

**ACA INTERNATIONAL**

# Reaching New Heights

Accomplishments and  
Project Updates

APRIL  
2018



[www.acainternational.org](http://www.acainternational.org)

  
**ACA**<sup>®</sup>  
INTERNATIONAL  
The Association of Credit  
and Collection Professionals



# What's Inside

As ACA International approaches its 80th year of serving as the credit and collection industry's home for education, advocacy and knowledge-based resources, it is clear that the association remains on a positive trajectory due to its dedicated members and hardworking staff. The pages that follow are intended to provide readers with a high-level snapshot of the association's recent accomplishments coupled with updates on various projects.

In the last year, ACA offered the industry world-class educational opportunities designed to ensure that the credit and collection workforce is compliant with current legal and regulatory requirements. The association also added three new designations including two leadership designations and an attorney designation. The Professional Collection Management (PCM) and Collection Industry Professional (CIP) designations recognize individuals who are responsible for managing a collection floor and for others who have a management role in the industry. Meanwhile, the Credit and Collections Compliance Attorney designation (CCCA) provides attorneys with a foundation for the various consumer financial protection laws.

These offerings continue to increase in value to ACA members as the political and regulatory landscapes in Washington, D.C., and the state capitals rapidly change. Like no other time in recent history, there is opportunity for real change in Washington. This exciting time was accentuated by the recent resignation of Richard Cordray and new leadership taking the helm at the Consumer Financial Protection Bureau.

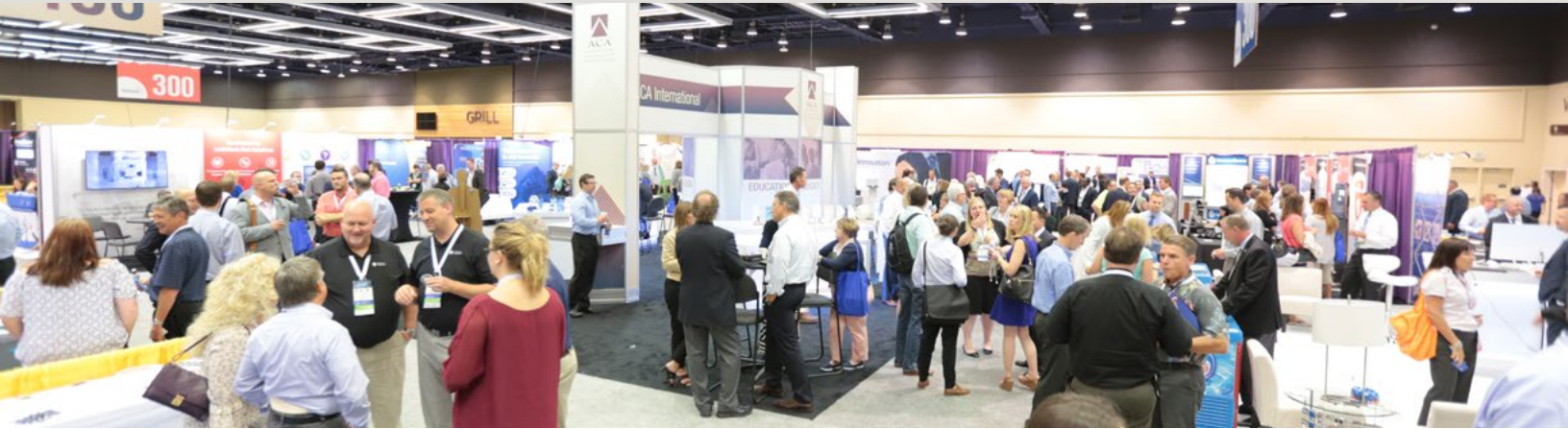
Throughout this publication, readers will see solid evidence that ACA International is committed to leading the industry to excellence and professionalism—for the next 80 years!



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# Executive Summary



ACA develops the most sought-after education and expertly curated resources available in today's complex credit and collection marketplace. Only members have open access to many of these exclusive resources and the opportunity to purchase other products and services at rates significantly less than those charged to the public. ACA International members are a dynamic mix of the most successful companies and professionals in the accounts receivable management industry. The association serves companies and firms engaged in third-party consumer debt collection, billing and outsourced first-party debt collection, asset buying, judgment recovery, litigation, and collection or creditor defense, as well as credit professionals and vendor affiliates.

The information that follows is intended to provide readers with a high-level snapshot of the association's recent accomplishments coupled with updates on various projects.

## Certifications/Designations

In the last year, ACA offered the industry world-class educational opportunities designed to ensure that the credit and collection workforce is compliant with current legal and regulatory requirements. The association added three new designations: two leadership designations and an attorney designation. The Professional Collection Management (PCM) and Collection Industry Professional (CIP) designations recognize individuals who are responsible for managing a collection floor and for others who have a management role in the industry. Meanwhile, the Credit and Collections Compliance Attorney designation (CCCA) provides attorneys with a foundation for the various consumer financial protection laws.

## Meetings and Education

As the industry leader in education and networking, ACA offers a variety of conference experiences to fit the unique needs and interests of the credit and collection workforce. In 2017, the association held six conferences with 1,694 total attendees.

While all of ACA International's meetings have tremendous value, the association's flagship conference is its Annual Convention, last year held in the beautiful city of Seattle. The conference featured more than 40 educational sessions with diverse topics ranging from compliance, management, leadership, technology, operations, legal education, specific markets and much more. The Annual Convention, like other ACA meetings, features a bustling expo hall filled with vendors exhibiting the latest products designed to help you grow your business.

## Regulatory Advocacy

The regulatory environment is tremendously important for ACA members. Given this, ACA works hard to have a strong and consistent voice with federal regulators so they understand the value of the professional debt collection industry and the real-world impact of the rules and policies that come out of Washington, D.C.

Some examples of ACA's regulatory highlights in 2017 include:

- » ACA submitted seven comment letters to the CFPB and FCC to advocate the interests of the credit and collection industry with regulators.
- » The CFPB narrowed the third-party debt collection rulemaking so substantiation issues can be considered jointly by first and third parties after strong advocacy on this issue by ACA.
- » ACA quickly developed and continues to pursue a multi-faceted strategy in an effort to address the serious issue of erroneously blocked and mislabeled calls.

## Research

ACA's research department worked in conjunction with Ernst & Young in 2017 to produce a study titled, *The Impact of Third-Party Debt Collection on National and State Economies in 2016*.

