

southwest
ACA Collector Connector

VOLUME 36, NUMBER 2, SPRING 2023

Inside This Issue:
UDAAP on Steroids
Is Your Money Safe?
Born in the 40's

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Cover Photo: The Tanglewood Resort on Lake Texoma (City of Pottsboro) is the site for our 2023 SWCA Annual Conference & Expo. It is a true resort with a plethora of activities; boating and fishing, horseback riding, three swimming pools (one is inside), an Arnold Palmer designed Golf Course, Pickle Ball and Tennis Courts, and a Full-Service Spa. With pre and post conference room rates you can come early and stay late and enjoy everything the Resort has to offer.

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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.”

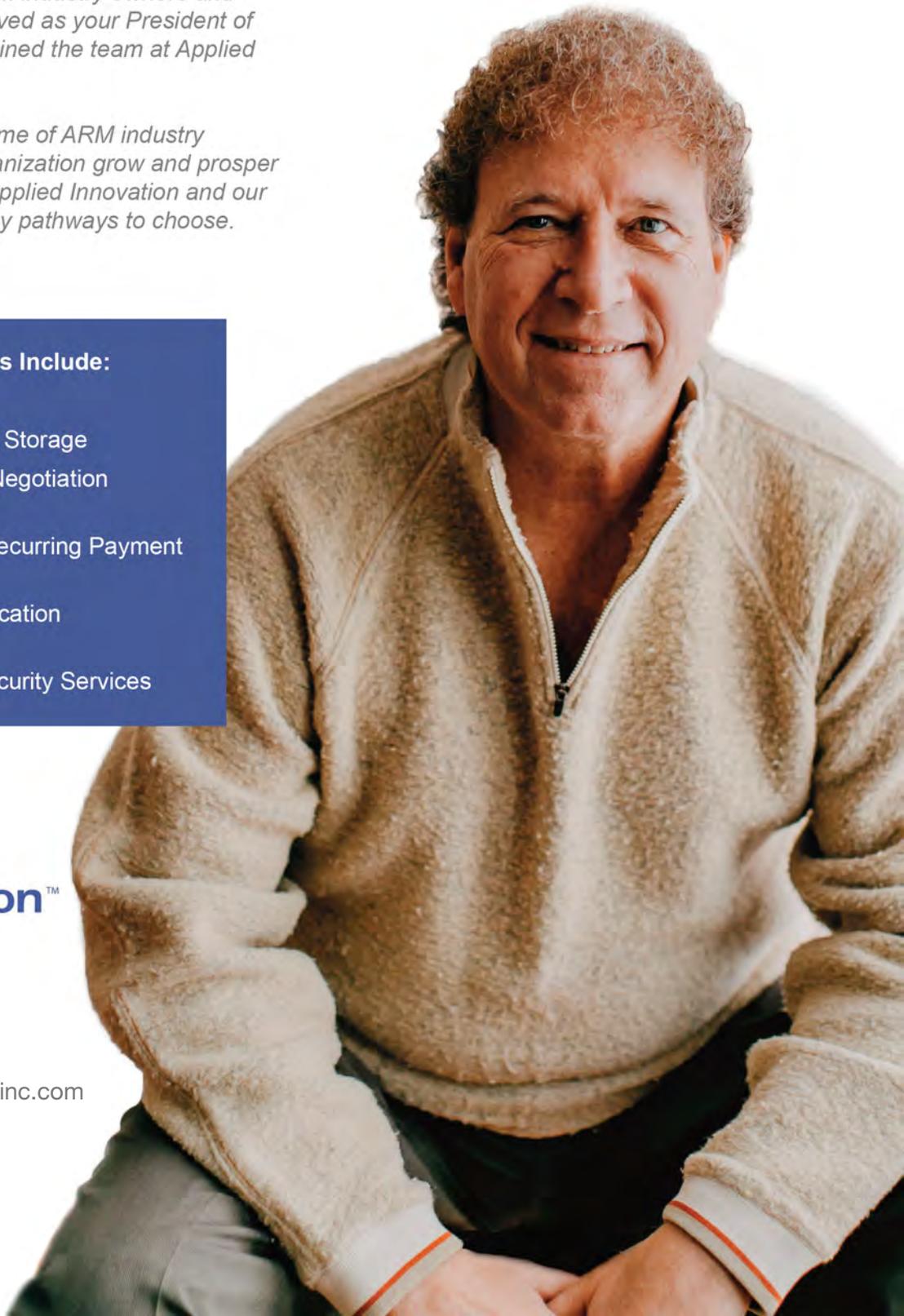
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FROM THE PRESIDENT

By Stacy Willis



DEAR MEMBERS,

As we move further into the new year, I wanted to take a moment to update you on the current state of the collection industry and some of the challenges and opportunities we face.

Firstly, it has been another challenging year for our industry, with the ongoing COVID-19 pandemic continuing to have a significant impact on our operations. Many of us have had to adjust our practices to accommodate remote work and hybrid arrangements to recruit and retain staff as well as changes to regulatory requirements. In addition, we have seen an increase in the number of consumers experiencing financial difficulties due to inflation, which has made it even more important that we operate in a fair and transparent manner.

Secondly, our consumers did not see the refunds they expected due to a tax bill being killed at the end of the year, which would have doubled the child tax credit from \$2,000 to \$4,000 along with other relief the bill would have provided for lower income families.

Despite these challenges, however, there are also reasons for optimism. As the economy continues to recover, we are seeing opportunities for growth and expansion in many areas of our industry. New technologies and approaches are emerging that can help us better serve consumers and manage risk, and we are working hard to stay at the forefront of these developments.

At the same time, it is vital that we continue to operate with integrity and professionalism, and that we work closely with regulators, legislators, and policymakers to ensure that our practices are aligned with consumer protection requirements. Our Association is committed to providing resources and support to help you navigate these challenges, and we will continue to advocate on behalf of our members and the industry as a whole.

