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**Alliance Collection Service, Inc Newsletter -January 2012** Wednesday, January 4, 2012 3:16 PM

**From:** "Alliance Collection Service, Inc" <kdulaney@alliancecollectionsservice.com>

**To:** kdulaney@alliancecollectionsservice.com

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## Alliance Collection Service, Inc. Newsletter

"Information you can use"  
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January 2012

Issue: 61



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**A Word Of Inspiration**



**Resolve**

It's that time of year again; you know the time when most of us make empty promises to ourselves about things we know we need to do, or NOT do, in order to have a more productive year. As you ponder on those things, let me just throw out one more for your consideration. It comes from Psalms 1:1 which says in part "Blessed is the man (or woman) who walks NOT in the counsel of the wicked..." (emphasis added). Those of us who are called by Christ to follow Him are supposed to be moving (I have found it is very hard to follow anyone if you are merely standing or sitting). We are moving forward in the process of sanctification. If this is not occurring, then there is a serious problem. It could be an issue of salvation, or it could be an issue of bad counsel. For whatever reason (laziness), people today fail to pick up the word of God to find good counsel, so let me first recommend that. Secondly, when you have time today, take out a piece of paper and draw a line down the middle, dividing it into two columns - "good counsel and bad counsel". Write down the name of every person in your life who gives you good, solid, godly counsel in the first column and the names of those who pull you in an opposite direction in the second column. The rest is easy. You simply make a decision in 2012 to honor God by surrounding yourself with good godly counsel, and you vow to yourself and others to "follow not" in the counsel of the ungodly. At the end of the year, God willing, you will find yourself in a position to positively influence those whose counsel you used to walk in - the wicked. Our lives are but a vapor. What will you do with the time given you in 2012? Be found honoring God.

Live free in Christ,

Judge Kevin Crook

**Introducing a Refreshing New Concept**

Have you ever felt that you were not being heard? Have you ever had a point you wanted to get across and the person you were talking with just wasn't



**Take Advantage of Tax Season**

It's that time of year again. Over the next few months, we will all make that annual pilgrimage to the tax preparer's office and get the news. For some people this means dread and worry. For others it means a windfall of extra money in their pockets. In years past, people would typically go out and spend that money on "stuff." You know the "stuff" I mean; new televisions, new furniture, new clothes and the list goes on and on. This year may be a little different.

As our national economy continues to dig out of a historic economic hole, it seems very likely that people will have a new purpose for any refund check. Some people will choose to put their money in savings or IRA accounts. Americans are saving again, even if low interest rates and roller coaster trading sessions on Wall Street often result in uncertainty and frustration.

The other thing prudent folks will do is pay off debt. Consumer debt skyrocketed for decades. When you combine this with tighter credit standards, it means that people must get rid of bad debt in order to survive in the economy. This is a blessing disguised as a curse. This new commitment to getting rid of debt can be one of the cornerstones of our national economic recovery.



So, how is this good news? Well, for businesses that have high levels of AR on their books, this can be a great time to try and collect that debt. This may be the only time all year that consumers have extra money to spend. Consumers know that paying off debt frees up monthly income that would normally go toward installment or revolving payments. It also improves their credit score, and it gives them peace of mind. Who wouldn't want these things?

As a collection agency, ACSI works hard year-round to recover bad debt for our clients. 2012 looks to be another year of uncertainty. However, if we all take advantage of the opportunity tax season provides, maybe the next few months will turn out to be a bright spot. Let's not miss the chance to wash away some of this red ink.

Jesse Hamby  
Tennessee Sales Director  
Alliance Collection Service, Inc.

**Five Signs That a Debtor is Trying to Entrap You Into an FDCPA Lawsuit**

## by John Rossman - Moss & Barnett, P.A. - February 7, 2011

An army of Debtors - fully equipped with scripts drafted by consumer attorneys and recording devices - are using their telephones as weapons to wage war on unsuspecting Debt Collectors across our nation. The Debtors use the scripts to bait Debt Collectors into making statements during collection calls that technically violate the FDCPA. Consumer attorneys use the recordings of those technical violations to force the Debt Collectors into paying substantial settlements in subsequent lawsuits.

