

**How To Make Debt  
Collectors Stop Calling  
You and Make Them  
Pay You Up To  
\$1,000.00**

**Paul Mankin**

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

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Names and Identities of Current and Former Clients and Creditors have been changed

Through this book there are examples of how my firm has assisted our clients against creditors who have harassed them. For confidentiality reasons, the true names and identities of former and current clients, and creditors have been changed.

## **Table of Contents**

**About the Author**

**Introduction**

**Chapter 1 Purpose of the Fair Debt Collection Practice**

**Laws**

**Chapter 2 The Law That Makes Collectors Stop Calling You and Pay You Up To \$1,000.00**

**Chapter 3 Quick Checklist of Collection Violations**

**Chapter 4 Who is Calling Me?**

**Chapter 5 How to Make a Debt Collector Stop Calling Me**

**Chapter 6 What Must a Debt Collector Say When they Call?**

**Chapter 7 Can Collectors Call Me on Sunday?**

**Chapter 8 How Often Can a Collector Call Me?**

**Chapter 9 How Does the Collector Know So Much**

**Information about Me?**

**Chapter 10 Can Debt Collectors Call My Friends, Family, or Other Third Parties?**

**Chapter 11 Can Collectors Call Me Regarding Someone Else's Debt?**

**Chapter 12 Can a Debt Collector Threaten to Sue Me?**

**Chapter 13 Can I Go To Jail For Not Paying A Debt?**

**Chapter 14 Can Collectors Misrepresent Their Identity When Calling Me?**

**Chapter 15 How Can I Obtain Free Help from an Attorney if A Debt Collector Calls Me?**

**Chapter 16 What Information Should I Have Before Calling an Attorney For A Consultation?**

**Conclusion**

## **About the Author**

Paul Mankin received an undergraduate degree in Finance and Economic from Santa Clara University, Santa Clara, CA. Later he attended Whittier Law School in Costa Mesa, CA, and graduated in the top eleven per cent of his class. He was also a member of *Law Review*.

It was while he was still in law school that Paul served as an extern for two bankruptcy court judges. As can be imagined during this time, he was witness to the exorbitant number of people who were in trouble with debt.

Following law school, he started his own consumer law practice to assist people who needed help with debt and to assist people who had been injured in automobile accidents, and slip-and-fall accidents. The majority of his cases, however, turned out to be individuals who were filing bankruptcy.

He began to see a tragic pattern of events in many of these cases. He saw that many of those who were filing didn't really need to take that route at all. Only one reason drove them to do so: they were so harassed by debt collectors they knew of no other way out. Many expressed the fact that they just needed "breathing room." They needed space from the horrendous pressure to be able to figure out a plan to get out of debt. This has such an

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impact on Paul, that at that point he changed the focus of his practice from bankruptcy to stopping debt collection harassment. Which has remained his focus to this day.

Paul lives in the Los Angeles area and enjoys spending time outdoors rock climbing, boating, and skiing.

## **Introduction**

Hello and thank you for taking the time to read this book, ***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00***. My name is Paul Mankin and I'm an attorney based in California. We assist consumers who are fed up with receiving annoying telephone calls from debt collectors.

I help my clients fight debt collectors by forcing the debt collectors to stop the bothersome phone calls. We have a process whereby we can force the debt collectors to pay my clients up to \$1,000 – at no cost to my clients. In fact, I can guarantee my clients that I can make collectors stop calling them or make the collectors pay them money.

I first began assisting people in fighting debt collectors after I met with hundreds of people who felt as though they were forced into filing bankruptcy because of constant debt collection calls. These people had been constantly verbally abused by debt collectors. They felt that bankruptcy was their only option simply because the debt collectors made them feel so badly

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about their financial situation. They saw no other way to stop the calls or to get out of debt.

The sad fact is that many of these people didn't need to file bankruptcy at all. All they needed was to make the calls stop and then to spend time arranging a plan to get out of debt.

Additionally, I encountered people who had literally given up on any attempts to improve their financial situation. As with those who turned to bankruptcy, these people were dejected and discouraged due to the debt collectors who were constantly harassing them.