## Litigation Advocacy

The end of 2017 marked the fourth full year of advocacy within the judicial branch on behalf of the credit and collection industry as part of ACA's Industry Advancement Program. During that time, ACA has forcefully and strategically taken on important legal battles that threaten the industry's ability to compete and succeed. But there is still much more work to be done because decisions handed down by state, federal district, and appellate courts continue to dramatically affect how every ACA member conducts business. Therefore, ACA's ongoing and growing engagement in litigation remains critical to shaping the legal landscape for the credit and collection industry.

To date, ACA's Industry Advancement Program has delivered industry-favorable outcomes in 34 cases, which have been cited and relied upon by courts across the country in thousands of other industry cases. And not only has ACA already achieved 34 wins to help its members, in 2017 ACA also took its litigation advocacy to the next level by conducting independent research to provide appellate courts with empirical-based industry data and evidence supporting the arguments ACA advanced in its amicus briefs.

## Compliance

ACA's compliance team works diligently to maintain ACA's SearchPoint® library of approximately 230 documents on an array of federal and state laws and regulations. The library is continually updated to ensure reliable, timely information; 47 documents were updated in 2017. SearchPoint® is one of the most viewed pages on ACA's website and received over 45,000 views in 2017.

## Federal Affairs

ACA International's lobbying and political advocacy efforts are building valuable relationships with key lawmakers on Capitol Hill. As part of the association's overall advocacy strategy, engaging in the political process is more important than ever given the seven new senators and 53 new representatives of the 115th Congress.

As members of the 115th Congress set the stage for the Trump administration, ACA supports common-sense measures that would reform and modernize outdated, unnecessary or unduly arduous regulations. As lawmakers work to craft and introduce legislative proposals this session, ACA is working with representatives and congressional staff on several key legislative issues. Among them are the Financial Choice Act, H. R. 10 and Operation Choke Point, H.R. 2706.

## State and Unit Affairs

ACA International and its 37 state and regional units saw the busiest legislative session in recent history

last year. All 50 states convened legislative sessions introducing more than 500 state-level bills that, if enacted, would impact the debt collection industry. ACA is already tracking and working on more than 560 state-level bills in 2018.

ACA and its state and regional units continue to lead efforts both supporting and opposing legislation, and often organize and participate in broad coalitions that collectively advocate for shared interests. These coalition-building efforts were key to successes in California, Rhode Island, Massachusetts and West Virginia, among others last year. ACA has also worked with units to launch strategic grassroots campaigns resulting in thousands of key legislative contacts. ACA and its units utilize more than 30 lobbyists that advocate for the industry in state capitals across the country.

## Communications

ACA's communications team is engaged in multiple ongoing projects that are designed to provide the latest information on regulatory, legal and financial issues associated with the industry. The team collaborates with various sources to produce its flagship publication, *Collector*® magazine, as well as the monthly healthcare-related e-newsletter, *Pulse*, and our daily e-newsletter, *ACA Daily*. Other responsibilities include traditional media outreach, and promoting the association through an active presence on social media.

## Customer Care

ACA's experienced, hard-working Customer Care team is dedicated to providing helpful, friendly service that delights current and potential members. In the last year, ACA created the consolidated and centralized Customer Care Center, giving members and the public a single toll-free ACA telephone number (800-269-1607) and email address ([customercare@acainternational.org](mailto:customercare@acainternational.org)) to use when membership, education, event or other assistance is needed. In addition, the Customer Care team stays up-to-date on everything ACA so it will know how to redirect inquiries as needed to the best person to help in other ACA departments.

## Information Technology

The IT team implemented enhancements related to an improved user experience. In particular, IT worked with the Texas Unit to set up a pilot using ACA's website to host the Texas Unit's annual convention event website and the event registration process. The hope is that the work that results from this project can be used on ACA events and by other units in the future.

## Collectors Insurance Agency

In addition to its renowned customer service, industry expertise, and partner stability, Collectors Insurance Agency, Inc. (CIA) is implementing several key initiatives that are of great benefit to our larger agency participants. Among them are the errors and omissions/commercial crime package program, the cyber liability program, executive risk portfolios, surety programs and licensing services.



# Regulatory Advocacy

The regulatory environment is hugely important for ACA members. The Consumer Financial Protection Bureau, the Federal Communications Commission, and the Federal Trade Commission impact what our members do every single day. Given this, ACA works hard to have a strong and consistent voice with federal regulators so that they understand the value of the professional debt collection industry and the real-world impact of the rules and policies that come out of Washington, D.C. In addition, ACA staff ensures members are informed in a timely way about important regulatory developments and solicits feedback from members to help inform ACA's advocacy efforts.

## A Leading Voice with Regulators

- » ACA continually meets with FCC, FTC and CFPB staff to highlight and advocate for industry priorities, as well as to look for opportunities to collaborate.
- » Formal advocacy through comment writing is a critical way for ACA to get its voice heard, to be on the record, and to demonstrate to regulators ACA's engagement on important issues. In 2017, ACA submitted **seven comment letters** to the CFPB and FCC, and has already filed one on call blocking with the FCC in January 2018.

## Tackling Call Blocking Issues

ACA sprang into action in 2017 when members began to discover their legitimate business calls were being labeled as "suspected scam" or being blocked outright. ACA quickly developed a multi-faceted strategy to address this serious issue and continues to work hard to obtain relief for our members.

- » **Educating members.** Issued ACA-wide Member Alerts, held major session at Fall Forum on call blocking/labeling, and launched a dedicated email address ([callblocking@acainternational.org](mailto:callblocking@acainternational.org)) for ACA members to direct questions.

Date	Proceeding
Jan. 23, 2018	<b>FCC's Call Blocking FNPRM:</b> Comments urging the FCC to require entities who provide call blocking services to alert callers when a call has been blocked and to provide quick and easy mitigation mechanisms for erroneously blocked calls.
Dec. 14, 2017	<b>CFPB Debt Collection Disclosure Survey:</b> Comments urging the OMB to deny approval of the CFPB's Proposed Debt Collection Disclosure Survey (30 Day Notice).
Sept. 14, 2017	<b>CFPB RFI on Small Business Lending:</b> Comments developed with a FAC member to provide input on the CFPB's RFI on Small Business Lending.
August 28, 2017	<b>FCC NOI on Reassigned Number Database:</b> Comments opposing a reassigned number database before underlying TCPA definitional issues are addressed.
August 4, 2017	<b>CFPB Debt Collection Disclosure Survey:</b> Comments supporting in part and opposing in part the CFPB's proposed Debt Collection Quantitative Disclosure Survey (60 Day Notice)
July 3, 2017	<b>FCC NPRM and NOI on Call Blocking:</b> Comments supporting call blocking NPRM and expressing concern over related NOI on potential expansion of call blocking authority.
Mar. 10, 2017	<b>TCPA Petition on Prior Express Consent:</b> Comments opposing a TCPA Petition for Rulemaking to limit prior express consent
Feb. 13, 2017	<b>TCPA Petition on Fed. Govt. Debt Collection Rules:</b> Comments supporting TCPA Petition for Reconsideration of the FCC's federal government debt collection rules.

