

Mid-America

ACA Collector Connector

VOLUME 37, NUMBER 4, FALL 2024/WINTER 2025



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The Four State Flags signify the four states joined together for a bigger and better industry association.

SOLUTIONS *for* YOUR SUCCESS

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"Over 50 years ago, my family started a collection firm when I was 12 and I have worked in the ARM industry since. In 1990 I became an ACA Certified Instructor and have trained thousands of ARM industry owners and collectors. In 2004-2005, I served as your President of ACA International. In 2020 I joined the team at Applied Innovation Inc.

Today, I'd like to take this lifetime of ARM industry experience and help your organization grow and prosper with the solutions offered by Applied Innovation and our dynamic team. There are many pathways to choose. Let me help lead the way."

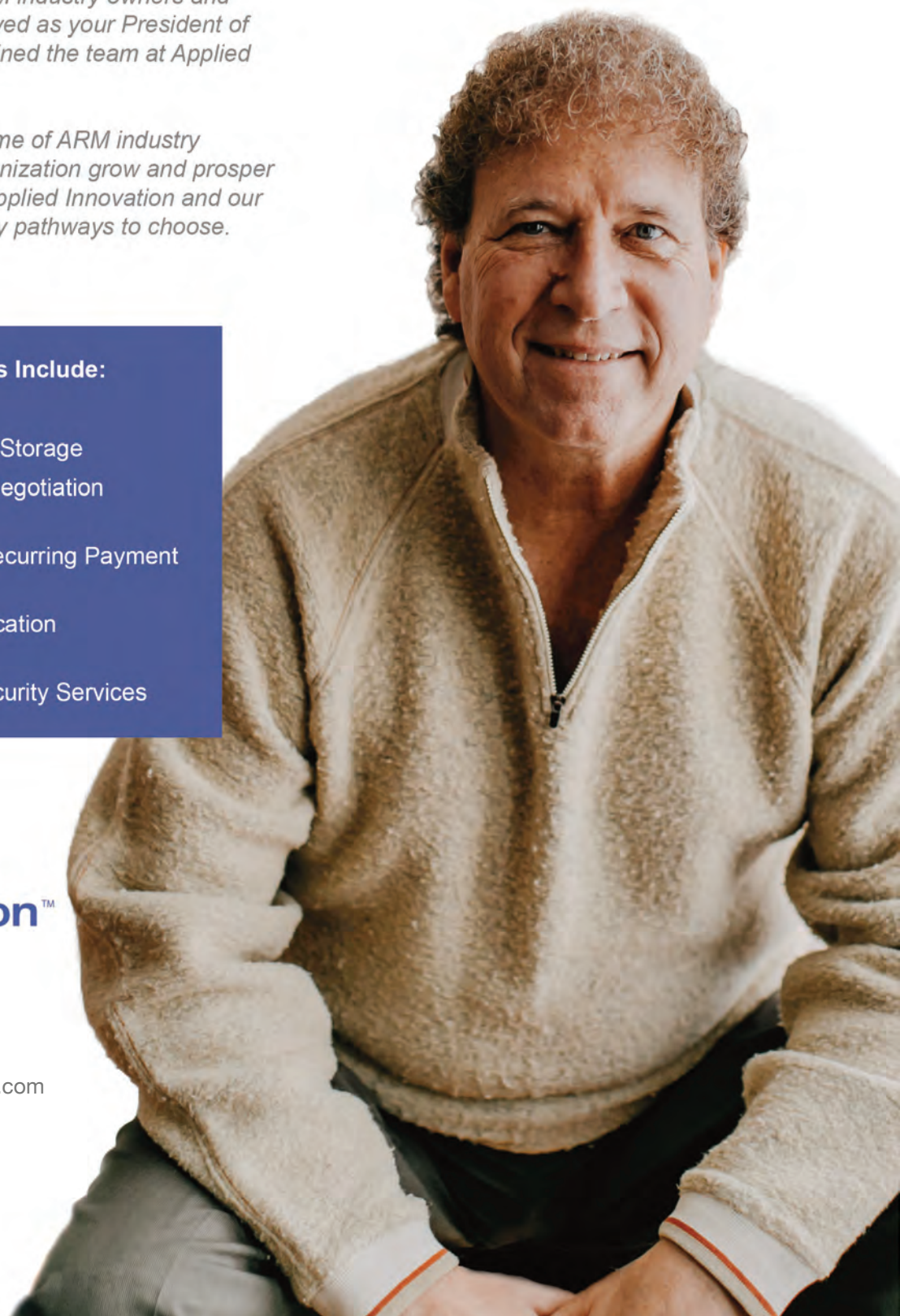
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Harry Strausser, President,
hstrausser@appliedinnovationinc.com