If you're one of the millions of Americans who are receiving debt collection calls and want it to stop, ***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00*** is definitely going to be of great help to you.

Even if you're not receiving collection calls, this book will educate you as to your legal rights should you ever be in such a position in the future. Or perhaps someone you care about is in the position of receiving these types of collection calls.

If the above description fits your situation, and if you would like assistance in how to handle a harassing debt collector, please contact my office: ***1-800-219-3577***.

## **Chapter 1**

### **Purpose of the Fair Debt Collection Practice Laws**

#### **Reasons for Debt**

The reasons that people fall behind in repayment of debts are many and varied. For some it's because of illness or injury. Perhaps they've been forced to be off work, and on top of that have been hit with medical bills.

For others it may be because of a job loss due to cutbacks or downsizing. Other jobs they have found cannot match their previous salary. Or they've lost a job and now are unemployed.

Still others have gone through the loss of a breadwinner, either through divorce or death. This has rendered them unable to keep up with bill payments.

Of course there are also people who simply cannot budget, cannot live within their means, and continually run up excessive credit card debt, but this book is not about money management. It is rather to focus on those

who have debts and have legitimate reasons for that debt having been accrued. And now they desperately want a way out.

No matter what the reason for the debt, falling behind in payments can be a scary proposition for anyone. Knowing that you owe and that there's a high probability that you cannot pay is bad enough. But a bad situation is made much *much* worse when you factor in unkind, thoughtless, often rude and harassing debt collectors.

### **Extreme Debt Collectors**

In recent years reports of what has come to be known as *extreme debt collectors* have increased. On the surface it may seem like these are isolated events. After all, this is a sensitive area. People are not going to be discussing their latest creditor phone call like they would discuss the latest football game. For this reason many abuses go unreported, and all the while those struggling under a load of debt are suffering needlessly.

Some of the abuses include incessant calls at all hours, calling the debtor's friends and relatives, calling at the debtor's place of employment, and threats that are completely illegal to make. Callers have been known to threaten to take a debtor's house, or to have them thrown in jail. Come to find out, these are not isolated events at all – in fact, they are all too common.

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*The Federal Trade Commission received more than 164,000 complaints in 2011 about debt collectors. That doesn't count complaints to other agencies at the federal and state levels, or the much larger group that is too afraid or embarrassed to complain.*

<http://www.csmonitor.com/Business/2012/0816/Debt-collectors-Why-are-they-so-abusive>

It seems that these collectors realize how much money can be extracted from someone when they are at their most vulnerable. This is especially true during a death or divorce. It's in these types of situations that people are the least able to think clearly, or to take a firm stand against the abuse.

It's common knowledge that ongoing stress is detrimental to one's health, causing everything from allergy attacks to high blood pressure to sleep deprivation. What could be more stressful than ongoing phone calls filled with angry threats? And the underlying fear that those threats are genuine?

As if all this were not bad enough, because of poor record keeping practices, there are cases of individuals being harassed for payment of debts they don't even owe. One woman fought for years to have a debt removed from her credit report. It was a debt that she had paid off, and the collection agency had cashed her check, but the debt was never removed from the

records. Her attempts to rectify the situation not only demanded many hours of her time, but took its toll on her physically due to the stress.

### **Protection by the Law**

How unfortunate that so many people in the situations just described are totally unaware that they have a great deal of protection by the law. The Fair Debt Collection Practices Act (FDCPA) was approved on September 20, 1977. It is designed to be a consumer protection law which establishes legal protection from abusive debt collection practices. The statute's main purposes are:

- to eliminate abusive practices in the collection of consumer debts
- to promote fair debt collection
- to provide consumers with an avenue for disputing and obtaining validation of debt information in order to ensure the information's accuracy

The Act creates guidelines under which debt collectors may conduct business, defines rights of consumers involved with debt collectors, and prescribes penalties and remedies for violations of the Act.

These laws were put into place with the specific purpose of eliminating abusive practices in the collection of consumer debts. The Fair Debt Collection Practice laws also work to prohibit a debt collector from using any

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false, deceptive or misleading representation or means in connection with the collection of a debt.