As always, I encourage you to stay informed about the latest developments in the industry, and to make use of the many resources and tools available to you as members of our Association. We are here to support you and help you succeed, and I look forward to working together in the months ahead.

With that thought in mind, be sure to mark your calendars for our Annual Conference & Expo to be held October 25-27 at the Tanglewood Resort on beautiful Lake Texoma! If you are interested in **“Profitability”** you will want to be in attendance. More details will be forthcoming soon.

Best Regards,

Stacy Willis, President 2022-23
President, Southwest Collectors Association

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EXECUTIVE DIRECTOR'S COMMENTS By Tom Morgan



“PROFITABILITY: WITH INTEGRITY”

This is the theme for our 2023 SWCA Conference & Expo that will be held at the Tanglewood Resort on Lake Texoma, October 25-27, 2023. Mark your calendars and make plans to attend.

For the last several months a Task Force composed of members, Past Presidents and Vendors has been working on; a) first determining the best venue and, b) now working on a program (there is no lack of important topics to be considered and who are the best to lead discussions regarding those topics) that will be meaningful, educational and deemed important for our members and other attendees. If you would like to suggest a topic and/or speaker, please send me an email with that information.

Just when you think the Legislatures (TX and OK) will go silent, the Texas Governor calls the TX House and Senate back for a Special Session to address Property Tax Relief and Border Security. Both houses immediately write and pass their version of Property Tax Relief, which, of course, are different. Then, the Speaker of the House declares their work done and he closes down the House, effectively ending the Special Session! No telling how this will end!

So, turning your attention to the Spring issue of our magazine, **Southwest Collector Connector**, we invite you to check out the very interesting articles. Like Marc Trezza's "3 Places" sales article. Addressing the question, "Is Your Money Safe?" is the power duo of Joann Needleman and Manny Newburger. Debra Ciskey does a deep dive into the "UDAAP on Steroids," the CFPB's Policy statement. Then, after the really serious stuff, a little humor for some of us 'seasoned' folks, we have the "Born in the 40's" lookback to the 50's. It will bring a smile to your face and, hopefully, a lot of good memories.

Don't miss out on all of the vendor ads. These companies are our Associate Members and their support by way of the magazine and our conference is "priceless!" They are also Subject Matter Experts so call upon them when you need assistance. We look forward to having them lead out as active participants during our conference.

Be sure to check out the CollectPAC page and the Education page. Both have important information to share.

Got comments, questions or concerns regarding this issue, the articles or other material included? Feel free to send me an email. We welcome "Letters to the Editor" especially regarding a topic you would like to see addressed.

As always, thank you for allowing me the privilege to serve as your Executive Director. If I can assist you in any way, please do not hesitate to give me a call or send me an email.

Lastly, on behalf of the SWCA Officers and Directors, we want to wish all of our members and other readers, a very wonderful celebration of our Nation's formation back in 1776! Be safe and enjoy our 4th of July Independence Day Holiday.

A handwritten signature in black ink that reads "Tom".

Sincerely,

Tom Morgan, Executive Director

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3 PLACES WHERE YOUR SALES EFFORTS MIGHT GET STUCK

By Marc Trezza

There are three places you might get stuck or resist necessary changes in the sales process:

1. “Leading the Witness”

Or what you can consider the “hammer looking for a nail” syndrome where we’re very committed to the methodology we want to sell or the process we use and so either we look for the words that confirm our bias or we try to put words in our clients’ mouths. For example, we might be very passionate about our belief that we are a good agency – but no one out there sells by saying they are not good or are less than the best. There is no value there.

Instead, we need to create a sales process that starts with interviews (instead of pitches) so that our prospect can talk about what they might like to see improved, why they feel an agency has not met their expectations, and what an agency would need to provide that would justify a change. This is the opposite of a canned pitch that touts the same features and claims that every agency says – which leaves them nothing to consider but fee. That is absolutely the worst way to sell agency services. This is a very difficult change for a salesperson to make without proper training, but is absolutely necessary to be competitive in today’s world.

2. Learning Curve Overwhelm

A true consultative selling approach and a “voice of the customer” process draws on qualitative research skills that might be new to you. You may not know the difference between the typical questions agencies ask and the ones to use to probe for more insight and how to get someone talking. Identifying prospects’ perceptions and values might be difficult for your salesperson. It certainly requires more knowledge and skill on the part of the salesperson.

But here’s the deal – these are skills that add tremendous value to your marketing and sales toolbox. These skills are the foundation of

building exponential future growth that increases profit, not just volume. So, while these tools and skills are part of a different approach to collection sales, they are critical for success and more than worth your time to develop them.

(Don’t get overwhelmed by a fundamental change in your selling process – the necessary changes are highly learnable with the right training – I promise!)

3. “But what about MY voice??” (salesperson’s objection)

All too often, a salesperson’s ego and self-esteem are tied to the way that they sell. Change is seen as a rejection of their “self” and instead of looking for how to improve, they work diligently to justify the way they have always done things instead. Truly professional collection sales training takes that into consideration and incorporates techniques to help the “stuck in their ways” salesperson to find their own authentic voice in a more enlightened and effective sales methodology and approach. Most recognize the value and adapt. But I promise you agency-speak and industry jargon isn’t your voice. That goes back to the days when we were selling a prospect on the benefits of using an agency. That is NOT what we are selling anymore. Pretty much every one of your prospects already is using an agency which completely removes the value of that approach. The language you must learn to survive and thrive in a sales environment is built around why your agency instead of any other good agency. Those differentiators are the only thing of value when selling your services – so if your sales efforts don’t engage prospects in meaningful, collaborative dialogues and discussions about what is important to them, sales results will be dismal.

Your voice is what you say when you’re comfortable with someone you’re helping and when you adapt your language to meet others where they are at. If you want your 5-year-old to do

something, you use different words than your teenager or a client.

