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## Alliance Collection Service, Inc. Newsletter

*Information you can use"*

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Issue: 45



[ACSI "A company large enough for what you need, small enough for what you want."](#)

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### A Word Of Inspiration

## Welcome to Alliance Collection Service, Inc.

### Believe in Yourself

I have heard the words "I just can't do that" or "It's Impossible" so many times. I am recovering from a serious knee injury and have seen many fellow patients in physical therapy utter those words. I admit I thought those same words many times but try to never say them out loud. I always love a story where someone does something extra special that takes guts, and I was fortunate enough a couple of weeks ago to witness one of these stories firsthand. I am thankful for this opportunity to share it.

Our Sales and Marketing Director, Ken Dulaney, started taking boxing classes and brazilian jiu jitsu only a few months ago. He didn't sign up to compete in the UFC or learn how to beat people up. He simply signed up to make a commitment to himself to get into better shape. We spent a few embarrassing weeks together struggling through class and trying to keep up with guys in much better shape (and not as old..sorry Ken, but it's true..... we aren't spring chickens anymore). He was the hardest working guy there and would attempt anything that our coach would ask us to do. He was his hardest critic, although I'm sure he wanted to just pack it in and spend his nights on the couch watching tv. Instead of taking this approach, he kept working harder and harder. I hurt my knee and had been out of commission for a long



### Divide and be conquered!

Have you ever seen our nation more divided than it is today? And, it doesn't seem to be getting any better. There are people way more intelligent than me (or is it I? whatever) who think they know why, but I would like to offer one reason... SIN. Sin knows no race; it knows no political party. Sin doesn't know age or gender. Sin doesn't care if you have money in the bank or if you are in debt up to your ears. There are some things sin does know: It knows how to destroy. It knows how to

time and was just itching for some competition to watch. There was a grappling (wrestling) tournament in Amory, MS, and I started urging Ken to enter. He was pretty hard to convince, but I eventually wore him down. I expected to get a phone call early that Saturday morning from him to say something had come up and he couldn't go..... but that call never came. He met me as planned and entered the tournament. I am very proud to say that this story has a happy ending as a middle-aged guy who was very new to a young man's game won his match against a guy alot younger and faster than him. He controlled the entire match and ended up with 2 trophies: a first place trophy and a bloody lip!

I think it is safe to say that Ken will FIGHT for your business! LOL

Tony Palmer  
Collection Manager  
Alliance Collection Service, Inc.

## Daley v. A & S Collection Assocs. Inc.

### MAPbulletin - August 2010

August 6, 2010

#### Providing a consumer reporting agency the wrong date of delinquency date is a violation of the FDCPA.

**Daley v. A & S Collection Assocs. Inc.**, No. CV-09-946-ST, 2010 WL 2326256 (D. Or. June 7, 2010).

After attempting to collect the plaintiff's alleged photography debt in-house, the creditor forwarded the account to the defendant collection agency to pursue collection activity. The creditor provided the defendant with the plaintiff's account information including the purchase date and last payment. The information listed the purchase date as July 25, 1997 and the last payment as May 4, 2004. The defendant reported the plaintiff's debt to a consumer reporting agency listing the date of delinquency as May 1, 2004 and noting the last payment was "not on record." Upon discovery of the information on her consumer report, the plaintiff called the defendant requesting proof of the debt in writing. The defendant received additional documentation from the creditor verifying the debt was incurred in 1997.

The plaintiff contended the defendant violated § 1692e(8) of the Fair Debt Collection Practices Act (FDCPA) by communicating credit information it knew to be inaccurate or false. Specifically, the plaintiff asserted the defendant violated the FDCPA by reporting the date of delinquency as May 1, 2004 and reporting the last payment as unknown when the debt was actually delinquent in 1997 and the last payment was made in 2004. The defendant asserted the plaintiff's claim was a Fair Credit Reporting Act (FCRA) claim which the plaintiff had no standing to bring.