The law also lists very specific acts that debt collectors are forbidden to do. These will be discussed in more detail later in the book. From the above information you can see that the law attempts to prohibit a number of actions on the part of collectors. In fact there is a wide variety and broad range of creditor actions that can fall within what is improper.

The problem is even though these laws and statutes are on the books, of what use are they if the general public is unaware they exist? I find that very few people know or understand how protected they really are. And that's what ***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00*** is all about. To inform and educate. You have a right to know!

## **Chapter 2**

### **The Law That Makes Collectors Stop Calling You and Pay You Up To \$1,000.00**

The title of this book may seem too good to be true. It may sound impossible. You're probably muttering to yourself:

*How can the law help me against these pesky debt collectors who are calling at all hours of the day and night – and are driving me nuts? How can that be?*

You will be excited to know that there are powerful Federal and California state laws that regulate the way creditors and debt collectors can attempt to collect debts from you. The laws provide creditors and debt collectors with strict guidelines and rules that *must* be followed when communicating with a consumer about a debt.

The laws give you an authority that previously you many have been totally unaware of. They allow you to instruct debt collectors to stop calling

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

you. They also give you the right to make legal claims against debt collectors and creditors who violate these laws.

Under the Fair Debt Collection Practices Act, and the Californian Rosenthal Fair Debt Collection Practices Act, the law states that you can force a creditor or debt collector to stop calling you by sending a request in writing. This written request simply states a request that you no longer want to be contacted by telephone. Once the creditor or debt collector receives this written request, the law states that you will not receive any more calls from that point forward. Any more calls and that creditor has just broken the law.

If that creditor breaks the law in this way – communicating with you while attempting to collect the debt – you are entitled to collect from them anywhere from \$100 to \$1,000 in what's called statutory damages.

You are also entitled to damages if you suffer actual harm, or if you suffer emotional stress or loss of job or some other type of physical or financial damage due to the harassment. The law also says that you're entitled to a free attorney. If you win on a claim against a creditor or debt collector, the attorney's hourly rate, and all the costs expended on the case, must be paid by the debt collector. This allows attorneys to represent their

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

clients at no cost to them. This includes YOU! (Call my office for an appointment ***1-800-219-3577***)

## **Chapter 3**

### **Quick Checklist of Collection Violations**

Below is a quick checklist of questions. These can act as a guideline to determine whether your rights have been violated by a debt collector. While this list is by no means an exhaustive list of all the different ways debt collectors can break the law, these are some of the most common violations.

- Are you receiving multiple calls per day from the same creditor?
- Have you received collection calls from the same creditor after you have told them to stop calling you?
- Has a debt collector called you at your place of work after they have been told that you cannot take calls at work?
- Have your friends, family members or anyone else been called by a debt collector regarding a debt that you owe?

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

- Has a creditor called you before eight o'clock in the morning or after nine at night?
- Has a creditor called you and not disclosed their identity to you?
- Has a creditor left a collection message on your voicemail that was overheard by someone other than yourself?
- Has a creditor threatened to sue and you believe they had no intention of actually suing you? (Empty threats.)
- Has a creditor attempted to collect an amount of money that you do not owe?
- Are you receiving collection calls for someone else's debt?
- Have you received pre-recorded voice recordings or automated message phone calls to your cellular phone without your consent?
- Has any creditor made threatening, insulting or rude comments to you when trying to collect a debt?

Look over this list carefully. If you can answer yes to any of these questions, a creditor has most likely violated the law. ***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00*** is meant to assist you in learning more about each of these violations.

## **Chapter 4**

### **Who is Calling Me?**

#### **Original Creditor, Debt Collector and Debt Buyer**

Who is calling me? Ever have that question run through your mind after talking to a debt collector? It's more difficult today than ever before to determine who is actually calling to collect money from you.

You may know that you're behind on one of your credit card payments, a payday loan or perhaps your medical bills. However, the credit card company, the payday loan company or medical provider (those to whom you owe the debt) may not be the entity who is trying to collect the payment from you.

