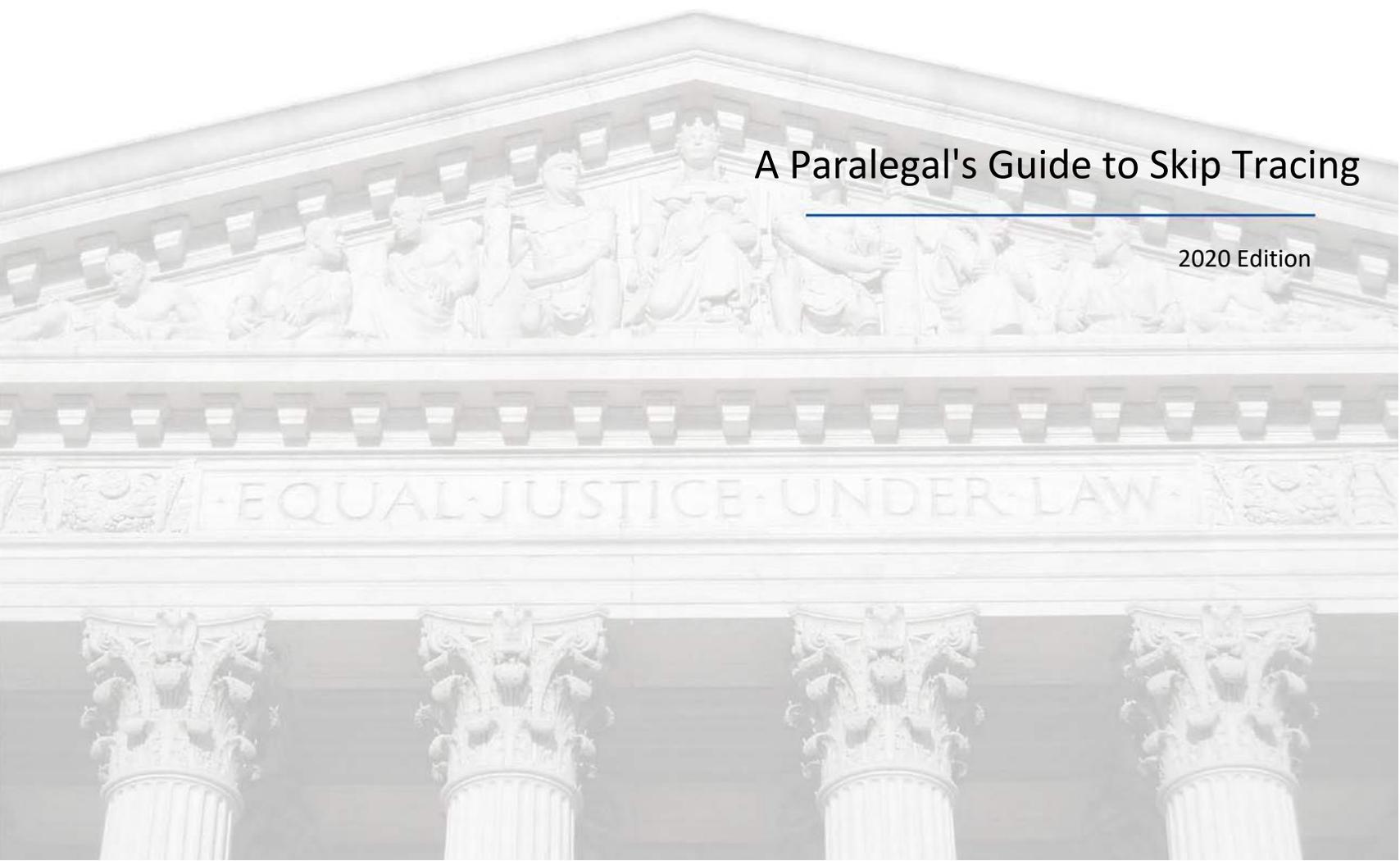




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A Paralegal's Guide to Skip Tracing