FROM THE PRESIDENT By Kevin Cloud



While I sit back having watched the leaves turn color, fall from the once blooming and beautiful trees that they once hung from then barreling through winter, I start to think about the seasons that we all see in our industry. Whether it be the hustle of getting everything set up perfectly for tax season, riding the summer wave or pushing to close as many deals and end the year strong, we all experience the seasons of collecting. While I have big shoes to fill in taking over from our past president, Barbara Garner, it is an honor to be your President as we navigate the coming year's seasons.

Feeling optimistic and excited coming away from one of the best ACA conferences I have ever attended, it is with great excitement that I am able to announce the merger of the outstanding states of Missouri and Kansas Units to the already joined forces of Texas and Oklahoma. With this merger, the Mid-America Collectors Association is now the largest ACA Unit with over 150 member companies. With this exciting news, we will need even more involvement from our members as there are many positions to be filled from committee members (especially legislative) to national delegates to unit directors to board members and officers. The more agencies and great people we have involved will only make our unit that much stronger. If you have any interest or have questions about how you can help, please do not hesitate to reach out to me for more information. As our unit leaders like to say, we are better when we are all together!

As our industry continues to face challenges such as new regulations, changes in the way we credit report and the constant threat of Cyber-attacks, it is always impressive to watch how we, as an industry, adapt to these changes and can pivot quickly to ensure compliance and great customer care. I hope you were able to attend our conference this fall and hear from some of our industry experts such as Don Maurice, as he gave us some of the latest and greatest tips and security measures we should look at to protect our organizations. We were also able to hear from Mark Cavin from the CFPB as he gave us insight as to how the CFPB is viewing consumer interactions and giving some detail on what the CFPB is doing in the future. We had several outstanding speakers and resident experts such as Steve Kusic and Tim Haag to provide a deep dive into the digital communication world. If you didn't have a chance to attend this year's conference, be on the lookout for the 2025 dates as the planning has already begun!

As 2025 is presenting its own unique challenges and changes, I have full confidence in our industry's ability to pivot and flourish under any new regulation or change that may be thrown our way. I hope you are all just as excited as I am to navigate new ways of thinking and operating!

Best regards to all;

Kevin Cloud
2024-25 President

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If you are looking to buy, sell, hire or acquire, consider advertising in our feature, "Collection Marketplace." Contact PaulNagy, for ad sizes and rates.
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EXECUTIVE DIRECTOR'S COMMENTS By Paul Nagy

FOUR STATES ALL TOGETHER AND TOM MORGAN'S RETIREMENT

Welcome to our Kansas and Missouri member companies who have merged with Texas and Oklahoma! Our recent history is that ACA of Texas in 2020 became Southwest Collectors Association when the Oklahoma state unit merged with Texas. Kansas and Missouri separate state units merging with Oklahoma and Texas created the Mid-America Collectors Association which now has 150 member companies between the four states.

Congratulations to Tom Morgan on his retirement after serving as executive director for over 16 years! His legacy includes a high level of consistent service, navigating the pandemic and facilitating two mergers into a two then four state union. There is not a better person to have accomplished these achievements. Now he's reading books that have long been on his reading list.

This issue contains a wrap up from our annual conference which was held at the wonderful Marriott at Champions Circle in Fort Worth, Texas. With cybersecurity a significant priority, Jennifer Bergman with ACA member American Municipal Services, offers key insights on the topic. Note then the promotion of ACA International's Cybersecurity & Risk Forum being held in Austin, Texas from March 31 to April 2. With legislatures around the country in full swing following the elections, Jared Buchanan's legislative news is followed by an article by Sarah Bonk, founder of Business for America, on bridging divides. Dovetailing with Jared seeking volunteers is information on learning more about legislative advocacy by attending the monthly Advocacy Connections webinar. We conclude with Debra Ciskey's Compliance Corner about medical debt collections.