Knowing exactly who is contacting you is very important. If there is a mix up on recording payments that you have made on a particular account, you should know the names of each company to whom you may have sent

money. Additionally, if one of these creditors breaks the law – which you will learn more about in this book – it is essential to know which company made the unlawful call to you. Believe me, this can get really confusing. So here is clarification. Most collection calls are placed by three types of creditors:

- The Original Creditor
- The Collection Agency
- The Debt Buyer

### **The Original Creditor**

The original creditor is the creditor who originally signed an extension of credit agreement with you, or who you originally received service from. For example, if you received a credit card from National XYZ Bank that means National XYZ Bank is the original creditor. Another example is if you received medical treatment from hospital XYZ, then hospital XYZ is the original creditor.

### **The Collection Agency**

A collection agency is a company hired by the original company to try and collect money on their behalf. For example, National XYZ Bank may hire DC Debt Collector to try and collect the money you owe the bank. By doing so, DC Debt Collector may send you letters or make telephone collection

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calls to you in an attempt to collect money. If money is paid to DC Debt Collector, that money will be credited to the debt that you owe the original creditor (National XYZ Bank in this example). It's important to note that National XYZ Bank and DC Debt Collector are different companies and not owned by one another. You might want to think of DC Debt Collector as being similar to an *employee*, or a *contractor*, of National XYZ Bank. It is also important to understand that DC Debt Collector *does not own* the debt that is owed to National XYZ Bank.

### **The Debt Buyer**

The last type of creditor is a debt buyer. A debt buyer, unlike a debt collector *does own* the debt they are attempting to collect from you. A debt buyer has purchased the debt you owe to the original creditor.

Here's an example. National XYZ Bank decides to sell the credit card debt that you owe to Debt Buyer A. The bank may have received only a percentage of the debt amount, but it is now off the books and they are fine with that arrangement. (It happens all the time in the financial world.)

Now Debt Buyer A owns the credit card debt and they can legally attempt to collect that debt from you. National XYZ Bank no longer owns the debt so they can no longer attempt to collect that debt because Debt Buyer A now owns the debt.

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Debt buying has become a big business over the last couple of decades and has proven to be very profitable for many debt-buying businesses. What makes all of this even more confusing is that some debts are sold to multiple debt buyers. This makes it extremely difficult to know exactly who owns your debt. For this reason, I strongly advise you to learn the identity of who is calling.

Here's what I recommend:

- Ask the name of the creditor calling, address and their telephone company
- Save the incoming telephone number on your telephone's caller identification

This is information that may help you later if you need to file a formal complaint. You can never have too much information when filing a complaint against a debt collector.

## **Chapter 5**

### **How to Make a Debt Collector Stop Calling Me**

If you are like most debtors, you may have never fully realized that you do hold the power and the authority to stop the incessant calls. So this will definitely be good news to you.

The law is very specific about stopping the calls. The best way to stop the calls is to write the creditor a letter. Under the Fair Debt Collection Practice Act and the California Rosenthal Fair Debt Collection Practice Act, the law says that you must write a brief letter to the business entity who is calling you. In this letter you must give your personal information such as your name and address and account number. Next you must clearly state that you no longer wish to receive any future calls.

Be sure to make a copy of the letter and keep it in your files. Also it's a good idea to mail the letter by certified mail with a signature requested. Once this letter has been mailed and received by them they are required, by

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

law to stop the calls. If they do call you, they've violated the law and you have a claim against them. (Do I hear a big sigh of relief?)

Personally I believe that you should be able to simply *tell* a debt collector or creditor to stop calling you. There's some dispute about this but I believe that it clearly amounts to harassment if a company continues call you after you've repeatedly told them to stop. If and when you do make these demands, note the times and dates. Record everything so that you are armed and ready should you have to make a more formal complaint.

## **Chapter 6**

### **What Must a Debt Collector Say when They Call?**

It's important for you to know exactly what a debt collector must state when they call you. The problem is that most debtors are so rattled, nervous, and intimidated when talking with a collector they seldom have the presence of mind to demand to know who is calling. Hopefully after reading ***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00***, this will no longer be true in your case.

At the beginning of every call, whether it's a debt collector or the original creditor, the law requires that they identify themselves. This means they must state their name and where they're calling from. They must at the very least give enough information so you will know where they are calling from and they must state purpose of their call.