- » **Collecting member experiences.** Launched and continue to promote a portal on ACA's homepage for members to share any call blocking experiences with ACA. Currently have feedback from over 60 members and the number continues to grow.
- » **Working with regulators.** ACA continues to be in contact with the FTC and FCC. The FCC's recent NOI on call blocking tracks the issues ACA has raised with the FCC.

- » **Engaging with analytics companies.** Analytics companies use algorithms to determine whether to block a call. ACA is in communication with these companies to stop legitimate calls from being blocked/mislabeled and to ensure there is a way to correct mistakes.
- » **Participating in Industry Coalition.** Working with the newly-formed Communication Protection Coalition to develop Best Practices to “robocall” blocking and other solutions.

## New Opportunities at the CFPB

With the resignation of former Director Richard Cordray, new leadership means new opportunities for the debt collection industry to engage with the CFPB.

- » **Debt Collection Rulemaking.** Now is the time for ACA to advocate for common-sense regulations that will ensure the debt collection industry can operate effectively with clear rules of the road and without fear of opportunistic litigation. ACA sent a letter to Acting Director Mulvaney highlighting industry priorities and its support for well-reasoned and workable debt collection rules. ACA was invited to participate in a private, invitation-only industry roundtable with Acting Director Mulvaney on Feb. 9.
- » **RFIs to Examine the CFPB’s Functions.** ACA welcomes and stands ready to respond on behalf of its members to a series of Requests for Information (RFIs) related to the CFPB’s core functions, including enforcement, supervision, rulemaking, market monitoring, and education activities. This is an excellent opportunity for ACA members to provide feedback on the challenges it faced under the CFPB when it was led by Richard Cordray and to offer suggestions for improvement.
- » **Consumer Complaint Database.** ACA continues to examine and expose flaws in the Consumer Complaint Database and in the way the CFPB handles complaints. With new leadership, ACA will renew its advocacy to stop the Consumer Complaint Database from being made public.



*FCC Commissioner Michael O’Rielly was a featured speaker at the 2017 Washington Insights Conference.*

## ACA’s Regulatory Advocacy “Wins”

2017 demonstrated how ACA’s regulatory advocacy efforts and relationships can result in real change that benefits the debt collection industry. Here are some examples of regulatory-related accomplishments from this past year:

- » **Third-party debt collection rulemaking narrowed** so substantiation issues can be considered jointly by first and third parties. This procedural win will be helpful in laying the groundwork on future CFPB rulemaking efforts.
- » **Debt Collection Disclosure Survey pulled** by the CFPB after ACA submitted two comment letters questioning the practical utility of the survey given its flawed questions.
- » **Arbitration rule**—which ACA strongly opposed in a comment letter and in SBREFA prep assistance – overturned by Congress through use of the Congressional Review Act.
- » **Call blocking mitigation** is being actively explored by the FCC after ACA described the current issues related to call blocking and labeling.
- » **Debt Collection Call Label Change.** First Orion, one of the largest analytics companies that provides call labeling services, has agreed to stop labeling calls as “debt collection” and will instead label such calls as “account servicing.”
- » **Commissioner Michael O’Rielly spoke at Washington Insights**, providing our members with a much-appreciated perspective on the current state of affairs surrounding TCPA issues.



# Research

The mission of ACA's research department is to collect original data about the credit and collection industry that quantifies the ways in which debt collectors help consumers and the overall economy. The research department produces work to inform membership, advance advocacy positions, and guide public relations messaging.

Aside from producing original research, ACA's research department is also responsible for writing daily articles, press releases, content for Collector, and advocacy/member alerts in support of the public release of research products.

## Selected Research Accomplishments in 2017 Include:

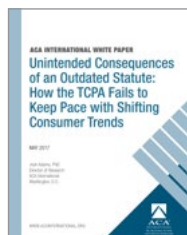
### White Papers



*An Overview of the Analytical Flaws and Methodological Shortcomings of the CFPB's Survey of Consumer Experiences with Debt Collection*



*A Review of Debt Collection Complaints Submitted to the Consumer Financial Protection Bureau's Complaint Database in 2016*

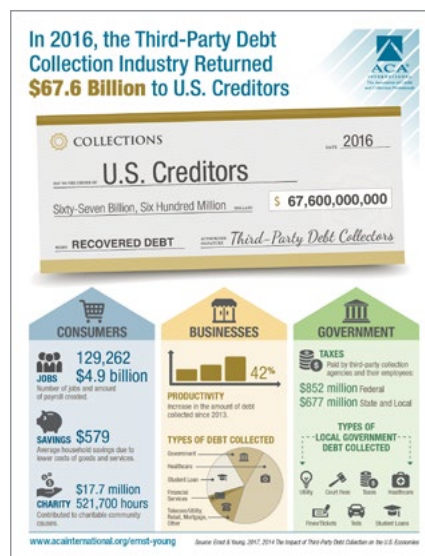


*Unintended Consequences of an Outdated Statute: How the TCPA Fails to Keep Pace with Shifting Consumer Trends*

### Other ACA Projects

**Project Management of the 2017 Ernst & Young Study** *"The Impact of Third-Party Debt Collection on the US National and State Economies in 2016"* (last published 2014).

- » Coordinating the contracting/implementation/administration process.
- » Guidance on item construction and development of new survey questions.
- » Management and supervision of the EY 2017 communications rollout.



### 2017 Top Markets Survey (May 2017)

- » ACA International 2017 Top Markets Report.

