collector cannot contact you before 8:00 a.m. or after 9:00 p.m.;
- Cannot call after consumer is represented by an attorney;
- Cannot talk to ANYONE about the debt except consumer, consumer's attorney; and the credit bureaus.;
- A debt collector cannot contact the consumer once he/she supplies debt collector with written notice that consumer refuses to pay debt or that consumer wishes to cease communication.

Harassment and/or Abuse: Any conduct, which is used solely to harass, oppress, or abuse a consumer.

- The use or threatened use of violence or other criminal means to harm the consumer or his/her property;
- Profane language or other abusive language;
- Publish a list of consumers who allegedly refuse to pay debts;
- Call the consumer, leave messages or engage in telephone conversation repeatedly;
- Place a telephone call to consumer without disclosing his/her identity.

False/Misleading Representations: Any false, deceptive or misleading representation in order to attempt to collect the debt.

- Affiliated with the any badge, uniform or state office;
- Misrepresent the amount or legal status of the alleged debt;
- Falsely hold yourself out to be an attorney;

- Nonpayment of the debt will result in imprisonment or the seizure, garnishment or attachment of wages and/or property;
- Threaten to take any action that cannot and will not legally be taken;
- Misleading you to believe that you committed a crime;
- Falsely represent documents as authorized, issued or approved by any court, official or agency of the United States or state;
- If all debt communication fails to contain their company's name and that they are attempting to collect a debt;
- Documents are legal process when they are not;
- Debt collector operates or is employed by a consumer-reporting agency.

Unfair practices: Any unfair or unconscionable means to collect or attempt to collect the alleged debt.

- Attempt to collect any amount not authorized by the agreement creating the debt or permitted by law;
- Accepting or soliciting a post dated check by more than 5 business days and/or without giving 3 business days written notice of the intent to deposit such check;
- Accepting or soliciting postdated check for purpose of criminal prosecution;
- Cause any charges to be made by collect calls or calls to consumer's cell phone.

Validation Notice

- Failure to send consumer 30 day validation notice within 5 days of initial communication;
- Must state amount of debt, name of creditor, right to dispute, right to have verification, and debt collector must state that it will provide name and address or original creditor if different from current creditor.
- Collector must cease all communications until debt is validated if asked to do so by consumer.