

# OPERATIONS GUIDE

# CONSUMER DISPUTES



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## Contents

About the Presenters.....	4
Introduction from the FDCA: .....	5
Written vs Verbal: .....	8
Adding the FCRA to the Mix:.....	8
Reporting: .....	9
Another Important Regulation: .....	10
Examinations:.....	11
Disputes from Consumers:.....	11
Disputes from Attorneys:.....	11
Disputes from Credit Reporting Agencies:.....	12
Frivolous-Suspect Disputes:.....	12
Dispute from a Consumer with a Cease Request: .....	13
Codes, Codes, Codes:.....	13
Q&A.....	14
Q. Under the FCRA duty to correct and update information. When should information be corrected? When disputed, or should accounts be audited and corrected, and if so, how far back? .....	14
Q. What is a reasonable timeline to update inaccurate reporting? .....	14
Q. If a debt collector furnishes information to CRAs, it must update the report to CRAs that the debt is disputed. How long should the notification of dispute be recorded, and when can it be taken off the CRA reports? .....	14
Q. Do we as data furnishers have a responsibility to follow up with the CRA to make sure they are updating with the information we're providing them for our investigation? .....	14

## About the Presenters

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**James Bedell:** Jim has a nationwide practice in the areas of creditors' remedies, debt collection and defense of Fair Debt Collection Practices Act (FDCPA), Fair Credit Reporting Act (FCRA), and Telephone Consumer Protection Act (TCPA) claims. Jim represents creditors, debt purchasers, and debt collection agencies. He is a member of ACA International Members' Attorney Program (MAP) and ACA's Collection Notice Review (CNR) program. Jim lectures and presents programs on FDCPA and collection issues.

**Debra Ciskey:** Debra is the Compliance Officer for Wakefield and Associates Inc. in Aurora, CO. Debra was Director of the Performance Development Group and Director of Compliance at Afni, Inc., in Bloomington, IL for 21 years, and prior to her work at Afni, Debra was Director of Education at ACA International from 1980 to 1993. Debra achieved certified instructor status for ACA in 1983 and has taught more than 200 ACA Seminars.

**Alicia McKeighan:** Alicia is the Director of Compliance at Afni, Inc. and has been with Afni for seven years. Ms. McKeighan holds ACA's Professional Collection Specialist designation, Credit and Collection Compliance Officer designation, Fellow and Scholar Designation, and holds a Fair Credit Reporting Act certification obtained from the Consumer Data Industry Association.

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## Introduction from the FDCPA:

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**T**wo sections in the FDCPA discuss disputes and how to respond to them. The first is Section 1692g:

(a) Notice of debt; contents

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing—

- (1) the amount of the debt;
- (2) the name of the creditor to whom the debt is owed;
- (3) a statement that unless the consumer, 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 debt collector;
- (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and
- (5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

(b) Disputed debts

If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) of this section that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector. Collection activities and communications that do not otherwise violate this subchapter may continue during the 30-day period referred to in subsection (a) unless the consumer has notified the debt collector in writing that the debt, or any portion of the debt, is disputed or that the consumer requests the name and address of the original creditor. Any collection activities and communication during