### Invalid Disputes Survey (September 2017)

- » *ACA International Research Note: An Exploratory Analysis of the Costs of Invalid Disputes* (October 2017)

### Call Blocking Experience Survey (September 2017 - Ongoing)

# Industry Advancement

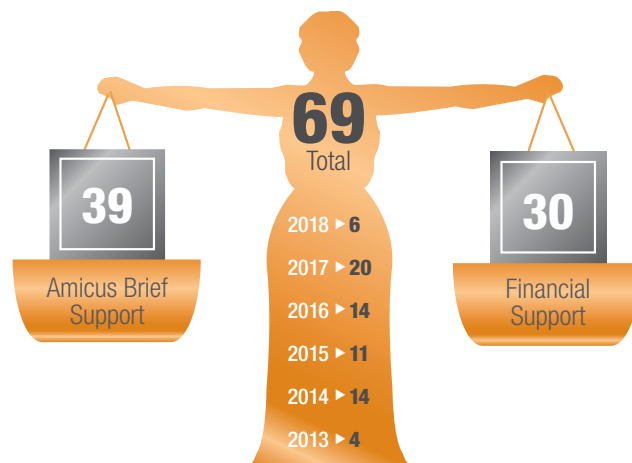
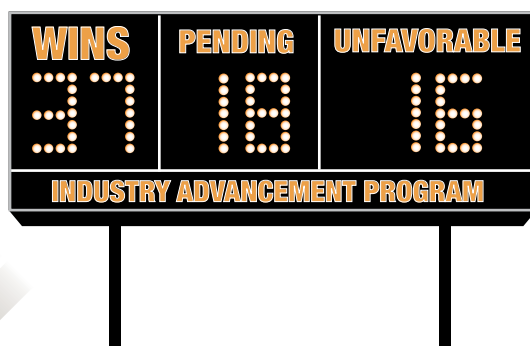
## Litigation Advocacy Advancing ACA's Goal of Developing a True, Clear Voice for the Industry

The end of 2017 marked the fourth full year of advocacy within the judicial branch on behalf of the credit and collection industry as part of ACA's Industry Advancement Program. During that time, ACA has forcefully and strategically taken on important legal battles that threaten the industry's ability to compete and succeed. But there is still much more work to be done because decisions handed down by state, federal district, and appellate courts continue to dramatically affect how every ACA member conducts business. Therefore, ACA's ongoing and growing engagement in litigation, through the Industry Advancement Program, remains critical to shaping the legal landscape for the credit and collection industry.

To date, ACA's Industry Advancement Program has delivered industry-favorable outcomes in 37 cases, which have been cited and relied upon by courts across the country in thousands of other industry cases. And not only has ACA already achieved 37 wins to help its members, in 2017 ACA also took its litigation advocacy to the next level by conducting independent research to provide appellate courts with empirical-based industry data and evidence supporting the arguments ACA advanced in its amicus briefs.

## Litigation Advocacy Wins

Within just the last 12 months, ACA's Industry Advancement Program has helped achieve some important wins in major cases involving:



### *PHH Corporation v. Consumer Financial Protection Bureau (D.C. Cir.)*

A decision by the full bench of the D.C. Circuit Court of Appeals that the CFPB is bound by statutes of limitation regardless of whether the CFPB is enforcing consumer financial laws through a civil action or administrative proceeding. This decision will likely have major implications for government enforcement agencies and anyone who is targeted in an enforcement action.

### *Midland Funding, LLC v. Johnson (Sup.Ct.)*

The U.S. Supreme Court's clarification that a debt collector's proof of claim that made clear that the statute of limitations to collect the debt had run was not "false, deceptive, or misleading" and did not use any "unfair or unconscionable means" to collect a debt under the FDCPA. The court's 5-3 decision reversed the Eleventh Circuit's ruling that had stopped debt collectors from filing claims in bankruptcy on old debts.

### *Henson v. Santander Consumer USA Inc. (Sup.Ct.)*

The U.S. Supreme Court's determination that a party that purchases a debt and attempts to collect the debt for its own account is not a "debt collector" subject to the FDCPA. In so holding, the court restricted the universe of companies subject to potential liability under the act.

**Aker v. Americollect, Inc. (7th Cir.):** The Seventh Circuit's decision that a debt collector does not misrepresent the amount of a debt or violate the FDCPA's verification requirements when it adds 5 percent statutory interest to a debt without first obtaining a judgment.

**Grimsley v. Palm Beach Credit Adjusters, Inc. d/b/a Focus Financial Services (11th Cir.)**

The defeat of meritless claims brought by a "professional" and frequent pro se litigant.

## New Litigation Advocacy Initiatives

Through the Industry Advancement Program, ACA also initiated many new litigation advocacy efforts in 2017 including, but not limited to, providing amicus brief support and/or financial assistance to support litigation in cases aimed at:

» **Form Letter Disputes**

- ~ Clarifying that liability under the FDCPA may not be based on deliberately uninformative and frivolous generic form letter "disputes" when such letters are actually a sham, designed to create liability where no harm to a consumer is threatened.
- ~ Prosecuting a class action lawsuit against the Lexington Law Firm related to its practice of creating and sending deliberately uninformative and frivolous generic form "dispute" letters to collection agencies, which are disguised as originating from consumers, but actually mailed in bulk.

- » **Non-Accruing Interest Disclosure:** Clarifying that the FDCPA does not mandate an affirmative disclosure that interest is not accruing on an account (where no interest is accruing).
- » **Reasonable Consent Revocation:** Gaining clarity with respect to the definition of "reasonable" under the TCPA as it relates to revocation of consent.
- » **Email Communications:** Gaining clarity on the appropriate process for debt collectors to communicate with consumers by email.
- » **Meritless Claims:** Defeating a frivolous and meritless claim filed by a consumer who is an experienced FDCPA lawyer that blatantly attempted to entrap the debt collector into committing an FDCPA violation.

- » **Limiting Right to Sue:** Narrowing the ability to sue for alleged violation of the TCPA when the consumer is unable to show sufficient "concrete injury" specific to each individual call, rather than in the aggregate based on the total quantity of calls, allegedly made in violation of the Act.
- » **Collection of Contingent Fee:** Clarifying that liability under the FDCPA may not be based on a creditor and/or collection agency imposing a contingent fee in its initial collection letter when the fee is calculated based on the contract between the creditor and the consumer in which the consumer "agree[d] to pay a percentage above the amount of his outstanding debt that was unrelated to the actual costs to collect that debt."
- » **Medical Debt Credit Reporting:** Gaining clarity with respect to how debt collectors should credit report medical services provided on several different dates for the same patient when each of those services fall under one account.
- » **Dispute Notices:** Clarifying that liability under the FDCPA may not be based on an agency informing a consumer's representative that while the original creditor may require any dispute to be in writing, the agency does not.

In many of these cases, the issues are fully briefed to the courts where these cases are pending, and ACA anticipates that these cases will generate decisions, hopefully industry-favorable decisions, sometime this year.

## ACA Wins Legal Challenge against FCC's TCPA Declaratory Ruling and Order

On March 16, 2018, the U.S. Court of Appeals for the D.C. Circuit issued its long-awaited decision in *ACA International v. FCC*. In handing down its decision, ruling 3-0 in favor of business industries, the D.C. Circuit Court focused on the key issues ACA presented in its challenge to the 2015 TCPA Declaratory Ruling and Order, including the definition of an auto-dialer, the any reasonable manner approach to revocation of consent, and the one-call exemption for reassigned numbers. ACA filed the first petition for review within hours after the FCC issued the TCPA Order in July, 2015.