Each of the scripted Debtor lines discussed below invite the Debt Collector to speculate about what could or may happen. Collectors should be admonished to never speculate during a collection call, especially when a Debtor is inquiring about credit bureau reporting, further collection efforts or legal remedies.



1. A majority of the cases involving suspected scripted Debtor calls and recordings arise in New York or Colorado. While Moss & Barnett has defended cases involving suspected scripted Debtor calls in other states, Debt Collectors should be on special alert when speaking with Debtors in the states noted.

2. Most Debt Collectors fall prey to Debtor scripting (especially in Colorado) where the Debtor asks questions about credit bureau reporting. Common questions in the script include:

- "Is this account being reported to the credit bureau?"
- "How will this affect my credit?"
- "How long will this be on my credit?"
- "When will this come off of my credit report?"
- "Will this come off of my credit report if I pay the debt?"

The best response that a Debt Collector can give to these questions is: "I don't know." If the Debt Collector is indeed reporting the debt to the credit reporting agencies, the Debt Collector may disclose that fact. However, questions about how it will affect the Debtor's credit, how long it will be on the credit report and how it will be reported if paid are best answered with "I don't know." If the Debtor persists with those questions, he or she can be directed to inquire with the credit reporting agencies for answers.

3. Many Debt Collectors are tripped up by the following question: "What will you do if I don't pay?" The best response to this question is that collection efforts may continue. If the Debtor persists, the Debt Collector can state that collection efforts may consist of phone calls and letters.

4. The inevitable corollary to question 3, above, is: "Will you take a judgment/garnish my wages/place a lien on my house?" If the Debtor asks specific questions such as these, the Debt Collector should state that he or she is not an attorney and cannot give legal advice. The Debt Collector should be clear to avoid stating that such consequences "may" or "might" arise, because in many instances this is not true.

5. A question we have seen in New York recently is: "Why is the balance so high?" In some instances, the Debt Collector will have a breakdown of principal and interest available. If not, the Debt Collector should not speculate with the Debtor as to how the balance was calculated or how the balance may increase in the future.

Please contact John Rossman at [Rossman.J@moss-barnett.com](mailto:Rossman.J@moss-barnett.com) if you believe your company has been the victim of a Debtor scripted, recorded collection call. John K. Rossman is a shareholder and Chair of the Creditors' Remedies Practice Group at Moss & Barnett, P.A. Mr. Rossman is a nationally acclaimed authority on the Fair Debt Collection Practices Act and the labyrinth of laws that impact the debt industry. He is a counselor and advisor to national and international companies and noted for his intelligent, creative and successful representation of collection agencies, debt buyers, creditors and fellow attorneys in cases across the country. This publication is provided only as a general discussion of legal principles and ideas. Every situation is unique and must be reviewed by a licensed attorney to determine the appropriate application of the law to any particular fact scenario. If

listening to you? Have you ever poured your heart out to someone and then felt like they didn't even listen to you? I think we have probably all felt this way at one time or another, and it is not a good feeling to have.

Communication makes our world go around. Good communication can make great things happen. It can open doors to relationships, get business deals done, make people smile and feel wanted, and even save lives!

Poor communication can slam doors to relationships, crush business deals, make people feel horrible and worthless, and can have dire consequences.

We have identified the value of communication at Alliance Collection Service, Inc. and are proud to introduce a new program that we feel will go a long way in strengthening communication with everyone we come in contact with.

This program is called the C.A.R.E. Program. It stands for Collector Awareness Reaction Education. In this program, we teach and coach all of our current and any future employees on some core value areas that are essential in establishing good communication. We have created a quality scoring program for our calls that award points for accomplishing various tasks during the call. At the end of the call, those points are calculated and the collector is given an overall quality score. We grade these just like we were graded in school with 100 being the best. We tie our bonus program into this score and collectors can earn more of a bonus with great scores and less or possible no bonus with poor scores. Here are a few areas they earn points in: Total HIPAA compliance, Total FDCPA compliance, showed empathy, paraphrasing, asking clarifying questions, asking open-ended questions, updating all information, and several other areas.