2020 Edition



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Paralegal's Guide to Skip Tracing

By Lynda L. Laing

Strauss Factor Laing & Lyons
Providence RI

FDCPA, FCRA and CFPB

- Fair Debt Collection Practices Act
- Fair Credit Reporting Act
- Consumer Financial Protection Bureau

Rules and Regulations Regarding Skip Tracing

- Compliance
- Training of skip tracers
- Recording all incoming and outgoing calls
- Protect client's personal identifiable information concerning a consumer

Fair Debt Collection Practices Act

- Do not use any false, deceptive or misleading statements
- Cannot talk to third parties about the debt
- Location Information Exception

Fair Credit Reporting Act

- Permissive Use
- Pintos 504 F.3d 792 (9th Cir, 2007)
- Express consent

CFPB

- Make certain that you have policy and procedures in place concerning skip tracing
- Do not use any false or misleading methods to skip trace
- Document all attempts to skip trace
- New Proposed Rules for Debt Collection

Skip Tracing the Defendant

- Use the information that you have already
- Verify that information
- Don't forget to Google

- Make certain that you use a checklist to document how you are attempting to locate a debtor.
- List known information and when gaining information, list the source

Move Fast

- Once a defendant is located- move fast!
- Which jurisdiction is best for your client?
- Any prejudgment action available?

Prejudgment Remedies

- Prejudgment attachment
- Replevin
- Temporary Restraining Orders

Post Judgment Asset Discovery

- Google
- Post office
- Contractor's board

Public Records

- State corporation records
- Tax assessor office
- Registry of Motor Vehicles
- UCC

Information Subpoenas

- Banks and other financial institutions
- Landlords
- Ex wife or husband
- The defendant

Database Resources

- Complete name
- Relative or friend
- Place of employment

More Public Records

- Criminal Court Records
- Family Court Records

Best Databases

- Google
- Linked In
- Yelp
- Facebook

Government Records

- Use subpoenas to gain information
- Run titles on real estate to locate tax liens

Collecting Corporate Debt

- Secretary of state
- Google
- Business licensing records
- Use subpoenas to gather information

Judgment Searches

- Was judgment satisfied?

Getting Information from the Bank and Credit Bureau

- Obtain banking information
- Obtain employment and addresses
- Find new assets

When is it Advantageous to Pay for Resources

- When all else fails, use resources for a fee
- Hire a professional if the balance is high or assets have been transferred

Using Social Media to Find Assets and Defendants

Don't violate Fair Debt Collection Practices Act by communicating with Third Parties!

Social Media Discovery

- Facebook and text messages
- Using Facebook- can you friend a debtor?
- Viewing Facebook or other sites to gain asset information
- Linked In

What to do Once You Find the Missing Person or Find Assets?

- Don't waste time
- The longer you wait the less likely you will get the money!

End Result

Client Satisfaction
And
The Debt is Paid

Regulations and Law Concerning Skip Tracing

Fair Debt Collection Practices Act

Due to compliance our office records each phone call in order to train new employees and to insure compliance we monitor and record every call to make certain our identifies themselves properly as required under the Fair Debt Collection Practices Act “FDCPA”.

Our office performs an initial scrub of accounts to ensure that we are not contacting deceased or bankrupt individuals.

We also search to see if the person is not in military as those active service people receive special protections. No letters are sent if the person has filed bankruptcy. You can either use products like accruing to scrub the account. If any bankruptcy is located we search pacer to see the status and if our debt is included in the bankruptcy. Accurint will also verify that the address is correct. We use social security death records database or Accurint to determine if the person is deceased.

See <http://searchancestry.com/search/db.aspx?dbid=3693> for a link.

When skip tracing, your staff must make certain that they do not use any false, deceptive or misleading statements in attempting to locate the person. A debt collector may not use any false, deceptive or misleading representations or means in collecting a debt. 15 U.S.C.A. Section 1692e. This broad language of the Act includes, but does not limit the following as false representations.