# Compliance

ACA's compliance team is committed to the development and delivery of superior compliance resources, tools and information to assist members in meeting their compliance expectations. Three primary compliance resources include:



## ACA SearchPoint® Library

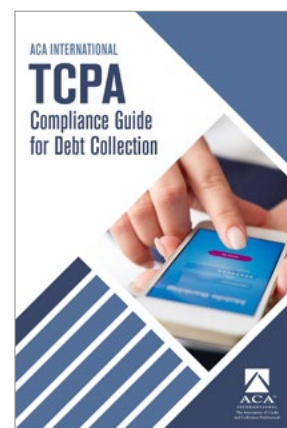
ACA's compliance team works diligently to maintain ACA's SearchPoint® library of approximately 230 documents on an array of federal and state laws and regulations. The library is continually updated to ensure reliable, timely information; 47 documents were updated in 2017. SearchPoint® is one of the highest viewed web pages on ACA's website and received over 45,000 views in 2017. The most accessed SearchPoint® documents include state license requirements, state special text requirements, statutes of limitations, voice mail messages and adding fees. Upholding the accuracy and quality of this resource is a top priority for 2018.

## "Compliance Officer of the Day"

This is a unique member-only benefit in which ACA's compliance team will provide personalized responses to individual member compliance inquiries within 2 business days. The compliance team responded to approximately 1,100 compliance questions from members in 2017. The most frequently asked questions pertained to licensing, credit reporting, disputes, validation/verification and healthcare. In 2018, we will focus on evaluating the efficiency of this offering and avenues for continued improvement.

## ACA Compliance Guides

The compliance team is working hard to launch a revised Fair Debt Collection Practices Act (FDCPA) guide in 2018—the guide was last updated in 2013/14. We continue to provide monthly updates to ACA's highly-valued Guide to State Collection Laws and Practices and issue updates to ACA's Fair Credit Reporting Act (FCRA) and Telephone Consumer Protection Act (TCPA) Guides on an as-needed basis.





# Federal Affairs

ACA International's lobbying and political advocacy efforts are building valuable relationships with key lawmakers on Capitol Hill. As part of the association's overall advocacy strategy, engaging in the political process is more important than ever given the seven new senators and 53 new representatives of the 115th Congress.

ACA International's federal affairs program rests on three complementary pillars:

- » Washington, D.C. based representation;
- » Grassroots advocacy; and
- » ACPAC which supports candidates responsive to our association's issue priorities.

Coordination of all three elements is the key to maximizing our effectiveness on Capitol Hill. Each has an important role to play:

**Washington, D. C. staff** works with the Federal Affairs Committee and the ACA Board of Directors to achieve our legislative goals. It communicates ACA's interest to Congress and coordinates with other associations and corporate representatives to develop broad-based coalition efforts.

**Grassroots advocacy** is powerful. As a constituent, voter, a business and community leader, ACA members have influence with lawmakers. Staff continues to work with ACA members to coordinate face-to-face meetings with federal representatives while they are home in their districts to help develop a deeper relationship and communicate the interests of the industry.

**ACPAC** supports political candidates irrespective of party affiliation, based solely on their positions on issues affecting the credit and collection industry. Staff works with the ACPAC Committee to oversee all PAC contributions and fundraising efforts.

As the members of the 115th Congress set the stage for the new Trump administration, ACA supports common sense measures that would reform and



*Matt Laws, president and CEO of Wakefield and Associates Inc., introduced a rising star among the Republican ranks, U.S. Sen. Cory Gardner, R-Colo. Gardner is a member of the Senate Commerce Committee, which has jurisdiction over the Telephone Consumer Protection Act. Gardner is pictured here with Laws and Keith Kettelkamp, president/CEO of Remex, Inc.*

modernize outdated, unnecessary or unduly arduous regulations. As lawmakers work to craft and introduce legislative proposals this session, staff is working with representatives and congressional staff on several key legislative issues:

- » Financial Choice Act, H. R. 10.
- » Economic Growth, Regulatory Relief, and Consumer Protection Act, S. 2155
- » Consumer Financial Protection Board Act, S. 105
- » Consumer Financial Protection Bureau Accountability Act, S.387
- » Bureau of Consumer Financial Protection Repeal of Title X, S. 370
- » Consumer Financial Protection Act to Terminate CFPB's Funding, S. 365
- » Telephone Consumer Protection Act.
- » Fairness in Class Action Litigation Act, H.R. 985
- » Operation Choke Point, H.R. 2706
- » Practice of Law Technical Clarification Act, H.R. 1849/HR. 4550

The ACA federal affairs staff also engaged in the following legislative activities on behalf of ACA members:



- » ACA International letter to members of the 115th Congress voicing our support of TCPA modernization, CFPB reforms, and Blaine Luetkemeyer's Operation Choke Point legislation.
- » ACA International federal affairs staff is actively engaged with a broad coalition of stakeholders from numerous industries who are seeking modernization of specific provisions of the TCPA in the 115th Congress
- » ACA joined the Chambers of Commerce, trade associations and business groups representing hundreds of thousands of U.S. companies and organizations from across the U.S. urging the Judiciary Committee to hold hearings to address the many problems associated with overbroad and procedurally abusive class actions – the Telephone Consumer Protection Act (TCPA).
- » Staff continues to lobby and closely monitor any legislation and proposed policy that curbs the Federal Deposit Insurance Corporation (FDIC) and the Department of Justice's Operation Choke Point program.
- » At the request of ACA International, Congressman Lee Zeldin (R-NY) directed industry questions to former Director Richard Cordray while he testified before Congress.
- » Federal Affairs staff covered over 68 congressional hearing in the Financial Services (29), Judiciary (10) Energy & Commerce (15), Commerce (6), Banking (4) and Budget Committees (4).
- » Federal Affairs staff worked with Congressman Dave Trott (R-Mich.), congressional staff, and NARCA in crafting the legislative language in H.R. 1849/H.R. 4550 bills.
- » Staff directed the development and implementation of ACA's Washington Insights Conference. The successful legislative Fly-In held 130 congressional meetings on Capitol Hill which included 28 with members of Congress, a high water mark for the association. Staff also secured a stellar line-up of congressional speakers including Senator Cory Gardner (CO), Cong. Brad Sherman (CA), Cong. Lee Zeldin (NY), Cong. Scott Tipton (CO), Cong. Ann Wagner (MO) and Cong. Roger Williams (TX). The content of the

meeting and legislative initiatives were developed by the Federal Affairs and Regulatory staff.