I am honored to now be your executive director. I have been involved in ACA since 1998 as an owner of a small agency. I have mainly served as legislative chair for Texas as I live in Austin and am close to the Capitol. Service and involvement in industry groups have been important to me. I am here to help our member companies and vendor partners get the most out of their memberships and involvement.

Paul Nagy
Executive Director

COLLECTORS PLEDGE

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- I believe every person should be treated with dignity and respect.
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Southwest Collectors Association 2024 Annual Conference & Expo



Dinner at The Paddock at Marriott Champions Circle

SEPTEMBER 23-25, 2024
MARRIOTT AT CHAMPIONS CIRCLE
FORT WORTH, TEXAS

CONFERENCE WRAP UP

CONFERENCE HIGHLIGHTS



Bonnie Allen and Irene Hoheusle
with ACA President Tim Haag



Tom Morgan with ACA CEO Scott Purcell
and ACA President Tim Haag



"Stay to the End" Prize Presentation
to Jennifer Bergman



Retirement Presentation to Tom Morgan



Texas and Oklahoma State Flag Presentation to ACA CEO Scott Purcell and ACA President
Tim Haag from Barbara Lee-Garner, Tom Morgan and Kevin Cloud

2024 MID-AMERICA COLLECTION CONFERENCE

“Better Better; When All Are Together” Our Conference Schedule

Sunday, September 22

5:00 pm	SWCA Board of Directors Meeting with Dinner	San Marcos Room
7:00 pm - 9:00 pm	Early Exhibitor Setup	Trinity 1 & 2 Ballroom

Monday, September 23, Pre-Conference

7:00 am	Friendly Golf Outing with Jared and friends	The Golf Club at Champions Circle
7:00 am	Exhibitor Setup to be complete by Noon	Exhibit Hall
8:30 am - Noon	Compliance Master Class with Debra Ciskey and Loraine Lyons	San Marcos

Monday, September 23

1:00 pm	Opening Session, Welcome and Recognitions	SWCA President Garner
1:30 pm	Keynote: “Leadership Through Adversity,”	Roger Weiss
2:15 pm	Part 1: Data Security – Risks and Regulation	Don Maurice & Eric Rosenkoetter
3:00 pm	Part 2: Data Breach Tabletop Exercise	Don Maurice & Eric Rosenkoetter
4:00 pm	Session – Speed Dating with our Exhibitors (Mimosas included!)	Exhibit Hall
5:30 pm	Opening Reception in the Exhibit Hall	SWCA President/Board
6:45 pm	Opening Reception ends	Special Event Begins
7:00 pm	Special Event – “Big Shots at BigShots Golf”	Ends at 9:00 pm

Tuesday, September 24

8:00 am	Breakfast with the Exhibitors (with recognitions)	Exhibit Hall
9:00 am	Digital Communications	Jared Buchanan, Steve Kusic, Dennis Barton, Charlie Wheeler
10:00 am	15 min Break	
10:15 am	Navigating the Latest Medical Debt Regulation	Don Maurice & Shannon Miller
11:00 am	Top 10 Considerations for Credit Reporting Compliance	Debra Ciskey
11:45 am	“Operations through the HR lens”	James Taylor & Panel
12:30 pm	Lunch with the Exhibitors	Exhibit Hall
1:30 pm	Does the Left Hand Know What the Right Hand Is Doing?	Kelli Krueger/Dennis Barton
3:00 pm	Break and “Visionaries” Gathering (WIC)	San Marcos
3:30 pm	Healthcare Gone Crazy	Bonnie Allen
4:30 pm	ACA President – National ACA and Industry Update	Tim Haag & Scott Purcell
5:30 pm	Annual Unit Business Meetings	Exhibit Hall
6:30 pm	Special Event – “Mid-America Roundup!”	The Paddock

Wednesday, September 25

8:00 am	Breakfast with the Exhibitors in the Exhibit Hall Plus New Officer/Director Installations	Tim Haag
9:00 am	“What are all those nasty regulations?”	Jared Buchanan and his Mighty Lawyer Team + Mark Cavin/CFPB
10:00 am	“Litigation: What troubles us the most?”	Xerxes Martin
11:00 am	Morning Break with Exhibitor prize drawings	Exhibit Hall
11:45 am	Conference Wrap-up/Q&A Session with Speakers/Stay-to-the-end Prize Drawing	Exhibit Hall
12:00 pm	Conference Concludes – Thank You for Attending	President Cloud

2024 MID-AMERICA CONFERENCE & EXPO SPONSORS, ASSOCIATE MEMBERS AND EXHIBITORS

Please thank them for supporting our conference!