1. The false representation of the character, amount, or legal status of any debt;

2. The false representation of any service(s) rendered for collection of a debt;
3. The false representation that any individual is an attorney from an attorney's office;
4. The representation that nonpayment of any debt will result in arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages unless such action is lawful and the collector intends to take such action. 15 U.S.C.A. Section 1692e(1-16).
5. Communicating or threatening to communicate to any person credit information which is known or should be known to be false, including the failure to communicate that a debt is disputed.
6. False representation or implication that a debt collector operates or is employed by a consumer reporting agency.

Therefore, a skip tracer cannot trick the consumer into thinking they won a prize and ask that the consumer send a check to collect the prize. This method allows a skip tracer to obtain checking account information. This type of behavior is a violation of the FDCPA. Also, a skip tracer cannot claim to be a governmental agency that is taking a survey to gain employment information of the consumer. Once more that is a violation of the FDCPA.

However, a skip tracer can use a tool found in the FDCPA which allows under limited circumstances a collector to acquire what is called "location information" from third parties. 15 U.S.C.A. Section 1692b. "Location information" means the collector can call the consumer's place of abode and his place of employment. 15 U.S.C.A. Section 1692a(7).

This section states:

Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall-

- (1) Identify himself, state that he is confirming or correcting location information concerning the consumer, and, only if expressly requested, identify his employer;
- (2) Not state that such consumer owes any debt;
- (3) Not communicate with any such person more than once unless requested to do so by such person or unless the debt collector reasonable believes that the earlier response of such person is erroneous or incomplete and that such person now has correct or complete location information.

To acquire location information, the collector must identify herself. The collector must state she is confirming employment or the debtor's home address and telephone number. A collector cannot state that the debtor owes money. Furthermore, a collector can call only once for this information unless she reasonably believes that the earlier response was erroneous or incomplete.

Using an investigator is a risky area and you should ensure that the agency you use complies with the Graham Leach Bliley Act. This act was passed to prevent misuse of personal information and ensure elimination of any possibility of identity theft. An investigator is useful to locate assets when the debtor has absconded with them. However this investigator cannot make a false, fictitious, or fraudulent statement or representation to the customer. For example, you cannot bribe a bank employee for account information. Under the Act, it is a crime and can be punishable for

up to ten years imprisonment. Pretexting is also a violation under the GLB. Do not impersonate as the consumer or an attorney, if you are not.

FAIR CREDIT REPORTING ACT

Sometimes a violation under the Fair Credit Reporting Act can trigger a violation of the Fair Debt Collection Practices Act. Therefore, a brief review of the FCRA is also needed. FCRA regulates three types of activity; credit reporting, furnishing credit information, and use of credit information.

As an attorney or a creditor, you can only pull a credit report for permissible purposes. Under 15 U.S.C. §16816, a permissible use is defined if pulling the report was related to the “collection of the account”. FCRA 15 U.S.C. §16816(a)(3)(A). See, Edge v. Professional Claims Bureau Inc., 64 F.Supp 2d 115 (E.D.N.Y. 1999) The showing of a permissible purpose acts as a complete defense to any claim assert against a party. Washington v. CSC Credit Services, 199 F.3d 263 (5th Cir. 2000)

Permissible purposes are:

- A. Employment related. 15 U.S.C. §16816(a)(3)(B);
- B. For insurance underwriting. 15 U.S.C. §16816(a)(3)(D);
- C. For licensing underwriting. 15 U.S.C. §16816(a) (3) (D);
- D. In order to evaluate credit risk in certain financial transactions. 15 U.S.C. §16816(a)(3)E;
- E. When there is a legitimate business need arising from certain transactions with the consumer. 15 U.S.C. §16816(a)(3)(F);
- F. Express written consent of the consumer. 15 U.S.C. §16816(a)(2).

The burden to prove no permissible purpose is on the plaintiff.