The federal affairs staff is also responsible for the strategic planning, administration and implementation of all ACPAC activities. We also continue to promote the ACA DC office as a convenient place for congressional campaign committees to host fundraisers. Fundraising events were held for the following:

- » Cong. Lacy Clay, Jr. (MO).
- » Cong. Scott Tipton/Sen. Cory Gardner (CO)
- » Senator Tim Scott /Cong. Trey Gowdy (SC)
- » Cong. Scott Perry (PA)
- » Cong. Lee Zeldin (NY)

One of the most effective ways to communicate your interest with elected officials is by hosting an agency tour. ACPAC Agency Tours and District Meetings include:

- » Cong. David Schweitzer (AZ)
- » Cong. Scott Perry (PA)
- » Cong. Leonard Lance (NJ)
- » Cong. Kyrsten Sinema (AZ)
- » Senator Deb Fischer (NE)
- » Cong. Ken Buck (CO)
- » Cong. Chuck Fleischmann (TN)
- » Cong. Scott Tipton (CO)

Staff looks forward to playing an active role in the future to support federal policies that promote balancing the important needs of legitimate businesses with the appropriate consumer protection measures.

# State and Unit Affairs

Over the last year, ACA International and its 37 state and regional units saw the busiest legislative session in recent history. All 50 states convened legislative sessions in 2017 and 27 states carried legislation over to the 2018 legislative session. Forty-six states are reconvening for legislative sessions in 2018.

In 2017, ACA identified and tracked more than 500 state level bills that if enacted would impact the debt collection industry. ACA and its state and regional units continue to lead efforts both supporting and opposing legislation and oftentimes organize and participate in broad coalitions that collectively advocate for shared interests. These coalition building efforts were key to successes in California, Rhode Island, Massachusetts and West Virginia among others last year. ACA and its units utilize more than 30 lobbyists that advocate for the industry in state capitals across the country. This year is shaping up to be just as busy. ACA is already tracking and working on more than 640 state level bills.

Some of the more prevalent legislative issues considered in 2017 include:

Issues Area	States Considering
Statute of Limitations	7
Credit Reporting	19
Sales Tax on Services	17
Purchased Debt	5
Garnishment	6
Call Blocking	8
Moving Call Centers	7



*Last year's Northeast Debt Collection Conference and Expo drew more than 125 attendees and over two-dozen vendors. Photo: Lisa Mongulla Photography*

ACA continues to work closely with units and their lobbyists to increase the flow of communications across state lines and between units. ACA's Unit and State Affairs Committee continues to host Unit Leader and Lobbyist calls, a series of webinars for all state unit legislative leaders to receive updates and discuss their strategic advocacy efforts. Over the last year, ACA has also launched several grassroots campaigns in California, Indiana and Wisconsin that resulted in more than 7,000 targeted legislator contacts.

ACA continues to work closely with several national associations of state regulators including the North American Collection Agency Regulator Association (NACARA) and the Conference of State Bank Supervisors (CSBS/NMLS) and three national state Attorneys General associations. ACA continues to use these groups to build relationships and to educate policymakers on the pressing issues facing our industry at both the state and federal levels. These efforts complement the work of our units and of our federal team.

# Communications

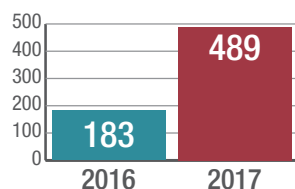
ACA's communications team is engaged in multiple ongoing projects that are designed to provide the latest information on regulatory, legal and financial issues associated with the industry. The team collaborates with various sources to produce its flagship publication, *Collector*® magazine, as well as monthly healthcare-related e-newsletter known as *Pulse* and a daily e-newsletter letter titled, *ACA Daily*. Other responsibilities include traditional media outreach, and promoting the association through an active presence on social media.

## Collector® Magazine

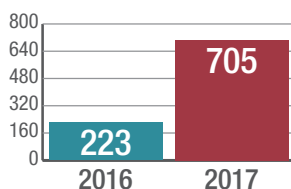


*Collector*® magazine open rates continue to climb as the visually attractive, highly informative magazine is promoted through social media and ACA International's other publications and marketing efforts. Here's a look at the December 2017 open rates compared with the same period in 2016.

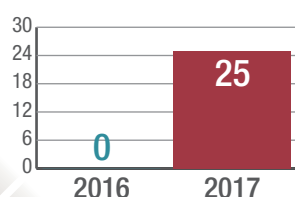
### Unique Readers



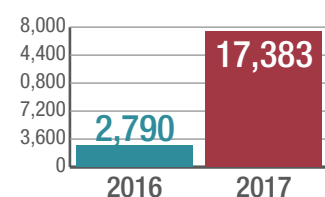
### Opens (visits)



### Clicks on Links

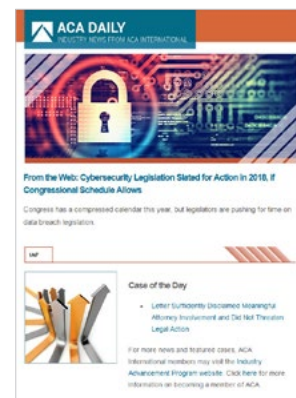


### Page Views



## ACA Daily e-Newsletter

The communications team along with other ACA International staffers are testing various article ideas and marketing tactics to increase *ACA Daily*'s open rates and to provide readers with more information. *ACA Daily* is currently emailed to about 8,300 individuals who have registered to receive the publications. Generally, the highest performing articles cover legal, regulatory and legislative matters.



## Social Media

ACA International is performing well on social media to include Twitter, Facebook and LinkedIn. Staff uses these channels to promote the association's events, products, publications and positions on certain issues. We generally repost material posted by member companies, (some) media and (some) trade associations. We currently have more than 8,000 links on LinkedIn, which is extremely high. Meanwhile we have more than 2,700 followers on Twitter and about 1,360 fans on Facebook.

## Media Relations

Working in conjunction with board members and senior staff, the communications team has managed numerous media interviews in the past several months. Here's a list of recent interviews:

- » Former Board President and Current Board Member Keith Kettelkamp and ACA's Corporate Counsel Karen Scheibe Eliason were interviewed by James Yan, of *The Economist*, for an article titled, "In Praise of America's Third-Party Debt Collectors," June 2017.