Our current employees have now all gone thru the program and there is a renewed energy on the floor. They have embraced this concept and have already shared some success stories. We are committed to do our very best to change public opinion of debt collectors one call at a time. We have all of our collectors learn and abide by The Collector's Pledge. I am happy to say I am able to write this pledge below from memory and not off of some sheet. It is:

**I BELIEVE EVERY PERSON HAS WORTH AS AN INDIVIDUAL**

**I BELIEVE EVERY PERSON SHOULD BE TREATED WITH DIGNITY AND RESPECT**

**I WILL COMMIT TO HELPING CONSUMERS FIND WAYS TO PAY THEIR DEBTS**

you have a legal question, consult with an attorney. The reader of this publication will not rely upon anything herein as legal advice and will not substitute anything contained herein for obtaining legal advice from an attorney. No attorney-client relationship is formed by the publication or reading of this document. Moss & Barnett, A Professional Association, assumes no liability for typographical or other errors contained herein or for changes in the law affecting anything discussed herein.

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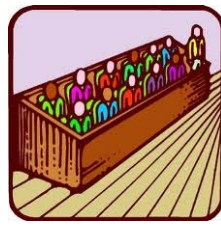
## Jury Awards Plaintiff \$1.26 million in FDCPA Violation Lawsuit

**SOURCE: by Patrick Lunsford - [insideARM.com](#) - July 31, 2011**

A federal jury in New Mexico has awarded a plaintiff \$1.26 million in a case that accused a collection law firm of twice attempting to garnish her wages for a debt she did not owe, according to an article in the Albuquerque Journal.

Rob Treinen, the attorney for plaintiff Lucinda Yazzie, told the paper that the jury handed down their ruling on Friday against The Law Offices of Farrell & Sandlin and Target National Bank, who was named as a co-defendant in the suit.

This is a very interesting case that sends a strong message about litigation and skip tracing processes in the ARM industry.



The case stretches back to December 2006 when Target National Bank assigned the past due credit card account of Yazzie to Farrell & Sandlin. When Yazzie was initially contacted, she insisted that she had never had a Target credit card and that there was another person in her area with the same name. Yazzie said that she frequently got calls from other creditors attempting to find the other person.

But the law firm filed a suit in April 2007 anyway and got a garnishment order. When they presented the order to Yazzie's employer, the business insisted that they had the wrong person. The garnishment writ was then dropped.

The process played out again two years later when Farrell & Sandlin won another garnishment order for the same account. This time, Yazzie's employer not only formally denied the request, but followed up with phone calls, leading to a hearing where both Yazzies were due to show up as well as the collection law firm, which did not appear. The second garnishment order stayed in force until Yazzie filed her own suit against the law firm in March 2010, claiming violations of the FDCPA and other consumer statutes.

During the legal process, it was discovered that Target Bank had indeed supplied Farrell & Sandlin with the correct name, address and Social Security number of the true debtor, not the Lucinda Yazzie named in their garnishment actions. But a former employee of the law firm shortly after receiving the account changed the SSN in the company's system to that of the Yazzie named in the suit. The firm claimed that this went against company policy and entered a bona fide error defense, which was rejected.

The jury awarded Yazzie \$161,000 in actual damages for emotional distress and \$1.1 million in punitive damages. Although Target's attempts to be dismissed from the lawsuit were unsuccessful, the judge noted that the company did not err in the assignment of the account. It is not known what Target's liability is in the case.

A message with Farrell & Sandlin left by the Albuquerque Journal was not returned Friday. Likewise, insideARM.com's attempts to contact the firm over the weekend were not successful. The ruling is not yet available for review, so I would suspect the ARM industry will be reading it carefully when it is out there. An important caveat to remember: all of the above information is coming from one source, the plaintiff's attorney (in addition to some earlier filings that were obtained by insideARM.com).

[READ THE ENTIRE ARTICLE](#)

## POTENTIAL FOR DELAYED PAYMENTS IN 2012

The year 2012 will be one of change for all medical practices. Some of

**I WILL BE PROFESSIONAL AND ETHICAL**

**I WILL COMMIT TO HONORING THIS PLEDGE**

Tony Palmer  
Director of Collections  
Alliance Collection Service, Inc.

## Employee Spotlight



### JENNIFER BAKER

We would like to introduce everyone to Jennifer Baker. She is our new Quality Control Supervisor, and we are very excited to have Jennifer on board. She recently moved to Mississippi from San Diego, California, and she proudly served our country in the Navy for 8 years.