In Pintos v. Pacific Creditors Assoc., 504 F.3d 792 (9th Cir. 2007), the court held that a creditor can only pull credit reports if the debt involved a credit transaction in which the consumer directly participated and voluntarily sought. The consumer in Pintos incurred towing and impound fees when her car was towed. The bank repossessed the car and paid these charges. The amount of the vehicle sold for at auction did not cover the fees paid. The bank's attorney pulled a credit report to determine if the consumer had sufficient assets to proceed. The court found a violation under FCRA because Pintos did not incur the debt voluntarily.

The Ninth Circuit in another opinion issued 4-30-99 confirmed the debt must involve the consumer, and the transaction must involve the extension or review of credit or the collection of an account. A debt that has been reduced to judgment would be a permissible use per the Ninth Circuit. These violations could become a violation under the FDCPA. Other non permissible purposes could be parking fines, governmental fines or any time a consumer did not ask for the product or service.

If a law firm decides to outsource skip tracing, it will require those vendors to have service provider contracts. In those contracts, the skip tracer will need to comply with the Acts earlier described. Service agreements will vary but generally they will include confidentiality provisions. Some ideas about becoming compliant might be to have a code of conduct that each employee must sign. Required educational programs to teach staff about the FDCPA, UDAAP, and FCRA with testing should be considered. It is important to document all training. Call recording helps with the monitoring and training. If you give your employees written scripts to use, it will help you protect your company by having policies and procedures in place. Certainly, care must be taken to protect any personal information such as social security numbers given to a third party.

CONSUMER FINANCIAL PROTECTION BUREAU

All paralegals or skip tracers must comply with the law. The Bureau has taken steps to regulate this area. In the consent order of Westland Services and Wiltshire, the Bureau stated that the agencies gave borrowers the false impression that they were in the process of repossessing the borrowers' vehicles. The calls that the agencies were making came from caller ids that were changed to display "Repo" "Repossession Services". The calls were not from a repossession company but rather from the agency. In the phone call, the collector also implicitly threatened to repossess the vehicle even though the Bank had not yet decided to repossess the cars. The CFPB found this conduct to violate the FDCPA.

Some skip tracers also use this technique and change the Caller id to have the Id look that the call was originating from a family member or a friend of the borrower. Since that family member or friend has no role in the call, this also is a misrepresentation violating the FDCPA.

The CFPB also has published debt collection rules that may impact skip tracing if adopted.

The rules prohibit a collector from calling a consumer more than seven times within a seven-day period and, after a telephone conversation occurs between the collector and consumer, prohibit the collector from calling the consumer again within seven days. The CFPB is proposing this cap under its UDAAP rulemaking authority.

The proposed rules also allow e-mail, text messaging and other electronic communication to consumers. The communication must contain an opt out instruction in every communication. There are no caps to how many e-mail or texts that can be made by a creditor. Emails to work addresses are prohibited unless the collector has received prior consent from the consumer to do so or email from that email address. Nothing in the proposed rules, changes current

requirements under the FCDPA to stop communications if the consumer specifically states that a time or place is inconvenient or if the collector should know that it is from the facts and circumstances even if the consumer does not use that word.

SKIP TRACING

How to Locate Debtors

Below is a list of questions to try to help you skip trace and find assets..

1. Name
 - a. any other name used
 - b. assets owned in other names
 - c. liabilities owned in other names.
2. Marital status - Single/Married/Divorced (if divorced, any alimony/child support payments)
3. Children
 - a. ages
 - b. living at home - are they employed
 - c. child support
4. Spouse
 - a. employment
 - b. how long

5. Real property

a. where does defendant live

(1) rent

(2) own - who is bank, amount of mortgage

b. any other property

(1) location

(2) mortgage

6. Personal property

a. cash in pocket

b. cash in bank

c. savings accounts

d. checking accounts

e. antiques, stamp collections, art, pictures, coin or other collections

f. jewelry, furs

g. automobiles, trucks, equipment

h. boats

I. livestock

- j. farming supplies
- k. office equipment
- l. machinery, fixtures, equipment and supplies used in business
- m. inventory
- n. life insurance policies with cash value
- o. stocks and bonds
- p. patents, copyrights, franchises, and other intangibles
- q. government bonds
- r. accounts receivable owed to
- s. annuities
- t. equitable interests
- u. partnership interest.