Absolute IT Solutions – Associate Member and Session Sponsor

Applied Innovation – Associate Member

ARCLight Group – Exhibitor

Avtal – NEW Associate Member

Connect International, LLC – Associate Member (Not exhibiting)
Bronze Sponsor/Conference Totes

EFT Network – Associate Member (Not exhibiting)

Intelligent Contacts – Associate Member

InterProse – Exhibitor

Linebarger Law (Not exhibiting)

Maurice Wutscher Law – Gold Sponsor of our Opening Reception

Maxyfi – NEW Associate Member and Bronze Sponsor/Lanyards

Pathfinder – Associate Member (Not exhibiting)

Payment Savvy – Associate Member and
Platinum Sponsor “Roundup at the Paddock”

Pay N Seconds – NEW Associate Member

Peritus Portfolio Services - Exhibitor

REPAY – Associate Member and our Silver Breakfast Sponsor

Resolv.Global – Sponsor/Speed Dating

RNN Group – Exhibitor

Robinson, Hoover and Fudge – Bronze Sponsor of our WIC Gathering

SearchNet Corp – Associate Member (Not Exhibiting)

TCN – Exhibitor

TEC Services Group – Exhibitor

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If an agency wants the benefits of a highly professional expert who is easy to work with and will transform your sales efforts into meaningful profitable growth: retaining Marc Trezza is the smartest thing you can do."

Robert Salmon, CEO
George Brown & Associates

"The first year of implementation we saw a 25% increase in new sales over the prior year. Year two, we saw a 50% increase in new sales. If you truly care about increasing your agency's profitable growth, hire Marc Trezza. It's definitely worth the investment."

Michelle Camp
Director of Operations
Express Recoveries, Inc.

Since 1991, agencies say hiring Marc Trezza is the most effective sales solution in the industry.

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Our exponential growth over the past ten years is directly the result of retaining him to take over our sales management."

Steve Miller, CEO
Professional Recovery Consultants

"I wish I'd hired Marc Trezza a long time ago."

I have only three words to rate the effectiveness, quality, and professionalism of our partnership with Marc Trezza and SNC: *Excellent, Excellent and Excellent!*"

Debbie Frank, CEO
Collection Bureau Services Inc.

"Our relationship with Marc Trezza has been an invaluable asset to our agency, transforming a floundering sales department into a powerful source of company growth.
Thank You Marc!"

Shawn Schlag, VP
ATG Credit, LLC

"Marc Trezza is excellent! Not only can you reduce your sales costs while you dramatically increase your results, but Mr. Trezza's monthly expense is less than half what we would have to pay a professional of his experience if we made a direct-hire."

Within one year under his guidance, we increased our placement volume by over 500% and with much more profitable clients. I cannot recommend Marc Trezza highly enough."

Patrick Miller
Director Of Operations
Recoveries Incorporated

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SHIELDING YOUR BUSINESS: CYBERSECURITY BASICS EVERY SMB MUST KNOW

By Jennifer Bergman

As the debt collection industry continues to embrace technology, adopting robust cybersecurity measures is no longer an option – it's a necessity. In this article, we explore the current state of cyber threats for small and medium businesses (SMBs) and actionable steps you can take to fortify your business' digital defenses.

SMBs: Prime Targets for Cyber Opportunists

Contrary to popular belief, small and medium businesses (SMBs) are not just collateral damage in the threat landscape; they are often the primary targets. In fact, 60% of SMBs experienced at least one cyberattack in the last year, with ransomware, phishing, and malware being the top concerns. Yet only 18% of these businesses have implemented all the necessary IT security measures, leaving a vast majority exposed.

The takeaway? Cybercriminals are increasingly focusing on SMBs, and without proper defenses in place, your business could be next.