The court asserted the plaintiff's claim was based on the falsity of the defendant's communication with the consumer reporting agency, and thus, the plaintiff maintained a valid FDCPA claim. The court contended the defendant was likely aware if it reported the delinquency date as 1997 the consumer reporting agency would not have reported the debt because the debt was over 7 years old. The court held because it was undisputed the delinquency date was July 25, 1997 and the delinquency date reported by the defendant was May 4, 2004, the defendant violated § 1692e(8) of the FDCPA. Accordingly, the plaintiff's motion for summary judgment on this claim was granted. The plaintiff was also



tear down and not build up. It knows how to divide and never unite. And if I am right, and sin is the problem, then Christ is the answer. God's word says that in Christ "There is neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus." -Gal 3:28 Jesus Himself said, "In the last times there will be scoffers who will follow their own ungodly desires." These are the men who divide you, who follow mere natural instincts and do not have the Spirit." -Jude 1:18-19. Do I think anything will change? -No. But, I do KNOW that one day soon, there will be one final division, and the side of that divide that you end up on... will mean everything.

Live free in Christ,

Judge Kevin Crook

### HEALTHY TIP



### Healthy Lifestyle Habits

#### - Stop Being a Couch

#### Potato!

By Rachele Jones

Living a healthy lifestyle sounds simple, but in reality for most people, this really isn't the case. But what defines a 'healthy person'?

A healthy person can usually be defined as someone who doesn't smoke or drink alcohol, eats a healthy diet and exercises on a regular basis. For the majority of people, living this way is far from simple however. With fast foods, take aways, cafes and

granted summary judgment regarding her § 1692e(10) claim because the court held the defendant falsely represented the plaintiff's debt by recording the wrong date of delinquency with the consumer reporting agency.

The plaintiff also asserted the defendant violated §1692f of the FDCPA by using unfair or unconscionable means against her in an attempt to collect her debt, including reporting the debt to the consumer reporting agency after the 7-year credit reporting period had expired. The court held a violation of another federal law does not necessarily constitute an unfair or unconscionable act under the FDCPA and nothing in the FCRA suggests reporting a debt past the 7- year limit gives rise to a cause of action under the FDCPA. Furthermore, the court asserted the false report by the defendant did not deprive the plaintiff of any right as a consumer, the plaintiff could have disputed the report with the consumer reporting agency. Thus, the plaintiff's motion for summary judgment was denied regarding this claim and the defendant's motion was granted.

The plaintiff alleged the defendant also violated §1692e(5) by threatening to take legal action the defendant did not actually intend to take and threatening to take legal action on a debt which the applicable statute of limitations had expired. The court held the only supporting evidence the plaintiff provided that the defendant threatened legal action it did not intend to take was the defendant had not sued her yet. The court found this argument was unavailing. Further, the court concluded a genuine issue of material fact existed regarding the applicable statute of limitations, and thus the court could not conclude the debt was time barred. Accordingly, the court held the defendant was not entitled to summary judgment on this claim.

<http://www.acainternational.org/attorneys-daley-v-a-s-collection-assocs-inc-17010.aspx>

## VIDEOS ON ACSI WEBSITE !



ACSI has begun to upload training videos to our website for your use 24 hours a day, ABSOLUTELY FREE!

Collection Account Flow Process [CLICK HERE!](#)  
(What happens to your account when you place it with ACSI)

Basic Collector Training [CLICK HERE!](#)

Simple Time Management [CLICK HERE!](#)

Also, under the "general" tab, find some fun mixed martial arts exercises with professional MMA trainer Chris Gates.

We hope you find these training videos helpful and informative. Please email us with your feedback at [shill@alliancecollectionservice.com](mailto:shill@alliancecollectionservice.com). More to come soon!

Ken Dulaney  
Director of Sales & Marketing

together with how fast daily life is for people in this new millennium, most people will usually opt for a fast food meal rather than taking the time to eat something healthy.

If you are one of those people who are living as the majority of people do today, but want to make changes in your diet and learn how to improve your general health and fitness, I hope the tips on this article will put you on the right path.

The secret to living a healthy lifestyle is to make small and regular changes to your current daily life. Small changes with what you eat. Small increases in your daily exercise and so on. You can always do more if you want, but if this isn't normal practice for you, these massive changes may seem totally alien to you and your mind may reject your 'new' daily actions as, well, just too much work to do you any good! Sound familiar?

These are just a few steps to a healthier, new you:

-'Emotion comes from motion' was something that one of my own mentors drilled into me a long time ago. To feel different, to want to make fundamental changes in your life you have to move! Take a walk, go for a swim or hit the gym. Plain and simple, if you just sit around doing nothing, then the odds are that your mind is doing the same.

