

The Collector Chronicle

NORTH AMERICAN RECOVERY

July 2013

Utah's Collection Authority

LAST MONTH'S PRIZE

The lucky winner of our client prize for June is Idaho Central Credit Union in Pocatello, Idaho. We have been collecting for ICCU for nearly two years. We work with Katie and Brandon at ICCU and we'll be sending them a \$100 gift certificate to the department store of their choice!

Congratulations and enjoy!!



THIS MONTH'S PRIZE

This month we will be giving away a gift certificate for dinner for two, to Red Lobster.

Each client who sends new accounts during the July will have their name entered into a drawing. At the end of the month we'll draw a name and, if it's yours, you'll win the prize.

Don't miss out on your chance to win; there's still plenty of time left in July to send accounts. Good luck!!



PERMISSION TO CALL SOMEONE ON THEIR CELLULAR TELEPHONE

By David J. Saxton, President, North American Recovery

This month I wanted to write about a recent court ruling that may eventually have a dramatic impact on whether or not your office, your billing company, or a collection agency can use an automated dialer to call your accounts.

A Federal Court in Florida has come out with a decision that's made it so *any* company using an automatic dialer cannot use their dialer to call a person's cell phone unless the person being called has signed an agreement giving express permission allowing the call. Since so many people have eliminated land lines and only use cell phones, this is an important ruling. A summary and the entire opinion can be found on our website here: <http://www.north-american-recovery.com/newsletters.html> This ruling is opposite of past interpretations of the law, and other court rulings, and has the potential to change the playing field dramatically if followed by other courts.

Using our automatic dialer is an important part of our collection strategy and allows us to collect your accounts much faster. If we are prevented from using it on your accounts, it would have a negative impact on our initial results for you.

Since this ruling was in a Florida court, it doesn't directly impact us today. However, the trend across the country is headed this direction. A ruling could come down in our courts tomorrow, next week, next month, or six months from now. If we act now we can head off any negative impact that could occur if our courts were to make a similar ruling.

The solution is actually quite simple. But just for the record, I'm not an attorney and I'm not giving legal advice. Please consult with your attorney before making any decisions on this or any other legal matter.

I have, however, consulted my attorneys, and while they've advised me there is no way anyone can guarantee a fail-safe solution that will work in all situations 100% of the time, and the language we are offering is a suggestion and not a guaranteed solution, they have advised me that if the following wording is added to the agreement you have people sign at the time of service, (or you can use the sample agreement found here:

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<http://www.north-american-recovery.com/files/Permission%20to%20contact%20via%20cellular%20telephone%20sample%20agreement.pdf>) we should be able to use our dialer to call them—even if our local courts make a similar ruling. Which means we'll continue to collect more money for you and we'll do it much sooner. (But remember, as mentioned above, please consult with your own attorney.)

Permission to contact via cellular telephone

In order for us, or for any other person or entity who provides goods or services to you in connection with this agreement, to contact you regarding servicing your account(s), including all past and current accounts, or to collect any amounts you may owe for any past or current account(s), you expressly authorize us to contact you by telephone at any telephone number, including any cellular, mobile, and other wireless telephone numbers that you have or may attain. You acknowledge that such calls could result in charges to you by your telephone carrier. You also expressly authorize us, and any other person or entity who provides goods or services to you in connection with this agreement, to contact you by sending text messages or e-mails to any of your telephone numbers or e-mail accounts. Methods of contact may include the use of pre-recorded/artificial voice messages and/or the use of an automatic telephone dialing system, as applicable.

You acknowledge and agree that this authorization shall extend to any billing or collection company or companies which may be assigned your account(s) for servicing or collection.

I/We have read this disclosure and agree that I/we may be contacted as described above.

If your patients or customers ask, "Why do I need to sign an agreement like this?" You can say, "Don't worry, no one will call your cell phone trying to sell you anything. It only allows us to call if we need to talk about your account."

I've taken the liberty of creating an agreement you can start using today. It's a simple one-page document you can add to the other forms people fill out and sign at the time of service. You can download a copy of the agreement from our website: <http://www.north-american-recovery.com/files/Permission%20to%20contact%20via%20cellular%20telephone%20sample%20agreement.pdf>

If this works for you, simply start using this agreement and you will be set. It's as easy as that. Feel free to print as many of these as you need. We are giving them away to all clients—free of charge. I hope this helps make the process painless and easy for everyone. If you start using this agreement let us know so we can flag your accounts as being "dialer friendly."

Please let me know if there is anything more we can do to assist in this process. The target date we've established for having all clients using this agreement, or having their agreements updated, is September 1, 2013. We realize some organizations may face challenges around making this change, so we are ready and willing to do whatever necessary to help make it happen for you. My staff will be more than happy to do any leg work or follow up as needed. Just let us know what we can do.

As mentioned earlier, the ruling in Florida does not mean we have to stop using our dialer today—but time is of the essence and without this wording, we may be significantly restricted in the future.

Please call our office at 801-364-0777 Ext 101 or send an email to ClientService@North-American-Recovery.com if you would like to discuss this in more detail or have questions. You can also read our FAQ's regarding this subject here: <http://www.north-american-recovery.com/files/Calling%20a%20cell%20phone%20FAQ.pdf> Feel free to also contact me directly at DaveSaxton@North-American-Recovery.com. I'll be happy to answer any questions or provide additional information as needed.

Thanks as always for your continued business and trust in our agency. Have a great month!



The *Collector Chronicle* is published monthly by NORTH AMERICAN RECOVERY for prospective and current clients. Feel free to direct questions or comments to David J. Saxton at DaveSaxton@North-American-Recovery.com

1600 W 2200 S Ste 410 West Valley City, Utah 84119
801-364-0777 • Fax: 801-364-0784

WWW.NORTH-AMERICAN-RECOVERY.COM