If it's a debt collector they must also state that they are a debt collector and that the purpose of their call is to obtain information about

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

collecting a debt and that that information will be used to collect a debt. Many people refer to it as the *mini Miranda warning*, and if it's not stated, or if their identity is not stated, those are violations of the Fair Debt Collection Practices Act.

One of my clients received numerous messages from a debt collector and it was an automated message that simply stated, "You owe a debt, please call us back at such and such number." The collector never gave the mini Miranda warning and they never identified themselves. This is a clear violation of the law.

## **Chapter 7**

### **Can Collectors Call Me on Sunday?**

One would think that your day of rest, your day off, your Sunday would surely be off limits for calls from the debt collectors. No such luck. They can call seven days a week with no laws against it.

The day of the week is not where the stipulations come in. It's the *time of day* that counts. By law they are not supposed to call before eight in the morning or after nine at night.

Another stipulation – which most debtors are happy to hear about – is the frequency of calls in one day. The law states that they cannot contact you multiple times a day. I had a client who was receiving numerous calls every day including Sunday. At one point they were called four or five times on one Sunday.

As I have already stated it is permissible for them to call you on Sunday, but it definitely was excessive and harassing for the debt collector to call them four or five times on any one day. The good news is that in this

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situation I was able to obtain a full \$1,000 statutory damage for my client. My client was never contacted by that debt collector again and, as I have explained earlier, my representation was free to my client.

Yet another example – I am currently representing a client who was called by a major bank at 5:40 in the morning and then again at around 6:30 or so. This case is still pending; however, it's a very clear violation of the law. I fully expect that we will receive statutory damages in the amount of \$1,000. The bank will not call my client again and they will be forced to pay my attorney fees.

## **Chapter 8**

### **How Often Can a Collector Call Me?**

In the last chapter we ascertained that excessive numbers of calls by a collector is against the law. But what is meant by excessive? And how many is too many? It all seems so vague.

You are right that it's vague and for that reason there is no definite answer to this question. What the law does state is that a collector cannot harass you. For some people this might be two or three calls; for another it would be six or seven. It comes down to each individual situation.

Obviously, if a collector is repeatedly calling you four, five or more times per day, this is typically considered harassing. That is, unless you have consented to this type of call frequency – and that would be rare. On the other hand, if a collector calls you a couple times a month and there are no additional facts to support a claim for harassment, the courts have generally held that this amount of calls is not harassing.

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

I helped a client about a year ago who was called close to *ten times in a twenty minute period*. It was our position that this amount of calls was harassing. As with many other cases, we were able to resolve this quickly and in my client's favor. The debt collector agreed to never call my client again, and to pay him \$500.00, plus pay my attorney's fees.

In yet another case, a client of mine was called only one time by a debt collector, but, the collector was calling for a person other than my client. My client explained to the debt collector that she was not the person the collector was attempting to call. The collector refused to believe my client and kept pressuring her to pay a bill she did not owe.

Even though this amounted to only one call, in this situation we were able to resolve the case. My client received \$1,000.00, the collector agreed to never call her again. As in all the other cases the collector paid all of my attorney fees.

As you can see, when it comes to number of calls there are many difference scenarios. Each and every one of them could give rise to a violation of the law and that's why each situation must be looked at individually.

## **Chapter 9**

### **How Does the Collector Know So Much Information about Me?**

Many of my clients express to me that it's positively spooky how much a collector knows about them. We're talking about personal information. How can they know all that stuff?

Here are some of the things they know that may shock the ordinary debtor.

- Address
- Phone number
- Email address
- Social Security number
- Financial information

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- Names and contact information of friend and family member
- Name of employer and work history

Unfortunately, it's very likely that most of the information was obtained legally. When you originally signed up for the credit card or other credit agreement, you probably gave the original creditor most of that information. You may have even listed family members and friends as references. Once you defaulted on the debt, the creditor turned that information over to the collectors. Now those collectors can use this in an attempt to collect the money you allegedly owe.

Recently it was discovered that one of the major credit bureaus had assembled a private database of the personal information of Americans. The database contains *190 million* employment and salary records. This massive database contains information for more than one-third of all American adults in the nation. Such data is often sold to debt collectors as well as other entities.

