



ARIZONA
COLLECTORS ASSOCIATION

Unit Update

First Quarter, 2008

Special points of interest:

- Upcoming Educational Seminar—March 21, 2008
- Arizona Collectors Association Committees

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President's Message—Joe Spiek

As your new President, I would like to say "thank you" for the honor to lead our great association into this New Year! As it says above, my name is Joe Spiek and I am an employee of Healthcare Collections, LLC. I have served on the Board of Directors for the Arizona Collectors Association since 2004, and for the last two years I have held officer positions. I am extremely proud of the progress and achievements the Arizona Unit has accomplished in the past few years, including being recognized by ACA International as a Unit of Excellence in 2007. As your new President, my biggest priority is to keep the momentum building and continue the progress we have achieved as an association.

While I was preparing for my new role on the Board, I was searching for ideas on how I could help improve our association. My search led me to our website, (www.azcollectors.org) where I was reminded of our association's promise to its membership. It states, "To be the comprehensive, knowledge-based resource for success in the credit and collection industry." The key word in that promise for me is "resource." My next step was to list all the resources that the Arizona Collectors Association provides for its members and determine which resources could be improved.

My list of resources to be improved includes our website, newsletter, and, most

importantly, our Annual Meeting. But, while I am sure we can improve all the resources we currently provide, I am curious about the resources our membership deems important. And so, as I took the oath as the President, I made my own promise to the membership to call and speak to every member about their expectations, desires, wants, and overall wish list of resources that the Arizona Collectors Association could provide to them. Please be ready to discuss your ideas when I call your office, or better yet, if you have ideas now, please contact me at 602-445-1912 or by email at joe.spiek@healthcareinc.com. I can't promise that every idea will be implemented, but as a

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Upcoming Educational Seminar—March 21, 2008 "Legal or not? That is the question."

The Arizona Collectors Association invites you to join David Lippman, shareholder at Lippman Griffeth & Associates, P.C., for an informative discussion about recent FDCPA/FCRA court decisions, FTC Advisory Opinions and advice for collectors facing litigation-happy consumers.

As the Arizona chairman for ACA International's Member's Attorney Program (MAP), David's knowledge of FDCPA/FCRA and recent court cases is superb. With his 26 years of experience in the collection industry, David's seminar promises to be a wealth of general collection knowledge and up-to-the minute information not to be missed.

See the insert in this month's newsletter for more details and registration information.

Autodialed Cell Phone Contact OK—David Lippman

“The commission held that because the cell phone numbers are typically provided by the consumer; calls made using an autodialer are permissible.”

A recent declaratory ruling by the Federal Communications Commission (FCC) now permits the use of automated dialers to call cell phones under limited circumstances as a result of ACA International’s request for clarification. On December 28, 2007 the FCC issued FCC 07-232 which can be found at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-232A1.pdf.

The ruling holds that under the Telephone Consumer Protection Act of 1991 (TCPA), debt collectors may, under certain circumstances, call consumers using predictive dialers under an exception for “autodialed and pre-recorded message calls for emergency purposes or made with the prior express consent of the called party.” Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (1991), codified at 47 U.S.C.

In its discussion of the TCPA, the FCC found that while there is a general prohibition against using an auto dialer to contact wireless numbers, the commission also noted that there exists an exception when:

“persons who knowingly release their phone numbers have in effect given their invitation or permission to be called at the number which they have given, absent instructions to the contrary.”³⁴ The legislative history in the TCPA provides support for this interpretation. Specifically, the House report on what ultimately became section 227 states that: [t]he restriction on calls to emergency lines, pagers, and the like does not apply when the called party has provided the telephone number of such a line to the caller for use in normal business communications H.R. Rep. 102-317 at 17.”

The commission held that because the cell phone numbers are typically provided by the consumer; calls made using an autodialer are permissible. While the TCPA has always contained an exception to the prohibition against calling cell phones from an auto dialer in cases in which the consumer has provided prior express consent to call the cell phone number, the recent FCC ruling extends the definition of “prior express consent” to include cell phone numbers provided to the creditor as part of the credit transaction that resulted in the debt.



**AZ ACA President
Joe Spiek**

“I would like to challenge every member to become more active and involved in your association.”

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Board of Directors, we will explore every idea and suggestion that I collect and gather.

Finally, as the volunteer Board of Directors gets ready to roll up their sleeves and work on making this association better for all, I would like to challenge every member to become more active and involved in your association. Improving resources such as the newsletter and the website will take many hours of labor, and as a volunteer

organization, we will be better served if these resources that need improvement are organized by individual committees. Thus, my challenge to you is to serve on one of our many committees. On Page 3, please see the list of available committees, and contact the appropriate committee chair of the committee that you would like to serve on. I am positive you will find that serving on any of our committees will be a rewarding experience and an opportunity for personal

growth. We look forward to hearing from you soon and working on building a better association together.

President’s Message cont’d

Arizona Collectors Association Committees

ACPAC

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Annual Meeting

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To join a committee, please contact the committee chair and let them know of your interest. If you have any questions, don't hesitate to give them a call or an email. We look forward to hearing from you!

Contributing to a Good Cause—Mary Sands-Quiram

I recently had the pleasure of becoming the newest director of the Arizona Collectors Association Board of Directors. Not sure of what I was supposed to do, I decided to reread the wonderful presentation packet that was given to me at the annual meeting in November. I read more information about ACPAC, the ACA Political Action Committee.

Ok, so what is ACPAC and why are they trying to get me involved with more insurance (You know, AFLAC, the duck....) ACPAC is our industry's best way to financially support candidates that advocate for positive public policies affecting the credit and collection industry. Our in-

dustry in constantly changing and we need to band together to keep important issues in front of legislators and regulators, and, with lots of hard work and luck, bring positive legislation to our industry. How else do we fight against current laws and case decisions in a proactive manner?

So I start thinking about how I can do something. Our office is a professionally-dressed environment and one of the incentives we allow our employees is to earn "Jeans Day's." This allows the employee to wear jeans on selected days. I requested and received approval from management to "sell" the right to wear jeans on certain dates around the holidays. I sold

one day for \$5.00 or all five days for \$20.00. I had the employees make their checks payable to ACPAC and fill out the proper contribution forms. These forms are available at the Arizona Collectors Association website. I was able to raise \$160.00 very quickly with one small idea. I hope this helps you and your offices think of ideas, even if it is outside the box, to assist in raising funds for ACPAC. Have a wonderful and prosperous 2008!

Mary Sands Quiram is on the Board of Directors for the Arizona Collectors Association.

"Ok, so what is ACPAC and why are they trying to get me involved with more insurance (You know, AFLAC, the duck....)"

President

Joe Spiek
Healthcare Collections, LLC

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Chris Becraft
Collection Service Bureau

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Mary Sands-Quiram
RSI Enterprises

Director

Bob Schunn
Audited Financial Management
Resolvement, Inc

Director

Scott Sievert
Audited Financial Management
Resolvement, Inc

To learn more about the Arizona Collectors Association, please visit our website at:

www.azcollectors.org

There you'll find more details about our association, member directories, seminars offered and past issues of our newsletter. It also contains details about the current officers and information on how you can get involved.

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www.azcollectors.org



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COLLECTORS ASSOCIATION