

Consumer Alert!

From District Attorney Carol Chambers

July 1, 2009

DO NOT ACCEPT THIS COLLECT(ION) CALL

Several area residents have received threatening phone calls from a person claiming to be with a debt collection agency. Despite the consumer's protest that they were not the person who owed the money, the caller persisted in his demand for payment, even threatening to file a civil suit or have the consumer arrested. The collector claimed the consumer would be arrested within 24 hours if an immediate payment was not made. The caller would accept a partial payment of the debt if payment was made immediately. The caller quoted court docket numbers (which were fake), claiming it would only take one phone call to arrange for an arrest. Is this a case of mistaken identity by a company violating the regulations on collections, or is it an outright scam? Either way, the District Attorney recommends the following precautions when dealing with a collection agency:

1. Don't panic! If you react in haste you may worsen your situation instead of improve it. And never pay a debt that you do not owe.
2. Ask for a copy of the original invoice or court judgment for which the agency is trying to collect. Under law, you have a right to receive a copy of the invoice or court judgment so that you may determine if it is a valid debt and one you owe. If the collector cannot provide a copy, the collection action must cease.
3. In most instances in Colorado a collection agency cannot use the courts to collect a debt that is more than six (6) years old. The collection agency may use other means, but cannot take you to court.
4. If a collection agency says they will take a partial payment as settlement of your debt, that does **not** mean the remaining balance is forgiven. The agency with whom you "settle" is still free to sell the balance to another agency who will then try to collect that amount. And if you "settle" for a partial payment you have now admitted that you are responsible for the entire debt.
5. For a more complete description of the collection process and your rights, visit the District Attorney's website at www.da18.org and click on the "Consumer Protection" button. Look for "Fair Debt Collection Act".



Need help?

Call the Consumer Protection Line
720-874-8547

OR

Visit the District Attorney's Website
www.da18.org
for more CONSUMER ALERTS,
Consumer Protection Handbooks,
and other resources.

OR

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