For example, I work with purpose-driven collection salespeople and managers with a variety of philosophical/professional outlooks that cause them to think of their purpose in different ways. Often, I will have back-to-back meetings using my voice and choice of words and scenarios to teach salespeople to build success out of who they are, but I’ll say it differently based on who I’m talking to.

It is exactly what the salesperson must do in each selling situation. It might be “another Patient Account Manager,” but it is a person with different perspectives and experiences. Failure to see that, and approach them as an empathetic listener, rather than a self-involved talker, is one of the key differences between sales success and failure.

Post-training, I once got an email from Carl V, a long-time veteran of collection sales that said, “Well I guess you can teach an old dog new tricks!” – with a couple of smiley faces.

A salesperson’s approach is the intention you are trying to express (built on your body of knowledge/subject matter expertise) which is that, you believe that the best business (the one that will make the agency money, and create the greatest impact in your markets) is the one that is aligned to your best-at strengths, empathy, and story; and how those tools in your toolbox help you to work together with a prospect to build a relationship around their definition of excellence. But you still must adapt what you say to who you’re talking to.

About Marc Trezza

Considered the collection industry’s leading expert on sales, Marc Trezza has been providing sales management solutions to collection agencies since 1991. He can be contacted at either snctrezza@mindspring.com or (844) 465-3300.

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George Brown & Associates

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Director of Operations
Express Recoveries, Inc.

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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.

"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

"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!"

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IS YOUR MONEY SAFE? QUESTIONS STILL REMAIN IN THE AFTERMATH OF SILICON VALLEY AND SIGNATURE BANK

By Joann Needleman & Manny Newburger

It has been over two months since the failure of both Silicon Valley Bank (SVB) in California and Signature Bank (SBNY) in New York. Federal and state regulators acted quickly and averted what could have been a catastrophe for the entire financial services system. However, many questions remain, including who is at fault, why banks still accept uninsured deposits, why customers are willing to make uninsured deposits, and what is the next bank to fail? This article tries to answer these questions as well as provide insight for depositors as they navigate their future banking relationships.

How did this Happen?

Both the Federal Reserve and the FDIC undertook swift investigations, and their conclusions were fascinating in light of the political rhetoric surrounding the failures. With respect to SBNY, the FDIC found that “the root cause” was poor management. Ironically SBNY was examined by bank examiners in the normal course of supervision, and Supervisory Letters were issued that expressed concerns about recurring risk management issues and other weaknesses. Nevertheless, the FDIC found that “resource challenges” (namely a lack of qualified examiners) “slowed identification and reporting of weaknesses” for SBNY. Similar conclusions were made by the Federal Reserve in its investigation of SVB. The Fed found the failure of SVB was the result of a “textbook case of mismanagement... and federal reserve supervisors fail[ure] to take forceful enough action”. The narrative that SVB and SBNY failed because of deregulation was simply not true. Rather Federal regulators did not meet their

core obligations to ensure the safety and soundness of the banking system. Unfortunately, the lack of resources alone cannot fix the problem of bank boards behaving badly.

Are Banks Still Accepting Uninsured Deposits?

The answer is yes. Until SVB and SBNY, depositors gave little thought to FDIC deposit insurance; it was assumed that putting money into a bank, any bank for that matter, was safe. SVB and SBNY rattled the psyche of corporate as well as everyday bank customers. In the last two months, large banks and money market funds have been the main beneficiaries of the exodus of deposits from small and regional banks. Those large banks are accepting deposits well in excess of the \$250,000.00 limit. But does bigger mean safer? The answer is not simple. It all comes down to how effectively your bank is managing its liquidity risk. Liquidity is the risk to a bank's earnings and capital arising from its inability to timely meet obligations when they come due without incurring unacceptable losses. Bank management must ensure that sufficient funds are available at a reasonable cost to meet potential demands from both depositors and borrowers. The conventional wisdom now seems to be that larger banks are better able to manage liquidity risk. That theory is going to be tested and it would be wise for depositors to exercise caution. Remember that SVB's balance sheet was quite healthy, it was what you didn't see, the behind-the-scenes poor management, that failed the bank. Whether large or small, any bank will gladly accept your deposits. Now more than ever you need to

be researching and monitoring your bank's financial well-being in order to ensure your deposits are safe.

Asking the Right Questions of your Bank?

Prior to SVB and SBNY, depositors, especially business depositors, never paid much mind to a bank's treasury management department, which is charged with ensuring that both depositors' needs and a bank's cash flow can optimally be met. From the bank's perspective it is to ensure that the bank can meet its obligations should its main source of funding, its deposits, suddenly disappear. This is precisely what happened to both SVB and SBNY. Deposits exited both banks and neither were able to replenish that cash with their current investments.

As of the publishing of this article, a third bank, First Republic Bank (First Republic) was taken over by California's Department of Financial Protection and Innovation (DFPI) and the FDIC was appointed receiver. Concurrently, the FDIC entered a purchase and assumption agreement with JP Morgan Chase to assume all of the deposits and substantially all of the assets of First Republic. Like SVB and SBNY, First Republic had a very high percentage of uninsured deposits. First Republic's customers, like those of SVB and SBNY have been making a run on their deposits since March and similarly First Republic did little to manage effectively their liquidity risk.

