



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Division of Finance and Corporate Securities

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September 30, 2010

Allison L. Cannizaro, Attorney
Sessions Fishman Nathan & Israel LLC
3850 N Causeway Blvd Ste 200
Metairie LA 70002-7227

Dear Ms. Cannizaro,

This letter is in response to your request for information regarding Oregon commercial collection agency regulation.

Commercial collection agencies are not exempt from the Oregon collection agency registration requirements. Oregon Revised Statute (ORS) 697 registration requirements do not distinguish between consumer and commercial, but does address fees specific to commercial debt. The department received confirmation of this in a previous Attorney General opinion, which states:

“...collection agencies must be registered not only to handle consumer collections, but also to collect commercial debts.”

Any type of collection agency, regardless of location, is required to be registered as a collection agency in Oregon to solicit accounts, collect Oregon debts or to collect for Oregon clients.

If you have any questions, please feel free to contact me at (503) 947-7474 or via email at kimberly.a.doan@state.or.us.

Sincerely,

Kim Doan
Financial Services Programs



Department of Commerce
FRANCINE GIANI
Executive Director

THAD LEVAR
Deputy Director

Division of Corporations & Commercial Code
KATHY BERG
Division Director

State of Utah

GARY HERBERT
Governor

GREG BELL
Lieutenant Governor

August 31, 2010

Ms. Allison L. Cannizario, Esq
c/o Sessions, Fishman , Nathan & Israel, LLC
3850 N Causeway Blvd Suite 200
Metairie, LA 70002-7227

Dear Ms. Cannizario,

Thank you for your enquiry in to Utah Collection Agency regulation. You emailed me three questions. I hope these responses are helpful.

1. Are Commercial collection agencies are required to register in Utah?
 - a. Yes, under Utah Corporation and Business law

2. An out of state commercial collection agency must register in Utah to call/send letters to Utah debtors, even if they are licensed/registered in another state?
 - b. Yes, they are required be registered as this is soliciting the right to collect.

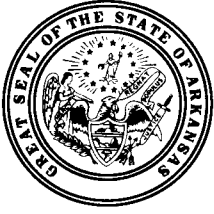
3. Collection agencies must register in Utah to solicit business in Utah?
 - c. Yes, under Utah Corporation and Business law

Below is listed a partial copy of the Statute, that applies to your questions
Utah Corporation and Business Law Title 12
12-1-1

No person shall conduct a collection agency, collection business or collection office in this state, or engage in this state in the business of soliciting the right to collect or receive payment for another of any account, bill ,or other indebtedness, or advertise for or solicit in print the right to receive payment for another of any account bill or other indebtedness, unless at the time of conducting the collection agency, collection bureau, collection office or collection business, or of advertising or soliciting that person or the person for whom he may be acting as an agent, is registered with the Division of Corporations and Commercial Code and has on file a good and sufficient bond as hereinafter specified

Yours truly,

Daniel T. Jones, Supervisor, Collection Agency registration.
Utah Division of Corporation & Commercial Code



Arkansas State Board of Collection Agencies

523 South Louisiana, Suite 460
Little Rock, Arkansas 72201
Phone: (501) 376-9814
Fax: (501) 372-5383

PEGGY MATSON
EXECUTIVE DIRECTOR

DIRECT NUMBER: (501) 371-1435
E-MAIL: pmatson@asbca.com

September 3, 2010

Allison L. Cannizaro, Esq.
Sessions, Fishman & Israel LLC
3850 North Causeway Boulevard, Suite 200
Metairie, LA 70002-7227

VIA FACSIMILE 504.828.3737
and U.S. MAIL

Re: Collectors of Commercial Debt

Dear Ms. Cannizaro:

I'm writing in response to your inquiry as to whether 1) collectors of commercial debt must be licensed in Arkansas as collection agencies in order to contact Arkansas residents and solicit accounts for collection and 2) a debt collector licensed in other states is exempt from licensure in Arkansas.

Definition of Collection Agency. Arkansas Code Annotated §17-24-101 states

. . . "collection agency" means any person, partnership, corporation, association, limited liability corporation, or firm which engages in the collection of delinquent accounts, bills, or other forms of indebtedness owed or due or asserted to be owed or due to another . . . or which solicits claims for collection . . . or that purchases and attempts to collect delinquent accounts or bills.