- » Board President Rick Perr and ACA's Corporate Counsel Karen Scheibe Eliason were interviewed by *Congressional Quarterly's* Shawn Zeller for an article titled, "Telephone Tidal Wave," February 2018. The article addresses ACA International v. FCC and its potential impact on regulatory policy.
- » President-Elect Jack Brown in July was interviewed by Bill Smith, of the Ft. Myers News-Press (Florida), for an article on debt collection cases in the court system.
- » Treasurer Roger Weiss in September spoke with Shawn Pyle of NerdWallet about strategies consumers can use to manage poor marks on their credit reports.

## Press Releases

The communications team issues press releases through PR Newswire, resulting in thousands of page views. For example, in late January, staff issued a release announcing publication of the E&Y study, *"The Impact of Third-Party Debt Collection on the US National and State Economies in 2016."* The study was conducted on behalf of ACA International.

- » Press release issued Feb. 1, 2018. The release was reposted by 226 media (national) outlets with a potential audience of 16,422,767.

Other releases issued through ACA International's in-house media list generally are associated with scholarships, awards and other notices that are an outgrowth of the annual meeting.

## Ask Dr. Debt/Consumer Website

The communications team along with the PR/Social Media Committee and the IT staff are developing a plan to revitalize the Ask Dr. Debt website or a similar consumer-friendly website to satisfy the financial literacy needs of the association.

## Are you subscribed to ACA Member and Advocacy Alerts?

Don't miss out on exclusive news for our members. Visit [acainternational.org/myaca](http://acainternational.org/myaca) and select Profile to subscribe to ACA Member Alerts today and receive timely updates on industry and association news. If you're not a member, visit [acainternational.org/membership](http://acainternational.org/membership) for more information and to join today. If you missed an alert, members may log in to ACA's website and visit the [Advocacy Resource Center](#).



# Meetings and Education



## 2017 ACA International In-Person Meetings

**1,694 total attendees**

ACA continues to be the industry leader in industry education and networking, offering a variety of conference experiences to fit their unique needs and interests. This year, ACA held six conferences with 1,694 total attendees.

### 1 Leadership Symposium

**Park City, Utah – 21 attendees**

A retreat-like conference focused on small group discussions about best ideas and burning issues in the industry, this conference is the training ground for association and industry up-and-coming leaders.

### 2 Committee of 100

**St. Kitts – 60 attendees**

This invitation only event for established industry leaders from larger companies gives attendees a chance to discuss cutting edge industry topics and future trends.

### 3 Spring Forum

**Las Vegas – 250 attendees**

By offering attendees the opportunity to complete all the requirements of the Credit and Collection Compliance Officer program in one concentrated conference event, Spring Forum is the premier annual credentialing event for ACA.

### 4 Washington Insights

**Washington, D.C. – 76 attendees**

Taking the industry's concerns to the Hill is the primary focus of the annual Washington, D.C. event. Washington Insights also gives attendees the chance to hear from an impressive panel of congressional and regulatory speakers.

### 5 ACA's Annual Convention

**Seattle, Washington – 947 attendees**

ACA's flagship conference event features over 40 educational sessions with diverse topics ranging from compliance, management, leadership, technology, operations, legal education, specific markets and much more. This is also the premier networking event for the collections industry.

### 6 Fall Forum

**Chicago – 300 attendees**

With tracks featuring legal education, healthcare, and performance, this eclectic conference has something for everyone.



## Online Seminars

**44** Core Seminars  
**+12** Hot Topic Seminars

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**56** Total Seminars

 **81** Total Speakers

## Board Committees

 **39** committees active in 2017

 **277** committee member participants in 2017

## ACA Designations

ACA provides diverse educational and professional development opportunities, contributing to the quality of an organization's talent and business practices and to the knowledge and skills of a variety of positions within the credit and collection industry. When members attend ACA's conferences, meetings, and seminars, they can work toward professional designations that match their educational areas of interest.

In the last year, ACA offered the industry world-class educational opportunities designed to ensure that the credit and collection workforce is compliant with current legal and regulatory requirements.

**NEW!** This year the association added two new leadership designations; The Professional Collection Management (PCM) and Collection Industry Professional (CIP). These

designations recognize individual's leadership roles, such as managing a collection floor and those who have a management role in the Collection and Credit Industry.

Also new this year, ACA will debut a designation that will provide attorneys with the foundation in the various consumer financial protection laws; the Credit and Collections Compliance Attorney designation (CCCCA) will be launched at Spring Forum featuring ACA Campus Academy.

Designations still standing strong for ACA

- » Professional Collection Specialist (PCS)
- » Credit and Credit Compliance Officer (CCCO)
- » Credit and Collection Compliance Professional (CCCP)
- » Trainer Specialist (TSP)
- » Healthcare Collection Management (HCM)

## ACA Refreshes and Creates New Curriculum and Implements Digital Workbooks

In late 2017, ACA embarked on a curriculum refresh project for the existing Core Seminars. With the support from the Education and Credentialing Committee, along with other member volunteers, the association updated and refreshed the curriculum with new case studies, examples, links and more. By converting the curriculum to Digital Workbooks, we now have the ability to send an electronic format to our attendees, equipped with live web links, pdf fillable sections for note taking and completing activities. Not only is this approach environmental friendly and technology forward; it provides our attendees a new benefit of having the workbook along with their notes stored on their own personal electronic files for future reference. Digital Workbooks will be launched at Spring Campus ACA Academy March 14-16, 2018 in Las Vegas.

# Customer Care



*All of ACA International's activities, such as the Annual Convention & Expo, are supported by the Customer Care team working behind the scenes in the Minneapolis headquarters.*

ACA's experienced, hard-working Customer Care team is dedicated to providing helpful, friendly service that delights current and potential members. Here's a look at our recent activities:

- » Consolidated and centralized ACA staffing in 2017 to create the ACA Customer Care Center, giving members and the public a single toll-free ACA telephone number (800-269-1607) and email address ([customercare@acainternational.org](mailto:customercare@acainternational.org)) to use when membership, education, event or other assistance is needed. In addition, the Customer Care team stays up-to-date on everything ACA so it will know how to redirect inquiries as needed to the best person to help in other ACA departments.
- » Customer care is the processing hub for ACA's membership, event, education and credentialing services. The Customer Care Center had a direct impact on collecting membership dues; attendee and expo registrations from the convention, major conferences, online seminars and web courses; and credentialing fees.
- » Our other accomplishments are administrative and behind-the-scenes in nature, yet critical to effective and efficient member service. For example, in addition to many tasks and projects related to building out the new membership database, customer care worked collaboratively with IT and other staff to implement Board of Directors and Council of Delegates directives to expand the membership options and adjust dues for creditor and international members effective January, 1, 2018.

