MOST COMMON VIOLATIONS - THE FAIR CREDIT REPORTING ACT

- **Identity Theft.** Still, the fastest growing crime in America.

- **Mixed/Mismerged data.** Two different people with the same name might have data mixed up between their accounts. Jr.s/Sr.’s living in the same house? Almost guaranteed.

- **Timely made payments reported as late.**

- **Derogatory information** remaining on a credit report for longer than seven (7) years.

- **Chapter 7 Bankruptcy issues:**
  - information remaining on a credit report for longer than ten (10) years.
  - Reaffirmed debt reported as discharged;
  - Debt collector reporting an included debt as open and active

- **Chapter 13 Bankruptcy issues:**
  - Trade line not reflecting the modification of the terms of a confirmed plan;
  - Mortgage loans or other trade lines reported with a zero balance;
  - Chapter 13 remaining on the public records section longer than 7 years;
  - Non-filing BK spouse also reported as included in bankruptcy;

- **Home mortgage loans being reported as foreclosures** when in fact, no foreclosure had ever been initiated by the lender.

- **Debt buyers re-aging debt.** Debt buyer reporting delinquency as more recent than it really is.
MOST COMMON VIOLATIONS - FAIR DEBT COLLECTION PRACTICES ACT

➢ Repeatedly calling your telephone.
➢ Cursing, swearing or otherwise profaning at you.
➢ Contacting and disclosing your debt to other people.
➢ Contacting you without disclosing their identity or purpose for the call.
➢ Threatening to take action against you that they don’t intend to take.
   o Criminal actions-having you arrested or prosecuted.
   o Garnishing your wages or taking your property when there is no judgment against you.
   o Threatening to call your employer and disclose the debt.
   o Threatening to turn your case over to an attorney when it is highly unlikely that any attorney would sue for a small balance.
➢ Contacting you after they know you are represented by an attorney.
➢ Calling you at an unusual time (before 8am or after 9pm) or an unusual place.
➢ Calling you at work if they know that your employer prohibits it or if it is inconvenient for you.
➢ Contacting you after they receive a Cease and Desist Letter prohibiting any further contact.
➢ Contacting you and making false, deceptive or misleading statements in connection with the collection of the debt.
   o Falsely representing to you that criminal action will be taken against you in connection with the debt.
   o Leading you to believe that the debt collector is an attorney or that a phone call or letter is from an attorney.
   o Falsely implying affiliation with the United States or any state, including the use of any badge or uniform.
   o Sending a collection letter or leaving a voice mail that fails to contain the statement “This is a communication from a debt collector.”