Jennifer's hobbies include Muay Thai, Boxing, MMA, snowboarding, surfing, and rock climbing.

Jennifer will be an integral part of our efforts to change the perception of debt collectors in the media and public opinion. She will concentrate on implementing the C.A.R.E. program discussed in this issue of the newsletter. We are so excited to have Jennifer and look forward to you being able to work with her. If you have any patient or customer complaints, please direct them to Jennifer at:

[jbaker@alliancecollectionservice.com](mailto:jbaker@alliancecollectionservice.com)

Thanks!

Tony Palmer  
Director of Collections  
Alliance Collection Service, Inc.

[tpalmer@alliancecollectionservice.com](mailto:tpalmer@alliancecollectionservice.com)

Alliance Collection Service  
Offers More



**DID YOU KNOW..** that Alliance has developed a training system to help YOU

these changes may have a negative financial impact. Please be aware of two important issues that may have adverse effects.



First, there is a mandated requirement associated with the format in which electronic insurance claims are submitted. The effective date for this change is January 1st. The concern is the ability of practice management software, clearinghouses, and insurance companies to process the new format. A breakdown in any one of these areas will delay payment. You may want to consider reserving some funds or establishing a line of credit

should delays occur. For our clients, be assured that we are addressing this issue for you. We have been testing for some time now with our practice management software and clearinghouse.

Secondly, as you are aware, the SGR (sustainable growth rate) portion of the Medicare reimbursement formula calls for a 27% reduction in fees for 2012. Potential reductions have been common for the last few years. Congress, however, has always stepped in with a stopgap measure to prevent it from being enacted. The House proposed a two-year fix for the problem which was rejected by the Senate. The Senate offered a two-month fix which was rejected by the House. The Senate has adjourned for the Christmas Holiday Break. It appears that the House will also adjourn. If no agreement is reached to address the SGR issue by the end of the year, CMS will apparently withhold payment in the first part of January for all 2012 claims to allow congress to address the issue.

Please continue to push for a permanent fix to the SGR problem.

Harold Ingram, CEO  
PerforMax, Inc.  
PO Box 4319  
Jackson, MS 39296  
601-420-0141  
601-420-5299 (Fax)

## Dear Friends Of Alliance, THANK YOU!

I would like to take the opportunity in our year-end newsletter to say thank you to all of you that made our successful 2011 possible. Without you, we could not be the leader in our industry that we are.



Alliance won another award this year, "Best Places To Work In Collections" which was awarded by Best Companies Group and InsidedARM.com. This prestigious award is coveted because it is employee-driven based on an extensive survey of all participating employees. We are very proud to have won the award. It gives us extra motivation to be even better next year by putting into place new services and systems that will not only better serve our clients, but will also improve the atmosphere for our employees.

Alliance made a number of leaps into the future in 2011 by upgrading to a cutting edge phone system, launching video training & marketing, and most notably, launching the CARE program.

The CARE program is the brain child of Tony Palmer, our Director of Collections. It is designed to insure that ALL debtor contacts are done in the most professional way, are high in quality, and results are verifiable. He hired a full-time employee, Jennifer Baker, who has extensive military and law enforcement experience, and she has also worked in a hospital environment. These qualifications made her the perfect candidate to establish a comprehensive quality assurance program. The program goes live in January 2012 and will score each collector call, each annotation, and other communications with the debtors. A "blind scoring" model allows Mr. Palmer to insure that fairness is maintained, and the new digital recording provides debtor-specific call logs that help him to make sure every debtor is treated fairly and with respect.

These are just a few of the exciting things that happened in 2011 at Alliance and we look forward to winning even more awards and adding more service to our arsenal in 2012, proving that the job really can be done right the first time, every time. The trick is, you have to "want" to do the job right and in a slow economy, many of the agencies around the country just don't want to put in the effort that we do here at Alliance.

We truly appreciate your trust in us. We realize that you have somewhere around

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So "Thank YOU" for being our client. Thank you for trusting in us and being so loyal to us. We look forward to serving you in the coming years.

Ken Dulaney  
Director of Sales & Marketing  
**Alliance Collection Service, Inc.**

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