This type of collecting and selling personal information, quite understandably, has caused a great deal of controversy. You may have seen it featured in the news. The question that begs an answer is whether or not it's legal or ethical to release this type of personal information.

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More recently it has become a practice for debt collectors, creditors, and companies to use sneaky tactics such as friending a debtor on Facebook or snooping around on other social media websites. Such base tactics can be used to find a variety of information about consumers.

Like it or not, the world of technology and the Internet has allowed for instant access to a great deal of information, and debt collectors see this as an effective way to collect what they feel is due them. Whether such practices are allowed to continue remains to be seen.

## **Chapter 10**

### **Can Debt Collectors Call My Friends, Family, or Other Third Parties?**

How completely embarrassing. Of course you feel extremely uncomfortable letting anyone know about your financial situation in the first place. In your mind it's a very private matter. But then you find out that your creditors have been calling one or more members of your family in an attempt to get hold of you. It's hard to think of anything more humiliating. You are probably wondering if this is lawful.

Unfortunately, this practice has recently become very common. Once the debt collectors have names and phone numbers of employers, friends, family, or anyone who may be connected to you, they start calling them. What does the law have to say?

The law states that a debt collector may call a third-party person *one time*. This call should be only to obtain location information about the person who owes money. It can also be to learn about employment information.

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That's it. By law they can place such a call one time and one time only. But that part of the law is commonly violated when such third-party individuals are called repeatedly.

I recently helped a man who had a very unique problem with a debt collector. Even though this collector was privy to this client's contact information such as address, multiple telephone numbers (this person was not trying to hide), and yet this collector called my client's next door neighbor multiple times a week. This continued even after the neighbor told them repeatedly to stop calling.

In behalf of my client I contacted this debt collector. The collector attempted to tell me that this practice was okay. However, it was very clear, since the debt collector had all of my client's contact information, that the collector was calling the neighbor for a purpose other than trying to locate my client. (It amounted to nothing more than ongoing harassment.)

Because of the law that stated a third party could be called only one time and for one purpose, we ended up prevailing in this case. And we did so very easily.

If you have suffered under this type of unnecessary aggravation, I trust this will give you hope. And a measure of relief as well.

## **Chapter 11**

### **Can Collectors Call Me At My Workplace?**

If it's embarrassing to have collectors call your friends and family members, it can be doubly so if they call you repeatedly while you're on the job. This is yet another ploy of collectors simply because they know you will be there and that makes you easy to locate. My clients often ask me if this is legal.

First of all, it may be the case that your employer allows no personal calls while you're at work – or only calls that are an emergency. The collector, of course, will not be aware of this at first. But once they are informed they are responsible for what they know.

Additionally, similar to the situation with friends and family members, a collector can call one time to speak with your employer. This is simply to confirm that you are indeed employed at that particular location. However, repeated calls from collectors at your place of work, especially calls after

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

you've told them to stop, are definitely against the law. Such practices are in clear violation of the Fair Debt Collection Practices Act.

I've helped many clients in situations where they've told debt collectors or creditors to stop calling them at work. In spite of that the calls continue. In some cases the collectors call and speak to people's secretaries, bosses, or other people in the particular company, requesting that the debt collector be called back. Such harassment could definitely put a person's job in jeopardy.

The law is in place to protect people's jobs, and especially people who may have debt. After all if they lose their job due to collector harassment, how could they ever continue to pay off the debt? It's for this reason that the law prohibits such practices.

## **Chapter 11**

### **Can Collectors Call Me Regarding Someone Else's Debt?**

In Chapters 9 and 10, we talked about collectors calling those connected to the debtor. Now let's put the shoe on the other foot. What if *you* are being called regarding someone else's debt or regarding some debt you don't know about?

How can this happen? It may be because the debt collector thinks that they have the right contact information for someone from whom they're trying to collect money. However the phone number they have may be associated with somebody who doesn't owe them money.

It has happened – more often than one might think – that the original debtor or consumer changed phone numbers. Now someone new has their old phone number and that someone may be *you*.

The debt collector continues to call the new person frequently thinking they have the right number. The person being called informs the debt

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collector, "You've got the wrong number, please stop calling." In spite of this the debt collector continues to call. This is illegal.