-Taking exercise (something which you may not have done before) is a huge step to changing the way you think about what you want to achieve, in anything - the way you look, the way people perceive you or even how you feel about yourself.

But this is the conundrum that most people suffer. We know that exercise is good for us, but we rarely do it because of some self implanted alarm system that goes off if we even think about doing something which we

Alliance Collection Service, Inc.

## Vanishing Consult Codes: The Impact



Beginning January of this year, CMS (Centers for Medicare/Medicaid Services) determined that it would no longer pay for consults. For years there has been confusion surrounding the billing for and documentation of consult codes. CMS decided that they would eliminate payment for consults with use of the traditional consult codes and view consults as an evaluation and management visit. The intent expressed by CMS was that the savings from the elimination of consult codes would be redistributed and the effect would be budget neutral.

Originally, the impact was estimated to be a decline in revenue of no more than 3%. However, that apparently is not the case. In a survey of more than 5,500 physicians, primarily specialists, most have indicated a drop of more than 5%. The reaction has been two-fold. Some clinics, as many as 30% responding to the survey, indicated that they would be putting into place criteria to limit services to Medicare patients. Secondly, clinics are indicating that cost-cutting measures would be implemented, including staff reduction, which could certainly have an impact on patient care.

There are a number of unintended consequences in addition to lost revenue. It is likely that referral patterns will be disrupted as services offered to Medicare patients are re-evaluated. Another unintended consequence is associated with hospital prolonged care. Prior to the changes, time associated with prolonged care included face-to-face time, charting, and time spent discussing patient issues with the patient's family. This has been reduced to face-to-face time impacting the ability to bill for prolonged care.

The reduction in revenue places additional strain upon an already uncertain and stressful environment. Clinics, especially specialty clinics, have to look for ways to streamline their efforts and become more effective in their operations. Examination of automated services and the use of auxiliary personnel is a consideration. And, the clinic must focus on getting the maximum reimbursement for the services provided.

In addition to cost cutting measures, the clinic may need to examine patient policies, with a focus on collecting money due from the patient. This includes patient education and early collection of patient co-pays. Emphasis may also need to be placed on the collection of outstanding balances, a practice frequently relegated to the back-burner. It should be remembered that the sooner a collection call is made or information is sent to a collection agency, the more likely the ability to collect.

Economic hardships, new healthcare legislation, and generally uncertain times have created a complex and difficult environment. New delivery and compensation systems are being contemplated. Belt-tightening and improved collection methods are a necessity. Clinics periodically need to evaluate the effectiveness of their internal processes. Now is one of those times.

Harold Ingram

aren't really used to doing. Exercising is probably the biggest alarm trigger we encounter because most people perceive exercise as being something that has to be sheer hard work.

But the truth is that even by taking just a short walk, the healthier you will become and the better you will feel. It doesn't even have to be walking, it could be household chores or even gardening - movement is movement. And the more you move, the more calories you burn and the more you increase your heart rate.

Every little move you make, be it gardening or walking to the end of the road and back counts as exercise and will burn calories to start losing weight and feeling better. The next thing or rather, simultaneously is to take a good look at your diet and nutrition plan. This is as crucial as taking a little bit of exercise to get you started in your program.

So it's time to change your sofa diet of chips, snacks and chocolate for healthier options like eating more fruit, vegetables, swapping to low fat substitutes for your current favorites and even having olive oil on your salads instead of full fat dressings. By making fundamental, small changes in how you live your daily life and eating habits, you will start to feel and look a whole lot better. Good luck.

<http://ezinearticles.com/?Healthy-Lifestyle-Habits---Stop-Being-a-Couch-Potato!&id=4508269>

**Alliance Collection  
Service Offers More**

President  
Performax, Inc. of Jackson, MS

## Debt Collectors on State and Local Consumer Protection Agencies' Radar

Complaints about credit and debt related matters to state and local consumer protection agencies rose last year, placing the consumer debt industry second only to the auto industry for complaints filed with state and local consumer protection agencies, according to a new report by three consumer protection groups.

