

FDCPA Test| Rated A Questions and Verified Answers 100% Correct| Grade A (2024/ 2025)

Q: A professional debt collector may communicate to a customer that a judgement has been obtained and wages may be garnished, if:

Answer:

A judgement has been obtained and the agency's next action will be to execute it through garnishment. (807)

Q: True or False...

Under the FDCPA, individual collectors are permitted to use an alias if they use it constantly.

Answer:

True (804)^

Q: True or False...

Professional debt collectors may ask a customer's neighbor to aide in the collection of debt.

Answer:

False (805)&

Q: True or False:

An agency can legally use the company's initials on the outside of envelopes when sending collection notices.

Answer:

True (804)*

Q: If a debtor requests that the communication be stopped at the debtor's place of employment:

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Lingjun Ying



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Answers to Questions/Cases Miller, Cross, 2003-05 *Consumer Financial Services Litigation*, 1999 **The Army Lawyer**, 1996 **Business Law Today** Miller, 1997-02 Consumers Index to Product Evaluations and Information Sources, 1990 *The Uniform Commercial Code Law Letter*, 1977 **West's Federal Supplement**, 1996 **FAIR DEBT COLLECTION PRACTICES ACT** LANDMARK. PUBLICATIONS, 2024 **Fair Debt Collection Practices Act** LandMark Publications, 2017-12 THIS CASEBOOK contains a selection of U S Court of Appeals decisions that analyze interpret and apply provisions of the Fair Debt Collection Practices Act The selection of decisions spans from 2014 to the date of publication The FDCPA regulates the conduct of debt collectors defined to include any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts or who regularly collects or attempts to collect directly or indirectly debts owed or due or asserted to be owed or due another Id 1692a 6 Among other things the FDCPA prohibits debt collectors from using any false deceptive or misleading representation or means in connection with the collection of any debt and from using unfair or unconscionable means to collect or attempt to collect any debt Id 1692e 1692f The statute provides a non exhaustive list of conduct that is deceptive or unfair e g falsely implying that the debt collector is affiliated with the United States id 1692e 1 Debt collectors who violate the FDCPA are liable for actual damages statutory damages of up to 1 000 and attorney s fees and costs See id 1692k a In re Dubois 834 F 3d 522 4th Cir 2016 The definition of debt collector which is contained in 1692a 6 is comprised of two parts The first part defines the classes of persons that are included within the term debt collector while the second part defines those classes of persons that are excluded from the definition of debt collector The first part defining those who are included provides in relevant part The term debt collector means any person 1 who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts or 2 who regularly collects or attempts to collect directly or indirectly debts owed or due or asserted to be owed or due another Notwithstanding the exclusion provided by clause F of the last sentence of this paragraph the term includes any creditor 3 who in the process of collecting his own debts uses any name other than his own which would indicate that a third person is collecting or attempting to collect such debts 15 U S C 1692a 6 emphasis added Stated more simply this provision defines a debt collector as 1 a person whose principal purpose is to collect debts 2 a person who regularly collects debts owed to another or 3 a person who collects its own debts using a name other than its own as if it were a debt collector Henson v Santander Consumer USA Inc 817 F 3d 131 4th Cir 2016 The second part of 1692a 6 defines the classes of persons that are excluded from the definition of debt collector so that a person who meets one of the definitions of debt collector contained in the first part of 1692a 6 will not qualify as such if it falls within one of the exclusions Fair Debt Collection Practices Act Landmark Publications, 2021-01-15 THIS CASEBOOK contains a selection of U S Court of Appeals decisions that analyze interpret and apply provisions of the Fair Debt Collection

Practices Act Volume 2 of the casebook covers the Sixth through the Eleventh Circuit Court of Appeals Congress enacted the FDCPA in 1977 to eliminate abusive debt collection practices by debt collectors to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged and to promote consistent State action to protect consumers against debt collection abuses 15 U S C 1692 e The FDCPA prohibits debt collectors from collecting any amount including any interest fee charge or expense incidental to the principal obligation unless such amount is expressly authorized by the agreement creating the debt or permitted by law Id 1692f 1 Debt collectors are strictly liable for FDCPA violations Donohue v Quick Collect Inc 592 F 3d 1027 1030 9th Cir 2010 and a debt collector who violates the FDCPA is liable for actual damages attorney s fees and costs and additional damages not to exceed 1 000 per violation 15 U S C 1692k The FDCPA is broadly remedial and should be liberally construed in favor of consumers McAdory v M N S McCollough v Johnson Rodenburg 2 the violation resulted from a bona fide error and 3 the debt collector maintained procedures reasonably adapted to avoid the violation Id Urbina v National Business Factors Inc 9th Cir 2020

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