# Information Technology

## Website Speed

The IT team has implemented enhancements related to an improved user experience.

## Education Dashboard

IT has identified a fair amount of configuration needs and continues to work on a possible interface design. This project should be wrapped up before the Annual Convention 2018 release.

## Ask Dr. Debt

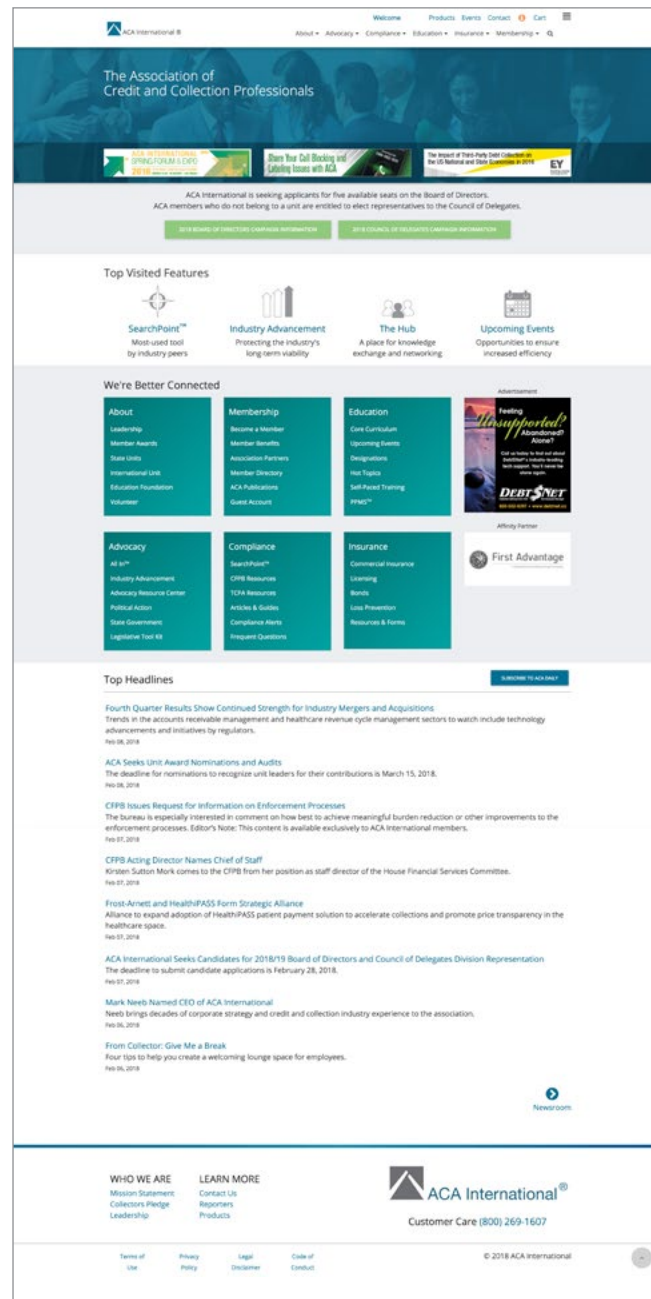
The PR/Social Media committee has requested work on a revitalized Ask Dr. Debt website. IT is working to incorporate aspects of getting data for the Ask Dr. Debt site into the website framework that can handle sending the right website data to multiple websites. The framework of the revamped Ask Dr. Debt site should be up and running by mid-March.

## Texas State Unit

IT has been working with the Texas Unit to set up a pilot using ACA's website to host the Texas Unit's annual convention event website and the event registration process. IT is nearing completion of this process, and anticipates wrapping it up soon. The hope is that the work that results from this project can be used by other units in the future.

## Online Shopping

IT intends to begin revamping the online shopping experience. A tighter control over the online shopping cart experience will enable an improved event registration experience such as event registration modifications, better data for analytics, and better control over the behavior of the online shopping cart. This work will likely run into February of 2019.



# Collectors Insurance Agency

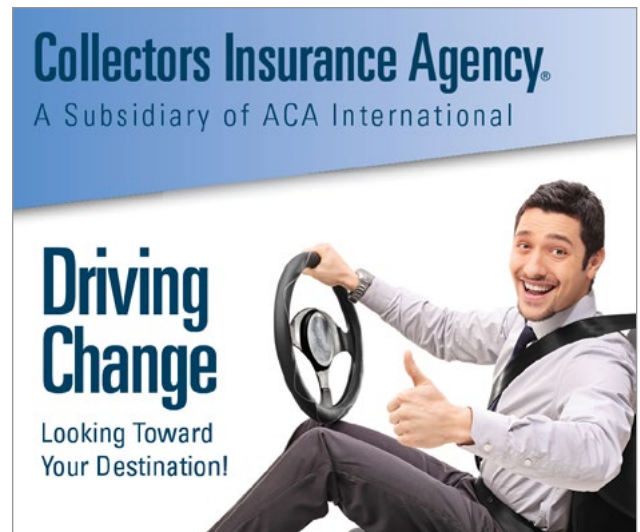
In addition to its renowned customer service, industry expertise, and partner stability, Collectors Insurance Agency, Inc. (CIA) is implementing several key initiatives that are of great benefit to our larger agency participants.

## Errors and Omissions/Commercial Crime Package Program is:

- » entering its third year of a zero rate increase;
- » offering larger agency insureds policy limits up to \$10 million, monthly bordereaux claim reporting and mutual choice of counsel;
- » expanding TCPA coverage for qualified applicants;
- » in partnership with QBE that has demonstrated dedication to ACA International through designated adjusters, a seasoned defense panel, program management and convention support and
- » gaining access a QBE's new agency web-portal to provide additional automation to CIA and the insureds it serves.

## ACA's Cyber Liability Program

- » includes limited automatic coverage on the E&O/ Crime Package and
- » offers a new stand-alone policy that doubled the Cyber Program participants during 2017 per its:
  - ~ comprehensive coverage;
  - ~ availability to both 1st and 3rd parties and
  - ~ affordability.



## Executive Risk Portfolios for larger agencies offered in partnership with Aon Risk Services and their market relationships including:

- » Directors & Officers Liability;
- » Employment Practices Liability and
- » Fiduciary Liability.

## CIA's Surety Programs and Licensing Services include:

- » a complete array of contract-specific and statutory bonds; and customizable licensing services;
- » representatives that develop a strong working relationship with our member participants for consistent stellar service;
- » a valuable relationship with Aon's Surety Hub in Chicago providing access to the surety marketplace when a member's needs fall outside of our program and
- » a partnership with CT Corporation that offers deep discounts for their registered agency and annual report services to every ACA member.







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