Top Cybersecurity Threats Facing SMBs in 2024

Picture your business as a sleek spaceship navigating through the asteroid belt of cyberspace. To safely navigate this treacherous path, understanding the types of asteroids – or cyber threats – is crucial. Here's your navigation guide to the top cybersecurity threats for SMBs in 2024:

- **Phishing Attacks:** The oldest trick in the book, yet still one of the most effective. 83% of organizations reported experiencing a successful phishing attack in 2023, and adversaries are now leveraging AI to craft more convincing phishing emails. These attacks prey on human error, often leading to credential theft or malware installation.
- **Ransomware:** This isn't just a threat; it's a crisis. Over 70% of ransomware victims are SMBs, a testament to the financial and operational havoc such attacks can wreak.
- **Insider Threats:** Not all dangers come from outside. Insider threats, whether malicious or accidental, account for 30% of data breaches. This highlights the need for strict access controls and employee awareness.

- **Cloud Misconfigurations:** As businesses migrate to the cloud, misconfigurations become a common vulnerability. Around 46% of organizations using cloud services have suffered security issues due to misconfigurations.

- **Supply Chain Attacks:** Trust in third-party services can be a vulnerability. The average time to detect a supply chain breach is over 200 days, providing attackers with ample time to exploit the system.

- **Zero-Day Exploits:** These attacks target vulnerabilities that are unknown to the software developer, leaving systems defenseless. This emphasizes the need for organizations to have an incident detection and response plan.

Humans: The First Line of Defense

Humans continue to be the "weakest link" in any cybersecurity plan. Even with the most advanced technology in place, human error remains a critical point of vulnerability. In fact, a staggering 95% of cybersecurity breaches are caused by human error according to the World Economic Forum. This serves as a powerful reminder that the human element is just as crucial to security as any technology.

Further, many businesses make the mistake of thinking cybersecurity is the responsibility of the IT team. But here's the truth: cybersecurity is as much about culture as it is about technology. A strong culture of security can significantly reduce breaches, and it's up to every business owner and leader to champion this mindset.

Here's how you can take action:

- **Establish a Culture of Security.** Make cybersecurity a regular topic of discussion across the entire organization. Fostering a security-minded workforce is one of the most effective ways to minimize risk.
- **Educate Employees and Simulate Phishing Attacks.** Regular security training on cybersecurity best practices (recognizing suspicious emails and other common threats) and phishing drills can reduce breaches due to human error by an impressive 76%. There are several training platforms such as KnowBe4.
- **Select and support a "Security Program Manager."** This person helps keep cybersecurity at the forefront of your business, reports to

leadership once a month, and works with your internal or outsourced security team (i.e., Managed IT Service Provider) to ensure your organization is implementing the necessary cybersecurity practices.

Navigating the Cyber Galaxy: SMBs' Defense Playbook

For many SMBs, the vast cyber universe can feel daunting. But fear not; you're not alone in this journey. By harnessing the right tools and mindset, even with limited technical know-how, you can safeguard your digital voyage. Here's your guide, inspired by the National Institute of Standards and Technology (NIST) Cybersecurity Framework. The NIST Framework stands as a cornerstone for cybersecurity, offering businesses a strategic, flexible blueprint to safeguard their operations.

- **Identify:** Embrace the journey by knowing your digital landscape. Map out all devices, software, and data. Think of this as learning about the stars in your sky. Implementing a Cybersecurity Policy that outlines roles, responsibilities, and expectations is your first star chart.

- **Protect:** Your spaceship needs armor. Multi-Factor Authentication (MFA) is your simple yet powerful shield. Regular Software Updates ensure your ship's hull is up to date, patching vulnerabilities before they become breaches.

A Vulnerability Threat Management Program helps identify assets and applications that are vulnerable to exploits.

- **Detect:** Not all threats are visible. Security Information and Event Management (SIEM) solutions and Intrusion Detection Systems (IDS) serve as your radar, scanning for anomalies. Employee Training programs are crucial; much like training your crew to spot distress signals.
- **Respond:** When the inevitable asteroid hits, having a Response Plan is vital. This includes incident response drills. Communication Strategies ensure everyone knows their role in a crisis. If you don't have a person or team that can respond in real-time, look to outsource to an Incident Response provider (i.e., ContraForce).

Continued on next page

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Jennifer Bergman is the COO at American Municipal Services. She can be contacted at jennifer@amshelpcenter.com.

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Who is this conference built for and why attend?

- Small and mid-size agencies and firms are especially vulnerable to cyber threats, as they often lack the resources and expertise of their larger counterparts. Protect your business from devastating attacks by learning how to address your unique challenges.
- Large agencies and firms with in-house Chief Information Security Officers (CISOs) and teams who oversee cybersecurity will further strengthen their cybersecurity positioning.
- Creditors will find the content highly relevant, as the forum addresses the growing need for robust cybersecurity practices across the entire financial ecosystem.