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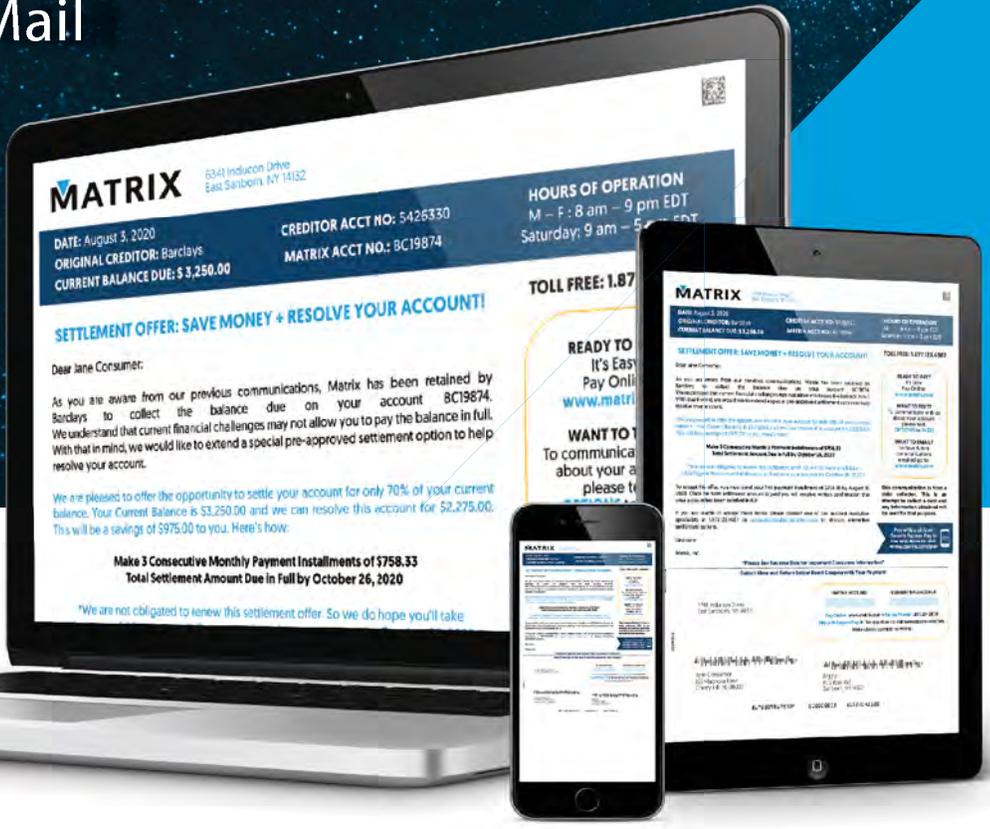
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UDAAP ON STEROIDS: CFPB'S POLICY STATEMENT ON ABUSIVE ACTS OR PRACTICES

By Debra Ciskey

On April 3, 2023, the Consumer Financial Protection Bureau (CFPB) issued a new Policy Statement on Abusive Acts or Practices. According to CFPB Director Rohit Chopra, the purpose of the updated policy statement was to “summarize the existing precedent, provide a practical analytical framework for identifying abusive conduct, and also to offer some simple rules of thumb.” (<https://www.consumerfinance.gov/about-us/newsroom/director-chopra-remarks-at-the-university-of-california-irvine-law-school/>) Because the document was created to guide “fellow government enforcers” and “the market more broadly”, we should take the opportunity to determine how the precepts in the policy statement could be applied to our own practices as debt collectors. In this article, we'll highlight the definitions statements related to abusive conduct put forth in the rule and encourage you to think about how these might be applicable in the operation of your collection agency. I'm going to encourage you, also, not to dismiss the following suggestions, but rather, to think like a regulator for a few minutes. That fact that we might not like something that a regulator said does not mean that we don't have to consider it when designing work processes and compliance strategies.

Definitions

The policy statement reminds us that there are two aspects to “abusiveness.” First, an abusive act or practice materially interferes with the ability of a consumer to understand a term or condition of a consumer financial product or service. Second, an abusive act or practice takes unreasonable advantage of a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service; the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or the reasonable reliance by the consumer on a covered person to act in the interests of the consumer. The policy statement boils the statutory definition (CFPA section 1031(d), 12 USC 5531(d)) down to gaps in understanding, unequal bargaining power, and consumer reliance.

Where and when can gaps in understanding, unequal bargaining power, and consumer reliance come into play in the world we live in? The policy statement seeks to explain. A gap in understanding as it relates to the purchase of a financial product or service can be demonstrated by the fact that a consumer purchased a product that they would not benefit from. Purchasing such a product shows they lacked an understanding of a material aspect of the product, making the sale of the product an abusive practice. Considering that debt collectors do not sell financial products and services, how can we relate “gaps in understanding” to our own practices? Ask yourself this question: What kind of decisions would a consumer make if the consumer did not have a material understanding of the potential drawback in making the decision? The policy statement offers an example that may help the thought processes along. In its enforcement action against Think Finance, the fact that consumers made payments on loans that were illegal and therefore void and unenforceable demonstrates that consumers lacked understanding, so the act of collecting the loans was an abusive practice.

Application

How can this possibly relate to what happens in a debt collection agency day in and day out? Consider the fact that most consumers have no idea based in reality about debt collection. They may have seen a video on TicToc or a reel on Facebook, but they have little actual knowledge about their rights, their responsibility to pay a past due debt, the benefits of paying, the consequences of not paying, the options by which they may pay, the potential to settle out a debt for less than the full balance, the potential to pay the balance over time, etc. This leaves it up to the debt collector to guide the consumer to make decisions that are in the consumer's interest. The policy statement says that “When there are gaps in understanding regarding the material risks, costs, or conditions of the entity's product or service, entities may not take unreasonable advantage of that gap. Such gaps could include those between an

entity and a consumer. Certain types of gaps in understanding can create circumstances where transactions are exploitative.” How do such gaps manifest in a collection transaction? What if the consumer chooses to pay his debt with a credit card, incurring a fee, when the consumer did not know that making a payment via ACH would not incur a cost? What if the consumer paid the debt in full because he didn't know that there was potential to obtain a discount on the balance?