The Consumer Federation of America conducted the survey in cooperation with the National Association of Consumer Agency Administrators and the North American Consumer Protection Investigators. The groups conduct the periodic survey to provide a national snapshot of the challenges facing state and local consumer protection agencies. The 2009 report, which looks at complaints filed during the 2009 calendar year, includes information from 33 state, county, and city agencies from 18 states.

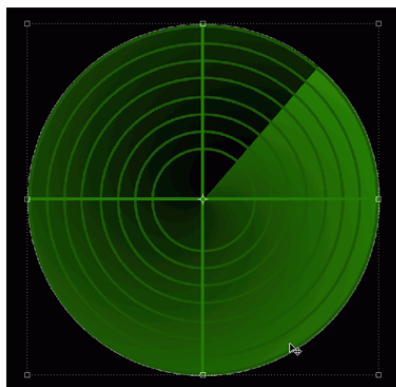
The agencies investigate complaints ranging from false advertising on consumer products at local businesses and landlord-tenant issues to health products and services, according to the 2009 Consumer Complaint Survey Report. But complaints to state and local consumer groups involving credit and debt were among the fastest growing and led the industries to surpass complaints levied against home improvement and construction companies for shoddy service. The auto industry held onto the top ranking for complaints most frequency filed, the report said.

For complaints involving debt collectors, the report said consumers turned to state and local consumer protection agencies for help resolving illegal and abusive debt collection tactics. Consumers also sought help resolving disputes with debt collectors that affected their credit and claims being pursued by collectors that stemmed from debt no longer eligible for collections. The report included an example of a consumer wrongly accused of owing debt, another pursued for debt that was too old to collect, and an example of an aggressive law firm accused of harassment and information sharing with people not responsible for the debts.

The report did not say how many complaints against debt collectors and the other industries were unwarranted. But the report found that despite state budget cuts last year that affected staff and resources at 71 percent of the agencies participating in the survey, state and local agencies said new laws are needed to protect consumers across all industries. Topping the list were calls for new laws to curb debt collection abuses.

When asked what law should be passed in 2010 to protect consumers, several agencies cited the need for stronger laws at the state level to regulate debt collectors and their practices, the report said. Consumer agencies were particularly concerned about debt collection businesses that pretend to be law firms to evade consumer protection laws. Some also want local consumer protection agencies to have the power to enforce state laws and write tickets for violations.

The Federal Trade Commission cited the report when it addressed the ARM industry at the ACA International Convention last month. But it should concern debt collection professionals for another reason.



At ACSI, we pride ourselves in providing a necessary service without risking our client's good name by treating debtors with respect and dignity. We have added a number of services over the years and continue to build on a great foundation made possible by great leadership and great clients.

**ACSI provides:**  
Contingency Collection Services

Pre-paid Collection Services  
(No minimums)

Skip Tracing

Legal Services

National Credit Reporting

Expanded Reporting on Demand

Trending Reports

Training Seminars FREE  
(on-site or online)

Online Account Access  
FREE

Secure Account Placement  
FREE

Digital Call Records FREE

Hot Topic Research

Personal Service (No automated answering system to drive you crazy)

and much more.

Give us a call today at 888-764-3449 and experience a truly transparent and stress free collections process. Or, visit

our website at

[Click here](#)



State and local consumer protection agencies usually investigate and mediate individual complaints. Many have administrative, civil and/or criminal authority to stop abuse and recover money. Last year, more than 300,000 individual complaints across many industries were filed with the agencies, which obtained more than \$110 million in restitution and savings for consumers.

Kaulkin Ginsberg Director Mark Russell said the industry should be concerned that local agencies are pushing for stricter regulation, even as the industry faces a new federal regulator with rulemaking authority through the Federal Reserve's new Consumer Financial Protection Bureau.

"They want more power at the state and local level," he said. "The industry is hoping this new entity (CFPB) will standardize the rules. But if state and local governments have their way, that's a huge concern. If ARM companies have to continue to follow regulations at the local, state and federal level it will be more challenging to adhere to the all the regulations while doing their job."

ACA International Spokesman Mark Schiffman said the report doesn't offer a lot of depth to support its findings.

"We appreciate learning about the findings in this report, but it leaves a lot of unanswered questions," he said. "We share their desire for consumer protection and encourage consumers to visit [Askdoctordebt.com](http://Askdoctordebt.com) for information about their rights in debt collection."

by Cynthia Wilson  
insideARM.com  
August 16, 2010

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