7. Employment

- a. name and address of employer
- b. any part-time job
- c. overtime/bonuses

8. Liabilities

- a. secured debt
 - (1) assets secured
 - (2) amount of debt
 - (3) consideration given
- b. food
- c. clothing
- d. shelter
- e. utilities
- f. transportation

At this hearing, subpoena the tax returns to verify the defendant's income and any recent applications that the defendant may have submitted to a bank. Bank records will disclose any recent transfers to third parties.

Here are some things to consider:

- Unreported income on financial statements and tax returns.
- "business-related" expenses for business owners that are for personal use
- Cash maintained in travellers checks.
- Using a child's Social Security Number to set up a custodial account in the name of the child with the spouse as the account holder.
- Purchasing certificate "bearer" municipal bonds or Series EE savings bonds.
- Delay pay increases, bonuses, equity buy-ins, and stock options.
- A phony debt repayment plan to a friend or family member.
- Facebook showing assets or a lifestyle that is inconsistent with income.

Jurisdiction Tips

A skip tracer employed by a law firm is limited to the state where the law firm is licensed to practice. A non-law firm skip tracer can work from anywhere. Both types have to comply with the Fair Debt Collection Practices Act and their state regulations concerning debt collection. Many times once assets are located, you will decide where to sue based on that information. Certainly, if you represent a company in Rhode Island and the corporate debtor is in North Carolina, an attorney could pick either state to sue. I explain that it is easier for the Rhode Island Company to litigate in Rhode Island but all the assets will be in North Carolina. Once a Rhode Island judgment is obtained, the judgment will need to be transferred to North Carolina. Sometimes, if there will be no contest, the client may decide to sue directly in North Carolina.

How to Select the Best Resource for the Task at Hand

Each client will have a different need for skip tracing. Some clients have a lot of information and some clients have limited information. It is always best to start skip tracing with addresses and the sooner the better. Also try to attempt to call the debtor to see if the phone is operational. Clients hate to sue and later learn that there are no assets to be found or that the business is closed.

Collecting Corporate Debt

In order to skip trace corporations, you should as previously discussed review the secretary of state's filings for the annual reports and UCC filings. Also, review real estate

records, court records, business licensing records, and motor vehicle records. I also find driving by the debtor's location is helpful. It may show that the company is operating or not. By seeing a "For Lease" sign on the property, you may be able to convince the Court to a Pre-Judgment Attachment.

Database Resources

Our firm has found that debtors are the best sources of information. Look at applications, agreements, and contracts.

Make certain you have the following information to assist you in skip tracing activities:

1. Complete name including Sr., Jr., or III Also check divorce records as name changes can increase the difficulty in locating debtors.

2. Address- Make certain your client knows if your State has any Homestead exemptions.

3. Relative or friend address and names

4. Place of employment

5. Prior employment

6. Social Security

7. Driver's license

8. Bank references with account number

9. Vehicle information

10. Real estate owned

11. All owners of company names and addresses and their positions

12. Copy license to prove individual party is signing

13. Have signature witnessed and notarized, if possible

14. Make certain signatures are individual and not in corporate capacity

Best Databases

You can always “Google” a debtor to see if the company has a website that you can order goods. Some good websites to find defendants for free are:

www.Anywho.com, www.whowhere.com, yahoo people search, reverse directory, www.InfoUSA.com, social security death index.

For a fee you could use the following websites: www.Knowx.com, www.Accurint.com, www.lexis.com, Sec Edgar Archives.