Clearly, the Bureau was thinking along these lines in its interpretation of the Consumer Financial Protection Act, when it said in the policy statement that “the prohibition in (CFPA) section 1031(d)(2)(A) does not require that the entity caused the person's lack of understanding through untruthful statements or other actions or omissions. Under the text of section 1031(d)(2)(A), the consumer's lack of understanding, regardless of how it arose, is sufficient. If people lack understanding, entities may not take unreasonable advantage of that lack of understanding. The lack of understanding can be caused by third parties and can exist even when there is no contractual relationship between the person and the entity that takes unreasonable advantage of the person's lack of understanding.” It is clear that the Bureau had debt collectors in mind when it wrote that piece of the policy statement. Elsewhere in the piece it lumps debt collectors, credit reporting agencies, and loan servicers into a category of covered entities that impact consumers without a contractual relationship with consumers.

The question that follows is “what can a debt collector do at an operational level to ensure that consumers make decisions in their own interest with an adequate understanding of the available options and the drawbacks and benefits of each?” Follow that question further with knowledge of the CFPB's expressed position that “entities may not take unreasonable advantage of the fact that they are the only source for important information and services.” Since there are multiple options available to consumers related to paying,

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LEGISLATIVE UPDATE



LEGISLATIVE UPDATE **By Paul Nagy, Legislative Committee Chair**

The 2023 regular legislative sessions have just ended; May 26th in Oklahoma and Memorial Day, May 29th in Texas. While it was very quiet in Oklahoma, here is a snapshot of Texas bills of significance to our members. Even if a bill did not pass, we can see a roadmap of issues that likely will be addressed in future sessions. **Comments in red show the final status of each bill that was being followed.**

HB 4 is a comprehensive bill concerning data security and privacy. It is a House priority bill that has passed the House but does not have a companion bill or any activity to date in the Senate. In its current form, there are exceptions for GLBA, HIPPA and small businesses, however larger members and potentially creditor members could be covered. The Legislature's bill analysis states that in the absence of robust federal regulations regarding the collection and use of consumer data, a movement has begun at the state level with various state legislatures looking to set their own standards. The State of Texas has not yet established comprehensive regulations for the collection, use, processing, and treatment of consumers' personal data by certain business entities. HB 4 seeks to do so by enacting the Texas Data Privacy and Security Act, which aims to maximize both the utility of the rights provided to consumers and interoperability with other states to minimize compliance costs for businesses.

Signed in the Senate but got no further.

HB 1660/SB 768 deal with a breach of data security by entities doing business in Texas. The bill analysis states that the identical bills would require businesses to notify the attorney general of any data breach involving at least 250 Texas residents within 30 days.

HB 1660 Left pending in Committee/SB 768 Passed and effective 9/1/23.

HB 1973/SB 490 address "healthcare billing" in that a provider must provide an itemized bill to the patient. No itemization = no collection!

HB 1973 Left on the Table (House)/SB 490 Passed, signed by Governor and effective 9/1/23.

SB 2476 is another "healthcare billing" bill that would prohibit "surprise billing" by municipal ground ambulance services. Only Houston opposed this bill.

Passed and sent to the Governor.

HB 3170, HB 3200, HB 3481/SB 775 address judgments and issues regarding the exemption of certain personal property from garnishment, attachment, execution, or other seizure by creditors.

HB 3170 sent to Calendars (House)/HB 3200 Failed in Committee/HB 3481 Failed in the House/SB 775.

Died never heard in Committee (Senate). All are dead.

HB 4381 relates to the suspension of a money judgment pending appeal in a civil action.

Passed and sent to the Governor.

HB 4641 addresses protecting victims of ID theft, domestic abuse and trafficking from collections. It may appear to allow a creditor who has been harmed to seek restitution from the criminal.

Passed by the House but never heard in Senate, dead.

HB 4917/SB 2105 deal with data brokers and requires that they register and pay a fee with the SOS. The bill does not seem to affect our members directly.

HB 4917 never heard in the House/SB 2105 Passed and sent to Governor.

Many deadlines began in earnest in Texas on May 8th, the 119th day of the 140 day session. Senate bills generally must be passed by before May 19th (130th day) to be considered by the House. House bills generally get a couple of more days to be considered by the Senate. Details can be found at <https://tlc.texas.gov/docs/legref/Dates-of-Interest.pdf>.

Updates to the status of bills can be found at Texas Legislature Online at <https://capitol.texas.gov/>. Simply type the bill number into the Search Legislation box such as "HB 4" without the quotation marks.

Please contact Tom Morgan at tmorgan@texascollectors.com or me at pdnagy@amrow.com with any questions.

Paul Nagy
Legislative Committee Chair

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BORN IN THE 40'S — YEARNING FOR THE 50'S Author Unknown

Long ago and far away, in a land that time forgot,
Before the days of Dylan, or the dawn of Camelot.
There lived a race of innocents, and they were you and me.
For Ike was in the White House in that land where we were born,
Where navels were for oranges, and Peyton Place was porn.
We longed for love and romance, and waited for our Prince,
Eddie Fisher married Liz, and no one's seen him since.
We danced to "Little Darlin," and sang to "Stagger Lee"
And cried for Buddy Holly in the Land That Made Me, Me.
Only girls wore earrings then, and 3 was one too many,
And only boys wore flat-top cuts, except for Jean McKinney.
And only in our wildest dreams did we expect to see
A boy named George with Lipstick, in the Land That Made Me, Me.
We fell for Frankie Avalon, Annette was oh, so nice,
And when they made a movie, they never made it twice.
We didn't have a Star Trek Five, or Psycho Two and Three,
Or Rocky-Rambo Twenty in the Land That Made Me, Me.
Miss Kitty had a heart of gold, and Chester had a limp,
And Reagan was a Democrat whose co-star was a chimp.
We had a Mr. Wizard, but not a Mr. T,
And Oprah couldn't talk yet, in the Land That Made Me, Me.
We had our share of heroes, we never thought they'd go,
At least not Bobby Darin, or Marilyn Monroe.
For youth was still eternal, and life was yet to be,
And Elvis was forever in the Land That Made Me, Me.
We'd never seen the rock band that was Grateful to be Dead,
And Airplanes weren't named Jefferson, and Zeppelins were not Led.
And Beatles lived in gardens then, and Monkees lived in trees,