Of course mistakes do happen because nowadays, especially with cell phones, people change phone numbers with a great degree of regularity. But if you have informed a debt collector that they're calling the wrong phone number, after you have clearly informed them that whoever they're trying to locate is not at that number, the debt collector must stop. If they continue to call, they are breaking the law.

I recently helped a woman who was receiving phone calls for one of her friends who had recently died. The death of her friend had been a devastating event in her life. For this reason, it made these calls even more upsetting for my client. Nevertheless, this particular debt collector continued to call multiple times. At one point, the collector even asked for proof that my client's friend had actually died. This was after many times of stating that this was not her debt and demanding that the collector stop calling her because this was not her issue.

Because this collector persisted in calling, this was a very clear case. We were able to obtain the full statutory damages that my client was entitled to. The case was resolved quickly.

## **Chapter 12**

### **Can a Debt Collector Threaten to Sue Me?**

It's been mentioned earlier in the book, that oftentimes strong-handed debt collectors issue forth frightening threats. It has become increasingly common with debt collectors, debt collection law firms, even original creditors, to threaten to sue you if you don't pay a debt.

Sometimes this is permissible, but it depends on how it's stated. If a debt collector or creditor states that they're going to sue you if you don't pay the debt, they must do so by stating a reasonable amount of time in which they will follow through. If the creditor or debt collector does not follow through or, worse yet, if they don't even have the *ability* to sue then this is unlawful. Essentially they are making a threat that they don't intend to act upon, or are incapable of acting upon. This is definitely against the law.

This is yet another example of a circumstance that has happened to many of my clients. One case in particular stands out. Nearly every day my

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

client received calls and the particular debt collector stated that my client would be sued if he didn't pay *that very day*.

At the same time, my client's friends and a couple of his family members also received calls from the same debt collector. To these people this collector stated that my client would be sued if he didn't pay such and so debt *right away*.

Obviously in this case there were multiple violations. Interestingly, the one clear violation was that this debt collector did not even have the ability to sue my client. This amounted to empty threats. They were not lawyers, they were not affiliated with a law firm, and they did not own the debt. They had no ability, nor did they have the decision-making power to sue. For this reason being sued was never going to happen. Again this was a very easy case in which to prevail. And prevail we did.

## **Chapter 13**

### **Can I Go To Jail For Not Paying A Debt?**

Of all the threats issued by a debt collector, the threat of sending someone to jail for an unpaid debt is probably one of the most frightening. This turns out to be especially harmful if a child in the home has taken the call and hears this threat being made.

Sadly, this is one of the most common questions that I hear from clients, and potential clients, after they have been called by a debt collector. The answer to this question is clear and simple: *absolutely not*. You cannot go to jail for not paying a bill. The most a collector can ever do is sue you in a civil court to obtain a money judgment against you. Even at that it would never lead to you or anyone else going to jail.

I most often hear about collectors attempting to intimidate consumers with threats of jail when the debt collector is a scam company. Oftentimes, there is an overseas call center that is calling people on a bogus debt trying to scam people into paying any amount of money they can get. Operators at

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these call centers will say just about anything to get a consumer to give them their debit card or bank account information.

If someone ever uses the threat of sending you to jail over a debt that you owe, be very wary of the legitimacy of that company. These are definitely empty threats and are against the law.

## **Chapter 14**

### **Can Collectors Misrepresent Their Identity**

#### **When Calling Me?**

Yet another in our growing list of frightening scenarios is if a creditor or debt collector states that they are a police officer, or a process server, or somebody with the FBI, or any other bogus title. One need not even ask whether or not such misrepresentation is legal or not, because it is definitely against the law.

Again these types of situations mainly show up due to scam companies. When they do occur – and it does happen – it is usually call centers from overseas, or just scammers trying to take people's money.

That being said, every once in a while I will hear about a case that is unlike what I have just described. Someone has received a call from a legitimate collector where the caller identifies themselves as a police

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detective; or that they are with the police force. They go on to say that if the debt's not paid somebody could get arrested (or something to that effect).