Early bird pricing ends February 24, 2025!

Gain invaluable insights that go beyond just credit and collections. This forum also provides practical cybersecurity guidance relevant to your entire client base. Ask about a discount code for your creditor clients.

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LEGISLATIVE COMMITTEE NEWS!

With the 2024 election behind us, we now gear up for the 2025 legislative season.
Sessions begin on January 8th in Missouri, January 13th in Kansas, January 14th in Texas and February 5th in Oklahoma.

State Legislatures Composition:

As a result of the 2024 election, our four states will continue to have Republican majorities while only Kansas has a Democrat governor and lieutenant governor. This chart shows the number of seats by party in the senate and house of representatives in each state.

	Kansas	Missouri	Oklahoma	Texas
Governor	Laura Kelly (D)	Mike Parson (R)	Kevin Stitt (R)	Greg Abbott (R)
Lt. Governor	David Toland (D)	Mike Kehoe (R)	Matt Pinnell (R)	Dan Patrick (R)
State Senate	40	34	48	31
Republicans	31	24	40	20
Democrats	9	10	8	11
Change from 2022	R+3	0	0	R+1
State House	125	163	121	150
Republicans	88	111	81	88
Democrats	37	52	20	62
Change from 2022	R+3	0	0	R+1

Volunteers Wanted!

Let's get involved! At least one volunteer from each of our states is needed to help me as chairman of the Legislative Committee in monitoring legislation that can affect our industry. All of the states have tools for tracking legislation that can be found in the links below. Contact me at jyb@faberandbrand.com or Paul Nagy at pnagy@mid-amcollectors.org for more information.

State Legislatures Information (including tracking legislation):

Kansas: kslegislature.gov
Missouri: mo.gov/government/legislative-branch/
Oklahoma: oklegislature.gov
Texas: capitol.texas.gov

Information Sources:

Kansas Statewide News: www.kansas.com/
Missouri Statewide News: www.kansascity.com and www.stltoday.com/
Oklahoma Statewide News: The Oklahoman at: oklahoman.com/
Texas Statewide News: Texas Tribune at: www.texastribune.org
National Political News and Opinion: Real Clear Politics at: www.realclearpolitics.com

Jared Buchanan
Legislative Committee Chairman



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Maxyfi is a purpose-built debt collection software designed to boost agency revenue without increasing operational costs. It leverages RPA-powered omnichannel flows through SMS, email, and calls, ensuring compliance with FDCPA and TCPA. Our consumer portal allows for effortless digital payments, delivering a 5-star experience with superior digital billing. Gain full control of collection progress with our rich dashboards and insightful reports. Maxyfi - the all-in-one solution for your debt collection needs.



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Ashraf Ali

Co-Founder &
Chief Customer Success Officer
ashraf@maxyfi.com

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HOW BUSINESS CAN BRIDGE DIVIDES

POLITICAL DIVISION IS WORSE THAN EVER. HERE'S WHAT YOU CAN DO ABOUT IT.

By Sarah Bonk, founder of Business for America

The 2024 election focused a spotlight on deepening political and cultural divides, leaving many Americans to wonder whether we can overcome our differences. Toxic polarization isn't only found on TikTok, X, and political ads. Many companies are witnessing first-hand how contentious social issues create workplace conflict and angry customers.

Meanwhile on Capitol Hill, hyperpartisanship creates political dysfunction and hinders progress on a wide variety of policy issues — even those where most Americans agree. Government relations teams and trade associations even run into barriers to passing common-sense, business-friendly measures. In fact, year after year, the Harvard Business School's Report on Competitiveness has identified political dysfunction as the greatest obstacle to economic competitiveness.

As systems thinkers, business leaders can easily understand the drivers of social polarization and political hyperpartisanship. News and social media stoke outrage to get views, engagement, and ad revenue. Media fragmentation serves up content tailored to our existing biases, and technology enables precise viewpoint targeting. Political parties, politicians, ad agencies, and pundits leverage fear and anger to get our attention, votes, and dollars. Instead of building understanding, this feedback loop is driving Americans apart.

What can we do?

America is at a crossroads and the only way forward together is to move from contempt to connection. At Business for America (BFA), we believe that for society to function effectively, we must build respect and understanding across our differences. Working with businesses, we've found four key steps you can take to help repair America's social fabric.