Madonna was Mary in the Land That Made Me, Me.
We'd never heard of microwaves, or telephones in cars,
And babies might be bottle-fed, but they were not grown in jars.
And pumping iron got wrinkles out, and "gay" meant fancy-free,
And dorms were never co-Ed in the Land That Made Me, Me.
We hadn't seen enough of jets to talk about the lag,
And microchips were what was left at the bottom of the bag.
And hardware was a box of nails, and bytes came from a flea,
And rocket ships were fiction in the Land That Made Me, Me.
T-Birds came with portholes, and side shows came with freaks,
And bathing suits came big enough to cover both your cheeks.
And Coke came just in bottles, and skirts below the knee,
And Castro came to power near the Land That Made Me, Me.
We had no Crest with Fluoride, we had no Hill Street Blues,
We had no patterned pantyhose or Lipton herbal tea
Or prime-time ads for those dysfunctions in the Land That Made Me, Me.
There were no golden arches, no Perrier to chill,
And fish were not called Wanda, and cats were not called Bill
And middle-aged was 35 and old was forty-three,
And ancient were our parents in the Land That Made Me, Me.
But all things have a season, or so we've heard them say,
And now instead of Maybelline we swear by Retin-A.
They send us invitations to join AARP,
We've come a long way, baby, from the Land That Made Me, Me.
So now we face a brave new world in slightly larger jeans,
And wonder why they're using smaller print in magazines.
And we tell our children's children of the way it used to be,
Long ago and far away in the Land That Made Me, Me.

If you didn't grow up in the fifties, you missed the greatest time in history. I hope you enjoyed this read as much as I did. [Editor]

UDAAP on Steroids continued from page 13

disputing or otherwise responding to their debts, what are we supposed to do? The policy statement does not provide any industry specific advice except to avoid the acts and practices that meet the definition of "abusive." It is up to each of us to ensure we have policies and procedures in place that prevent withholding material information from consumers. Conduct training that emphasizes listening for confusion and questions. Provide FAQ documents that may assist staff in responding to questions reasonably and with adequate information. Train your folks not to guess and not to answer questions that aren't relevant to the accounts you are handling. Provide critical information that consumers

might need to know about your clients and the accounts they place with you.

Director Chopra makes his opinion of financial services companies clear when he explains why the statement on abusive practices was necessary: "It also helps prevent strategic or intentional "misunderstanding" that some companies use to ignore the law, disadvantaging honest, law-abiding companies." Further, he emphasized that "Congress prohibited companies from leveraging unequal bargaining power, and that includes consumer reporting companies, servicers, and debt collectors who use the fact that their customers are captive to force people into

less advantageous deals, extract excess profits, or reduce costs by providing worse service than they would provide if they were competing in an open market." Looking at our consumer-facing practices "like a regulator" might be just the approach necessary to avoid the scrutiny of a regulator down the road.

About Debra Ciskey

Debra Ciskey is a Senior Compliance Advisor with ARM Compliance Business Solutions. Debra can be contacted at debra@armcbs.com.



Omni-Channel Communication HOSTED CONTACT CENTER

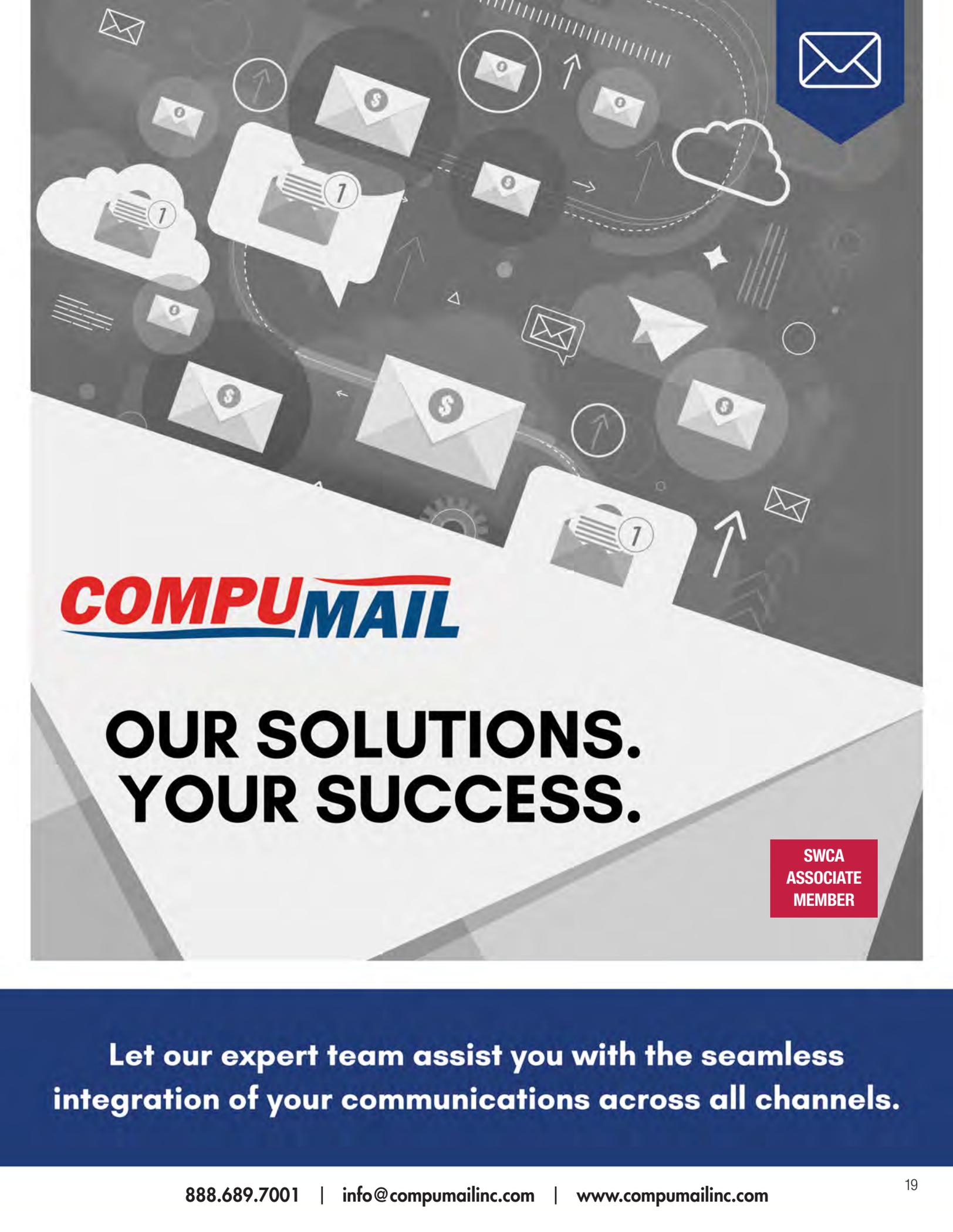
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Helen Breath