THE BEST FREE RESOURCES THAT MOST SKIP TRACERS DON'T KNOW ABOUT

Reverse Directory

Post Office

411

Contractor's Board

Professional Licensing

Driver's License

Vehicle/Vessel

UCC

Secretary of State

Assessor's Office

Google

Zoom info

Twitter.com

Linked In

Civil Search

Criminal Search

Pacer

Accurint

For example, if you are looking for Strauss Factor Laing & Lyons, you can google us. To verify our location, you could use Google maps or earth to see what type of business we have. You can get some information as cars and neighborhood the company is in. Google should give the hours the company is open and the phone number to the company. If you need names of principals, google will give that to you too! (manta.com) Once you have the name of the principal, you can check Linked In. You can go to the Secretary of State's website and search by the principal's name. This may give you some information as to new companies that were formed that are alter egos of the debtor. You may also find that the debtor company is publicly traded and you can use Edgar to view SEC filings showing financial information

INFORMATION SUBPOENA STRATEGIES

Information Subpoenas are legal documents that direct a debtor to answer certain questions regarding the existence and location of assets. Information Subpoenas can also be served upon third parties. For example, banks, past employers (to get new employment

information or where the tax information was sent), landlord records to get banking information, banks or credit cards to get the application.

Public Records

Besides direct communication, a skip tracer can contact the tax assessor. The tax assessor can give information concerning real estate and vehicles taxed to the debtor. Some sites also give information as to outstanding mortgages and liens. It may also have information if the property was sold and for what amount. This search may alert you to possible fraudulent conveyances. An attorney will need to conduct further checks if such assets may be foreclosed upon to determine lien holders. Credit reports may give you valuable employment and addresses.

At the Secretary of State's office, you can gather very useful information. A search can tell you if the company is active or its charter has been revoked. the UCC filings help determine secured creditor information. Many secured creditors require that a debtor maintain a checking account with the secured bank. The Secretary of State will also give you information concerning officers of the company. By learning this information, you can determine if there are registered agents or officers to served. You may want to search this site by address and principal name to see if related companies can be found. Sometimes this can provide additional defendants to sue.

Another source of information is the registry of motor vehicles. With the proper authorization, the registry may give you license numbers, addresses, and dates of birth of the debtor.

Finally, the postal office may give you updated address information. Currently, attorneys are the only collectors that can use the post office to obtain addresses. The post office will also convert post office boxes to addresses.

Court records are also useful tools. We search criminal records to see if the person is in jail. Civil records can show addresses that other attorneys used to locate the party. Also these records may show how other debt collectors seized assets such as real estate, cars, bank accounts or attach wages. Family court also has addresses and employment information of spouses for determination of child support.

Furthermore, many private investigators are willing to investigate for further assets

SOCIAL MEDIA AND USING THE INTERNET

Many ethical questions arise when an attorney uses social media. Make certain that you document all the social media that you use so that if a complaint arises you or your staff and made notes concerning the account. For example, if a debtor requests that you email information or reminder letters to him or her, the request to do so is documented in your collection notes. Make certain your staff includes the Mini Miranda if your communication. Our office does not allow text messages under any circumstance to a consumer. We also will not use Facebook or instant messaging to communicate with a consumer. This position is shared by the Federal Trade Commission. In March 2016, the FTC stated that FDCPA does not prohibit collectors from using texts or social media but make certain it is compliant. Our concern is that a third party may be able to view that communication causing a third party to learn of the debt causing a FDCPA violation.

We have found that having a webpage to allow a consumer or a commercial account to pay has increased our revenues. However safeguards need to be in place to prevent unauthorized payments on a bank account when additional transactions have not been approved.

Facebook, Twitter, Linked in Trip Advisor and Yelp may help skip trace a defendant. The ethical rules address how to deal with unrepresented parties. Certainly “friending” an opposing party allowed in New York if you can “friend” without using a false name or information. New York State Bar Assoc. on Professional Ethics Op. 843 (Sept. 10, 2010) and Op. 743 (May 18, 2011)

Social media can be a useful tool and some collection firms believe there is a difference between use of Facebook before judgment and after judgment. I believe that if you view a public page without any misrepresentation, this tool should be allowed. See Oregon State Bar Formal Op. No. 2005-164 (Aug. 2005). However, having a third party “friend” a witness is deceptive in violation of Rule 8.4(c). Philadelphia Bar Assn. Professional Guidance Comm. Op. 2009-02 (March 2009). In the circumstances, that a skip tracer can use Facebook, you may find a party’s birth date, address, employment or other asset information.

