

Confidential Supervisory Information  
**Collection Letter Review**

**Entity Name:**

**Prepared by:**

**NMLS/License Number:**

**Date:**

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Examiners should use this template to evaluate the entity's collection letters. The review should cover compliance with the FDCPA and state specific regulations.

- I. Collection Letter Review ..... [#]

  - A. Validation ..... [#]
  - B. False or misleading representations ..... [#]
  - C. Unfair practices/Location information ..... [#]
  - D. State specific subset ..... [#]

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<b>I. Examination Procedures – Collection Letter Review</b>	
<i>To evaluate compliance with applicable Federal and State regulations.</i>	<i>Comments</i>
<b>Validation</b>	
1. Does the name on letter reflect the name of the Licensee? a. Is the name on the letter licensed for use in each of the participating states?	[Click&type]
2. Does the address reflect a licensed location in each of the participating states?	[Click&type]
3. Does the letter contain the amount of the debt? (15 U.S.C. 1692g(1))	[Click&type]
4. Does the letter contain the name of the creditor to whom the debt is owed? (15 U.S.C. 1692g(2))	[Click&type]
5. Determine whether the letter contains a statement that unless the consumer debtor, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the consumer collection agency. (15 U.S.C. 1692g(3))	[Click&type]
6. Determine whether the letter contains a statement that if the consumer debtor notifies the consumer collection agency in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the consumer collection agency will obtain verification of the debt or a copy of a judgment against the consumer debtor and a copy of such verification or judgment will be mailed to the consumer debtor by the consumer collection agency. (15 U.S.C. 1692g(4))	[Click&type]
7. Does the letter contain a statement that, upon the	[Click&type]

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<p>consumer debtor's written request within the thirty-day period, the consumer collection agency will provide the consumer debtor with the name and address of the original creditor, if different from the current creditor? (15 U.S.C. 1692g(5))</p>	
<b>False or Misleading Representations</b>	
<p>8. Determine whether all subsequent collection letters specifically state the communication is <b>an attempt to collect a debt and any information obtained will be used for that purpose</b> as required by (15 U.S.C. 1692e(11)) of the Fair Debt Collections Practices Act?</p>	<p>[Click&amp;type]</p>
<p>9. Determine whether the debt collector misrepresent its identity or authorization by:</p> <ul style="list-style-type: none"><li>a. Using any business, company, or organization name other than the true name of the debt collector's business, company, or organization (15 U.S.C. 1692e(14));</li><li>b. Misrepresenting that it is vouched for, bonded by, or affiliated with the United States or any State, including by using any badge, uniform, or facsimile thereof (15 U.S.C. 1692e(1));</li><li>c. Falsely representing or implying that an individual debt collector is an attorney or that any communication is from an attorney (15 U.S.C. 1692e(3));</li><li>d. Falsely representing or implying the threat to take any action that cannot legally be taken or that is not intended to</li></ul>	<p>[Click&amp;type]</p>

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<p>be taken (15 U.S.C. 1692e(5));</p> <p>e. Falsely representing or implying that it operates or is employed by a consumer reporting agency (15 U.S.C. 1692e(16));</p> <p>f. Using or distributing any written communication that creates a false impression as to its source, authorization, or approval, or that simulates or is falsely represented to be a government document (15 U.S.C. 1692e(9)); or</p> <p>g. Using any forms that falsely imply that someone other than the creditor is participating in the collection activities. (15 U.S.C. 1692j).</p>	
<p>10. Determine whether the debt collector makes any false representations regarding the nature of the communications, for example by:</p> <p style="padding-left: 20px;">a. Falsely representing or implying that documents are legal process (15 U.S.C. 1692e(13)); or</p> <p style="padding-left: 20px;">b. Falsely representing that documents are not legal process forms, or that documents do not require action by the consumer (15 U.S.C. 1692e(15)).</p>	<p>[Click&amp;type]</p>
<b>Unfair Practices/Location Information</b>	
<p>11. Determine whether the debt collector sends postcards to communicate with the consumer regarding a debt. (15 U.S.C. 1692f(7)).</p>	<p>[Click&amp;type]</p>
<p>12. Determine whether the debt collector refrains from using any language or symbols on envelopes, other than its</p>	<p>[Click&amp;type]</p>

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<p>address and its business name, when communicating with consumers by mail or telegram. If it uses its business name on envelopes, determine whether the name indicates that it is in the debt collection business. (15 U.S.C. 1692f(8)).</p>	
<p>13. Determine whether the debt collector communicates with any third parties to obtain location information, which is defined as the consumer's home address and telephone number or place of employment. If so:</p> <p>a. If the debt collector uses the mail to contact third parties, determine whether it refrains from:</p> <ul style="list-style-type: none"><li>i. Using language or symbols on the envelopes that indicate that the communication relates to the collection of a debt (15 U.S.C. 1692b(5)); and</li><li>ii. Sending postcards (15 U.S.C. 1692b(4)).</li></ul>	<p>[Click&amp;type]</p>

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Collection Letters/Notices	
<b>D. State specific subset</b>	
<i>To determine compliance with state specific requirements relating to collection letters/notices.</i>	<i>Comments</i>
1. Arizona <i>(anything specific)?</i>	[Click&type]
2. Connecticut a. Are the letters identified per CT statute? b. Convenience fees	[Click&type]
3. Idaho <i>(anything specific)? Conv fees?</i>	[Click&type]
4. Maine <i>(anything specific)?</i>	[Click&type]
5. Massachusetts <i>(anything specific)?</i> a. Is there evidence of soliciting post-dated payments? b. Credit reporting?	[Click&type]
6. North Dakota <i>(anything specific)?</i>	[Click&type]
7. Wisconsin a. First notice must include a statement: <i>This collection agency is licensed by the Division of Banking of the Department of Financial Institutions, www.wdfi.org</i> b. If a payment stub is included as part of the letter/notice, the name, address and phone number of the Licensee must be on the payment stub portion.	[Click&type]