Step One: Depolarize Yourself

Americans are spending more time with more people who think like they do and reading media that reinforces their existing biases. By engaging across political divides, whether in person or online, we remind ourselves that the

"other" is — just like us — a person who loves their family, community, and country.

You can start by simply diversifying your newsfeed. There are services to ensure you hear multiple viewpoints, including AllSides.com or Ground.News. You can try the Polarization Detox Challenge at startswith.us/pdc. And you can join a bridge-building organization in your community to try face-to-face conversation across differences — one of the most powerful tools available to dismantle the prejudices and stereotypes that can otherwise rip societies apart.

Step Two: Depolarize Your Workplace

Many companies are witnessing firsthand how contentious social and political issues create workplace conflict. A 2022 SHRM study found that 45% of American workers experienced political disagreements at work, and a 2022 HBR survey found that 78% of frontline employees and managers believe that bad behavior from customers toward employees is more common than it was five years ago. A 2024 SHRM study found that American employers collectively lose more than \$2 billion daily due to the reduced productivity and absenteeism caused by incivility.

By setting expectations for respectful dialogue and giving your employees the tools to handle conflict productively, you can unlock business benefits such as improving employee satisfaction, performance, and retention. By creating a more cohesive culture in the workplace, you can help combat polarization's negative impact on your business and in the communities where you operate.

Step Three: Depolarize Your Politics

At BFA, we believe that business can be a force for good in our politics. Amid domestic political tension and global instability, business leadership is needed now more than ever. Businesses often find themselves under stakeholder pressure to take action on a wide range of issues — and then coming under fire for doing so. While there may be a temptation to lay low, smart business leaders will find ways to stay engaged.

It starts by setting aside your personal political views and finding opportunities to be a unifying, moderating force in our politics. You can start by getting to know your legislators and public officials, letting them know that bipartisanship is a business priority. By investing in those relationships now, you will have good standing to ask them to work across the aisle and solve problems that matter to your business, community, and country.

Step Four: Depolarize Your Community

Mending our nation's social fabric won't be quick or easy. Beyond your mindset, office, and political engagement, your leadership is needed in the communities where your business operates. Many areas have local organizations that offer proven solutions to help communities bridge divides, and your support and participation will make a big difference.

This is why Business for America supports the bipartisan Building Civic Bridges Act (BCBA). The bill would provide much-needed support grants to help nonprofit organizations expand availability of civic bridgebuilding programs. These programs are proven to be effective in helping people from different backgrounds learn to have meaningful, productive conversations. BFA is proud to join the U.S. Chamber of Commerce and Business Roundtable in supporting the BCBA. Passage of the BCBA is an important step towards restoring social cohesion and building a vibrant economic future for our country.

Take Action

If we want American business to thrive, we must take action and advance solutions that foster dialogue and heal divides in our workplaces, communities, and politics. The future of business and American prosperity depend on it.

Sarah Bonk is the founder and CEO of Business for America, a nonpartisan business membership organization that helps companies and associations take action to protect our democratic republic. Learn more at www.bfa.us.



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Advocacy Connections: It's Easier Than You Think

Third Tuesday of each month at 1 p.m. Central

Interactive community for members to learn more about advocacy and connect with new and experienced member advocates.



Join ACA's Next State Advocacy Connections Webinar

If advocacy seems intimidating to you, or you'd simply like to learn more about what it means for members to get involved and how, ACA International has a new webinar for you.

Join ACA's 30-minute Advocacy Connections: It's Easier Than You Think community to learn how you can be an advocate for your business and the industry with ACA International's help. ACA invites you to bring your questions about the advocacy process and share your challenges so we can find solutions together.

The webinars are held the third Tuesday of every month. The next webinar is Tuesday, March 18 from 1-1:30 p.m. CT. Katie Borchers, president of Beyond Green Solutions and vice president of the New York State Collectors Association, will build on an ACA Fall Forum presentation, "Put on Your ARM Advocacy Hat," featuring tips on crafting a message to share with state representatives and specific steps to help you take immediate action within your daily time constraints.

All members are invited to attend. If you know someone who is interested in advocacy or could share their insights, spread the word!

Log in and complete a one-time registration through ACA's online events calendar

<https://www.acainternational.org/events/> or for the next session via Zoom by scanning the QR code.