As a general rule, a collector may not discuss a debt owed by a consumer with anyone other than the consumer, his attorney, a consumer reporting agency . . . , the creditor, the attorney of the creditor. See 15 U.S.C. 1692(c) (d). Certainly, a debt collector cannot impersonate as a person’s friend in order to view their page, i.e. “request to be a friend.” This is a violation under the Act under 1692e. Section 1692e prevents a debt collector from using any false, deceptive or misleading representation or means in connection with the collection of any debt.

For example, if you are looking for Strauss Factor Laing & Lyons, you can google us. To verify our location, you could use Google maps or earth. In that picture, you may get some

information as to vehicles and neighborhood that the company is located in. Google should give you the hours the company is open and the phone number to the company. It may also identify your company as closed if it has closed. The internet may give you the names of the principals. (Manta.com) Once you have the name of the principal, you can check Linked In. You can go to the secretary of state's website and search by the principal's name. This may give you some information as to new companies that were formed that could be the alter egos of the debtor. You may also find that the company is publicly traded and you can use Edgar to view SEC filings showing financial information.

A debt collector cannot post on the consumer's wall that they owe a debt. This is a clear violation of the Act under 1692(c) (d). Recently, a Florida state judge ordered a company to not contact its customer, friends or family via Facebook or any other social networking site. In that case, the company was posting on the consumer's wall that her car payment was late. They contacted her friends and family on Facebook asking them to call the company. This consumer filed a lawsuit claiming violations of the FDCPA and violations of privacy. The order which the company agreed to was not an admission of wrongdoing.

Another example is a friend request from a woman in a bikini. The consumer accepted the request on Facebook and later learned it was a collection agency. The collection agency placed a public posting on the consumer's Facebook wall saying, "Pay your debts, you deadbeat." The FDCPA also prevents harassment of consumers under 806. Some examples of such harassment could be disclosing the debt being owed on the public page as it could affect the debtor's reputation. Also, it may be in effort to shame the debtor into paying which is considered harassment under the Act.

In Sohns v Bramancint, LLC, No. 09-1225, 2010 WL 3226264 (D.Minn. Oct. 1, 2010), Sohn's sued Bramancint for violations of the Fair Debt Collections Practices Act. Sohn's claimed that Bramancint used "caller ID spoofing" to call Sohn's concerning her nonpayment for a 2005 Chrysler Sebring. Hummel who worked for the defendant admitted that she dialed an 800 number, entered an access code and entered a phone number that Sohn's would recognize which was her mother in laws number. During that call, the debt collector told Sohn's that she had "googled" her saw that she had a beautiful daughter. Sohn's claimed that the debt collector told her that it "would be terrible if something happened to your kids. Because you were getting hailed off by the sheriff's department." Hummel admitted that she called Sohn's and called herself Investigator Ortiz. She also admitted that she mentioned the daughter but she was not trying to threaten the consumer. The Court granted Sohn's motion for summary judgment as the defendant clearly violated the FDCPA as the caller Id spoofing service was used to conceal the defendant's identity and motive for talking with Sohn's. Furthermore, the comments about the beautiful daughter were an effort to intimidate Sohn's.

The FTC has concerns about texts that use false pretenses to get consumers to call the collector back. For example, texts that state YOUR PAYMENT DECLINED WITH CARD XXX5463CALL 866-123-4567 IMMEDIATELY. To consumers, this text would look like an alert from their credit card company. However it was a way for collectors to get a response from the person they claimed owed money. The TRC commented "if collectors are going to communicate by text message, they are going to have to find a way to do so that follows the law"

The FTC did sue one collection firm that was using text messages. In this case a fine was assessed against the collection agency as they sent about 1.8 million text messages in an 18 month period to debtors, relatives, friends, and co-workers of the person who owed money.