Caleb Pearson

Diana Brown

Michael Shook

Barbara Garner

Anisea Smith

Christopher Gay

Linda Stevenson

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Greg Stipe

Collection Industry Professional (CIP)

Barbara Garner, National Bureau of Collections, Midwest City, OK

Professional Collection Manager (PCM)

Barbara Garner, National Bureau of Collections, Midwest City, OK

Christopher Gay, National Bureau of Collections, Midwest City, OK

Trainer Specialist (TSP)

Barbara Garner, National Bureau of Collections, Midwest City, OK

Credit and Collection Compliance Professional (CCCP)

Paulina Szelag-Polehonska, eBay, Austin, TX

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- I believe every person should be treated with dignity and respect.
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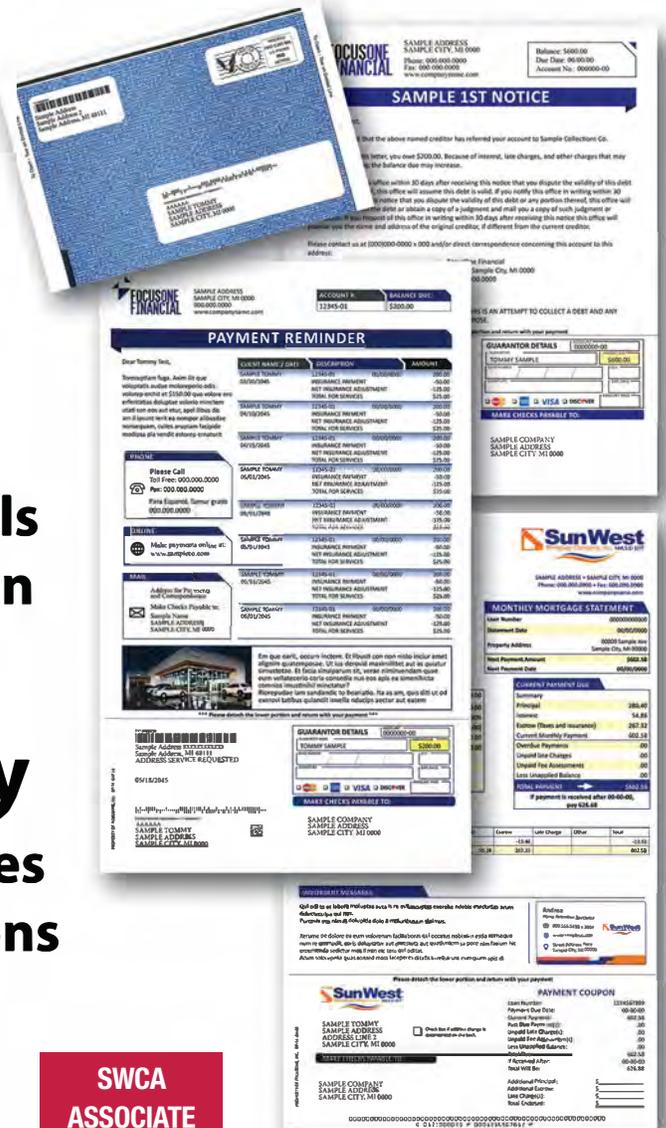
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COLLECTPAC NEWS

By Stephanie Rifenberg, Chair, CollectPAC Trustees

This industry is certainly not for the faint of heart or anyone who is not open to adaptation. But if there is one thing that remains a constant, it is that legislators are continually trying to regulate, and often constrict our ability to operate our businesses. Reg F and Nevada's certified mail requirement are a few of the newest challenges we are facing. And then add the continual attacks from predatory plaintiff attorneys and we find ourselves constantly pivoting to dodge the attacks.

As we all have made varying degrees of a pivot in our business operations, we must also make a pivot regarding our PAC and our legislative efforts, both as an industry and as an association. This is not intended to be a political statement in favor of, or against either Democrats or Republicans. While control over both houses of the Texas and Oklahoma

Legislatures, there are those who have our industry in their legislative sights. And for this reason, we must pivot our legislative efforts to become more offensive, as opposed to defensive. Such a plan requires more financial contributions to our PACs and more **member communications** to all legislators, not just our industry-friendly legislators. **It is critical that we all contribute to the PACs and then also voice our concerns to legislators.** If we don't, they most likely will not realize the potentially damaging effects of a bill's unintended consequences.