For more information about State Advocacy Connections, contact Katy Zillmer at zillmer@acainternational.org.



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By Debra Ciskey

ACA International sues CFPB over validity of Medical Debt Collection Rule

On November 1, 2024, ACA International and one of its members filed a lawsuit against the Consumer Financial Protection Bureau and its Director, Rohit Chopra, in which ACA alleges that the Advisory Opinion on Medical Debt Collection that the CFPB issued on October 1, 2024 is improper. The lawsuit seeks declaratory and equitable relief against the defendants, including a declaration, among other things, to vacate and set aside the Advisory Opinion, to stay the effective date and enjoin its implementation.

The lawsuit describes 4 new rules set out by the Advisory Opinion, including:

- A requirement for a debt collector to review account level documents prior to sending a consumer a validation notice. This requirement differs from the FDCPA's statutory requirements and exceeds the CFPB's authority to interpret the FDCPA.
- A "reasonableness" standard under which debt collectors will have to make a judgment about whether the amount charged by the medical provider for whom they are collecting has charged the patient a reasonable amount for services under state law.
- A new standard related to when the debt is in default, which would result in wider coverage of the FDCPA over medical billing companies.
- A new standard that would in effect require debt collectors to audit the billing practices of medical providers.

This short summary can only scratch the surface of the arguments and assertions set forth in the lawsuit, which was prepared by the law firm Brownstein Hyatt Farber Schreck, LLP.

As a consultant that helps debt collectors establish policies and procedures to ensure compliance with the multitude of laws and rules that govern the collection of debt, I have spent considerable time examining the new requirements. Unlike Regulation F which clearly states what debt collectors may do and what they are prohibited from doing, the Advisory Opinion which the Bureau claims will have the effect of a rule starting on December 3 is vague, setting out what it feels debt collectors "should" do, but not "how" to do it. The rule contains more than 90 footnotes, many of which relate to legal action the CFPB means to cite as precedent, but which do not relate to debt collection at all, and others which merely expand on its assertions about what debt collectors "should be able to do." Since the Bureau did not hold hearings or seek input from the industry, I'm not sure how it knows what debt collectors should be able to do. Regulation F underwent scrutiny from the industry, consumer groups, and legal analysts in the years of development prior to its publication.

The Advisory Opinion did not. The Bureau also eschewed the requirements of the Administrative Procedure Act which governs how administrative agencies make rules, adjudicate disputes and interacts with the public (5 USC 551-559). Kudos to ACA International for taking this action on behalf of the industry.

Debra Ciskey is a Senior Compliance Advisor at ARM Compliance Business Solutions and an ACA International Credit and Collection Compliance Officer. She can be contacted at debra@armcbs.com.

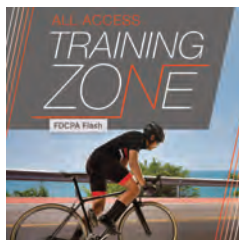
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\$20+ Million

Saved in lost revenue after ACA fought for credit repair industry guardrails in California and sued the Massachusetts AG about excessive call restrictions.



\$3+ Million

Saved in litigation costs and workarounds thanks to ACA's participation in the Hunstein case, resulting in 43% fewer FDCPA lawsuits within six months post-ruling.

\$87+ Million

Saved in litigation costs to fight meritless lawsuits. The IAF has supported 67 cases, with winning decisions that have been positively cited in 4,784 additional cases.

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Letters [or emails] to the Editor are welcome but must be signed, please include full name and address. Not all letters can be published. Letters that are published may be edited for space, brevity, clarity and other editorial considerations. We look forward to your constructive criticism; let us know if there is anything in particular you would like to see us address. We appreciate the opportunity to hear from our readers.

MEMBERSHIP EVENT POSTINGS

The Mid-America ACA Collector Connector will post member announcements for anniversaries, birthdays, graduations, weddings or other significant events that occur in the lives of our members. Since this is a quarterly publication, the announcements can be in the recent past or in the future. Please send all announcements to pnagy@mid-amcollectors.org and, if possible, they will be published in the next issue to be published. Include your name and a contact phone number.

WE NEED YOUR HELP

Help us keep our membership records current so that you receive the most up-to-date information possible. This will become especially important during the upcoming year. Contact pnagy@mid-amcollectors.org or call 903-530-4040 with updated mailing and e-mail addresses and phone numbers.

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