Exempt Collectors. Arkansas Code Annotated §17-24-102 contains exemptions from the definition of "collection agency" but no exemption is based on the condition that the debt is a commercial one. Those who are exempt include employees of a single creditor, banks, trust companies, savings and loan associations, abstract companies doing an escrow business, real estate brokers and real estate agents handling accounts in connection with a regular real estate business, telegraph companies, those collecting under a court order and those collecting accounts that were not in default when they were obtained.

Allison L. Cannizaro
September 3, 2010
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Licensing Requirement. Arkansas Code Annotated §17-24-301 states

Unless licensed by the State Board of Collection Agencies under this subchapter it is unlawful to:

- (1) Engage in the collection of delinquent accounts, bills, or other forms of indebtedness;*
- (2) Use a fictitious name or any name other than their own in the collection of their own accounts receivable;*
- (3) Solicit claims for collection; or*
- (4) Purchase and attempt to collect delinquent accounts or bills.*

A debt collector located in another state even though licensed in that state is not exempt from Arkansas's licensing requirement.

In short, persons or businesses that solicit commercial or consumer accounts from individuals or businesses located in Arkansas and persons or businesses that attempt to collect delinquent debts from individuals or businesses located in Arkansas must be licensed by the Arkansas State Board of Collection Agencies before engaging in such conduct.

Please contact me if you have additional questions.

Cordially,



Peggy Matson
Executive Director

PM:stl



C.L. "BUTCH" OTTER
Governor

GAVIN M. GEE
Director

September 9, 2010

Allison L. Cannizaro
Sessions, Fishman, Nathan & Israel, LLC
3850 N. Causeway Blvd Ste 200
Metairie, LA 70002-7227

RE: Collection Agency Licensure

Dear Ms. Cannizaro,

This letter is in response to your email of September 3, 2010 in which you inquired as to the licensing requirements of commercial collection agencies (agencies) for collection activities to be conducted in Idaho. Specifically, the inquiry wanted confirmation as to whether agencies required licensure, whether agencies located and licensed outside of Idaho needed an Idaho license to contact Idaho consumers, and whether agencies needed a license to solicit accounts from Idaho creditors. The simple answer is yes, a third party commercial collection agency must be licensed in Idaho to perform all three of the described activities with Idaho consumers and creditors.

Idaho Code 26-2222 (4) defines a collection agency as *"a person who engages in any of the activities enumerated in subsections (2) through (6) of section 26-2223, Idaho Code."*

Idaho Code 26-2223 states, in part *"...No person shall without complying with the terms of this act and obtaining a license from the director:*

(1) Operate as a collection agency, debt counselor, credit counselor, or credit repair organization in this state.

(2) Engage, either directly or indirectly, in this state in the business of collecting or receiving payment for others of any account, bill, claim or other indebtedness.

(3) Solicit or advertise in this state to collect or receive payment for another of any account, bill, claim or other indebtedness.

(4) Sell or otherwise distribute in this state any system or systems of collection letters or similar printed matter where the name of any person other than the particular creditor to whom the debt is owed appears.

(5) Engage in any activity in this state which indicates, directly or indirectly, that a third party is or may be involved in effecting any collections.

(6) Engage or offer to engage in this state, directly or indirectly, in the business of collecting any form of indebtedness for that person's own account if the indebtedness was acquired from another person and if the indebtedness was either delinquent or in default at the time it was acquired.

Consumer Finance Bureau
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Mail To: P.O. Box 83720, Boise ID 83720-0031
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Idaho Code 26-2238 (2) states “*Any person, except a person exempt under section [26-2239](#), Idaho Code, who engages in activities authorized under this act without first obtaining a license as required by this act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment for not more than five (5) years, or both.*”

It is clear that collection agencies, whether dealing with Idaho consumers or Idaho businesses, require an Idaho Collection Agency License in order to solicit Idaho creditors, or collect from or contact Idaho debtors, regardless of where the agencies are physically located. There is no de minimis or exception for agencies to follow debtors into Idaho for collection purposes if they do not hold an Idaho license.

This response is based on the information provided in your inquiry. Should any of the information change, a different conclusion may be reached.

If you need further information or have additional questions, please contact me.

Sincerely,

Sent via email only

K.C. Schaler
Supervising Examiner
Consumer Finance Bureau
(208) 332-8064