The law is very clear on this. Debt collectors may not make any misrepresentations when they make a phone call. When a collector calls they must state their true identity. If they mislead the consumer in any way it is a violation of the law.

I was able to help somebody in a case where the debt collector tried to state that they were the original creditor. The truth was they were only a debt collector. Thankfully, I was able to obtain the full \$1,000 for my client and that collector never contacted him again.

## **Chapter 15**

### **How Can I Obtain Free Help from an Attorney if a Debt Collector Calls Me?**

The Fair Debt Collection Practices Act provides for attorney's fees and costs for any consumer who prevails against a debt collector under this law. The legislature knew that if there was not a provision that provided consumers with attorney's fees, it would be very difficult for this law to ever be enforced. This is just common sense. It's highly unlikely that a consumer, who is already struggling with debt issues, and who is being harassed by a debt collector, would have the extra money available to pay an attorney to make the calls stop.

At our firm, we do not charge any upfront money to our clients when we take a case. If we prevail against the debt collector, the debt collector will compensate us for all of our fees and costs related to representation. If you believe that you have been harassed by a debt collector, please call my

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

office at **1-800-219-3577**. We provide a free case evaluation and we will never request any money from you if we accept your case.

For many of the clients that we assist, just the knowledge that help is available provides a ray of hope during a very dark time in their lives.

## **Chapter 16**

### **What Information Should I Have**

#### **Before Calling an Attorney for a Consultation?**

Now that you have read through ***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00***, you may be thinking that this could be your opportunity to get relief from the ongoing and relentless creditor phone calls. If that is the case, you may be wondering just what information you should have on hand before you even contact an attorney.

Just as with any court case, the more details you have about the harassment that you have been experiencing the better. At a minimum, you will need the name of the collector calling you and the details of what you feel the debt collector did wrong.

If possible it will be of great benefit if you also have the collector's telephone number from your caller identification, the saved voicemails that

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the collector left, a call log of when the collector called, or your telephone records. If the collector has contacted any third parties, get the names of the collector who called and dates of when the third parties were called. Embarrassing as it may be, ask these third parties to collect as many details as possible for you.

Even if you don't have all of this information, I still recommend that you call our office if you have any questions. (1-800-219-3577) I and my staff can help you gather the necessary evidence needed to bring a claim against a debt collector you believe broke the law.

Many of those who are in debt do not have this information simply because they 1) never take the phone calls, 2) never listen to the voice mails, or 3) never read the collection letters. It's fear that keeps them from doing so. But this fear is not helping at this point. It's time to face reality.

What will help you is to know and understand your rights and the protection that is offered to you under the law. Educate yourself by reading up on the laws that are in place. Or call our office and let us clearly explain them to you.

The Fair Debt Collection Practices Act was put into effect to protect you the debtor. It is designed to keep you from undue abuse and harassment

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from over-zealous collectors. There is absolutely no reason for you to suffer needlessly at the hands of collectors who are disobeying the law.

Know your rights and then be prepared to stand up for those rights.

## **Conclusion**

I sincerely trust that you have found ***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00*** to be informative and that it has provided you with information about your rights against debt collectors. Information that you might never have known otherwise. After reading through all of these various points and reading the answers to numerous questions, if you still have questions that the book has not answered regarding your rights with respect to creditors contacting you, feel free to give my office a call at ***1-800-219-3577***. My office is always available to answer questions free of charge.

Moreover, if it is determined by my office that you have a viable case, we will be more than willing to assist in your case. We guarantee to all our clients that if we accept representation we will make the creditor phone calls stop and/or obtain money on our client's behalf.

It's a sad fact that most debtors are not even aware that they have rights against debt collectors. They have absolutely no clue what rights are

***How To Make Debt Collectors Stop Calling You and Make Them Pay You Up To \$1,000.00 – Paul Mankin***

theirs. In addition to reading this book yourself, please give a copy to anyone that you believe may benefit from learning about the laws described here. Feel free to forward a copy of the book to them or invite them to contact my office and we'll be more than happy to provide them with their own copy.

It's my goal to be able to help as many people as possible so that those who are suffering needlessly can now be free of the harassment.

Here's to your healthy, happy, and harassment-free future.