These texts did not warn that the agency was attempting to collect a debt and that any information gained would be used for that purpose as required.

Recently, The Pittsburgh Post-Gazette wrote that a Brighton Heights man (who did not want to be disclosed) owed \$270,000.00 in student loan debt. In May 2014, the man had his picture taken at Square Café with PBS personality Rick Sebak. The picture was posted to Facebook and shared more than 50 times with a friends list of more than 5,000 people. Soon thereafter, a person contacted the Café looking for the man. That person left a phone number for the man. The newspaper contacted the CFPB for comment. Christopher Koegel, stated that “if the debt collector research Square Café by becoming his Facebook friend under false pretenses or by connecting with individuals on his friends list under a false pretense, the company is in violation of disclosure laws and laws prohibiting contact with third parties associated with the debtor without prior consent.”

Sometimes a debtor may have settings that block your search, but the friends list may not be blocked. If their pages are public, information about the debtor may be on the friend's page and can be helpful in locating the debtor. Some people use Facebook and let friends know where they are at “liking” an establishment to get incentives and thus helping a constable find their whereabouts. This also may happen on Twitter so a resourceful constable may use social media to find the debtors. Sometimes even the pictures that people post can be useful in identifying the proper party for service. “Linked In” can give useful information as to where the person went to school and his employment. One of the downsides of Linked In is that the person on Linked In will know you visited their profile.

If a consumer asks that you contact them by email or text, our office prefers not to correspond in that fashion unless we can document that the consumer has made such a request. We keep a copy of the request in the file and make certain that the consumer is given all the necessary warnings such as the mini-Miranda at the end of the email and that the request is kept on the consumer's file. Our office does this as not email or texts are private and a third party may read the email causing a third party disclosure. We never communicate with a consumer on social sites through email or comments.

Government Record Techniques

Don't forget to use government records. Our state allows us to search for contractors, corporations, individuals that own companies and UCC records. We can also search property records electronically. Other professional organizations and people such as attorneys are listed on government records.

Background Searches for Alias Names

Our office will run an Accurint search by social security number to obtain alias names. We run all alias names for criminal background searches and real estate. Some alias names may be maiden names and assets can be found in that name. However alias names may also indicate that there could be fraud in obtaining the credit card particularly when the alias is based on a spelling variant.

Judgment Search Strategies

Our state has electronic e-filing so judgment searches are easy. Some of the information you will learn in such a search would be:

- Whether the judgment was satisfied or not?
- How the judgment was satisfied? Was it by wage or bank attachment?
- Any court dates in the future?
- Prior addresses for service?
- Real estate liens
- Whether the defendant is a candidate for bankruptcy?

Information From the Bank and Credit Bureau- New Spins on Old Tricks

Credit bureau reports can you information concerning employment, current address and phone numbers. They can you an idea of the debtor's ability to pay and the name of the spouse. The new spin is that you can see what type of credit the debtor recently applied for. For example if the debtor purchased a car, you can then subpoena the lender (if you have a judgment) and obtain the application. The application will give you up to date information on the defendant.

When is it Advantageous to Pay for Recourses?

We find it is advantageous to pay for information, we all else fails. Usually it is when we can find no address for the debtor and we have a deadline with the court. We also consider hiring a professional if the balance on the judgment is significant and we believe that the debtor is hiding assets. Make certain that your client will allow outsourcing of the skip tracing. The agency should provide you with a non-disclosure agreement, their license, insurance and references. Make certain that the agency will comply with the FDCPA, FTD, and GLB.

What to do Once You Find the Missing Person

Don't waste time when you find the missing person. If the person was hard to find and the client wants suit, file suit as soon as possible. The more that passes the greater the possibility that the defendant will move again. If you obtain a judgment, move fast to secure liens. The longer you wait, the less likely you will get the money!