We desperately need everyone to consider giving, or to consider giving more if you've already made a contribution. For many of us, cash flow has been impaired due to COVID-19, but the likelihood of potentially-

damaging legislation being introduced in the legislative sessions has increased.

To reach our goal, we need support from every member! Please mail your *personal check* or *personal credit card* contribution to our Association office at 305 S Broadway, Suite 706, Tyler, Texas 75702. Even though it is not a secure transmission, you may also scan and email your credit card contributions to our association office at: info@texascollectors.com.

Please remember that PAC contributions cannot be made using a company check or credit card.

Thank you for helping in our efforts to promote and protect our industry!



American Collectors Association of Texas Political Action Committee CollectPAC Contribution & Pledge Card

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For more information or to establish a monthly or quarterly payment schedule, contact Tom Morgan at 512-458-8666 or tmorgan@texascollectors.com State law prohibits corporate checks. Mail your check and this pledge card to: ACA of Texas CollectPAC, 305 South Broadway, Suite 706, Tyler TX 75702

Is Your Money Safe continued from page 11

Thus, as a depositor you have the right to meet with your bank and get answers with regard to its ability to meet its obligations. If you are not satisfied with the answers, then look to another bank. Further, you may want to consider keeping your money in several different banks in order to ensure that your deposits are fully insured. Although the Federal Reserve agreed to guarantee all the deposits of SVB and SBNY, even those that were uninsured, that will not likely be the norm going forward. In the case of First Republic, the FDIC worked to ensure that JP Morgan Chase assumed all of the bank's deposits, which is an indication that the

FDIC has no appetite to guarantee uninsured deposits in the future.

Alternative Options Exist

With a fragile economy and continued high inflation, expect more bank instability throughout 2023. As a depositor you have a right to expect answers from your bank. All banks are hungry for deposits so utilize that leverage to your advantage. Consider alternatives like investment houses that are now offering deposit accounts with guaranteed insurance up to \$50 million. There are also private treasury management companies that focus solely on high cash

industries and government funds that must ensure that cash deposits are protected. Given the current environment, it is important that you seek out these alternative options in order to protect your business, your cash and your state of mind.

Joann Needleman is a member of the Clark Hill law firm in Philadelphia and she can be contacted at jneedleman@clarkhill.com

Manny Newburger is a partner in the Barron & Newburger, PC law firm in Austin and Manny can be contacted at mnewburger@bn-lawyers.com

i <https://www.fdic.gov/news/press-releases/2023/pr23033.html>

ii <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20230428a.htm>

iii <https://www.occ.treas.gov/topics/supervision-and-examination/capital-markets/balance-sheet-management/liquidity/index-liquidity.htm>

COLLECTION MARKETPLACE

If you are looking to buy, sell, hire or acquire, consider advertising in our feature, "Collection Marketplace". Contact Tom Morgan, for ad sizes and rates. Call 903-530-4040 or send an email to Tom at tmorgan@texascollectors.com.

THE WISDOM AND WIT OF RONALD REAGAN

"We do not face large deficits because American families are undertaxed; we face those deficits because the Federal Government overspends."

"Man is not free unless government is limited. There's a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts."

"How do you tell a communist? Well, it's someone who reads Marx and Lenin. And how do you tell an anti-Communist? It's someone who understands Marx and Lenin."

"Government always finds a need for whatever money it gets."

"The American people are not undertaxed; the government in Washington is overfed."

A ship is safe
in harbor,
but that's not
what ships
are for.



John A. Shedd, 1928

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Providing Educational Opportunities is a Key Component of the Mission of a Trade Association. We are committed to assisting members with training issues, as well as coordinating professional skills development and training programs sponsored by ACA International. It is our goal to ensure that our SWCA Annual Conference brings together nationally recognized speakers and subject matter experts to present the most up-to-date information regarding the issues facing our members.

If you would like local area training, we can assist with that as well. We are here to assist our members in accessing the finest training available. We look forward to serving you.

Campus ACA is the umbrella organization for ACA International's diverse professional and educational certification programs for collectors and agencies. Some upcoming educational opportunities **(partial list):**

Date	Event	Location/Type
6/5 - 9	Healthcare Collection Management	Online
6/7	Mastering the Sales Process	Online
6/8	Water Cooler Chat	Online
6/9	Safeguards Rule	Online
6/12	Building & Improving Your Auditing Program	Online
6/14	Debt Buying 101	Online
6/15	ACA How: ChatGPT	Online
6/20	Right Strategy, Right Now	Online
7/18	You're Not Hitting Goal - Now What?	Online
7/26 - 7/28	ACA International Convention	Chicago
8/7 - 8	Essential Collection Skills & Techniques	Online
10/25 - 10/27	SWCA Annual Conference & Expo	Pottsboro, TX
Wednesdays	The Huddle! With ACA Staff and invited guests	Zoom

For more information and a complete listing of these educational opportunities, visit www.acainternational.org or contact the Education Department at 800-269-1607.

Please let us know how we can better serve your education and training needs!

Southwest Collectors Association (SWCA) thanks all members and other attendees and exhibitors who attended our Annual Conference and Expo; now please mark your calendars for our 2023 Annual Conference. The conference will be held at the Tanglewood Resort on Lake Texoma! The theme for this year's Conference is "Profitability: With Integrity!" The Program, with a focus on management up to the C-Suite, is now under construction. If you have a topic that you deem important, let us know.

ACA will continue to hold online meetings and the weekly Huddle to cover member issues. Watch for those opportunities! They will be helpful!

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IMPORTANT READER INFORMATION

LETTERS TO THE EDITOR

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. Unfortunately, there are no letters this quarter.

MEMBERSHIP EVENT POSTINGS

The SWCA Southwest 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 tmorgan@texascollectors.com 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 tmorgan@texascollectors.com or call 903-530-4040 with updated mailing and e-mail addresses and phone numbers. Also, be sure to send us your website address for posting to www.southwestcollectors.org.

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