



## How to Use Social Skiptracing Tools

By Anne Rosso May

In today's skiptracing environment, commercial collectors can't locate consumers or their companies without a thorough knowledge of current technology, tools and trends. The ever-changing technology available to use includes databases, public records and, most importantly, social media.

Here are skiptracing tips from Ron Brown, CEO of CSI Group in Oklahoma City, as presented at his recent IACC seminar.

### Top Tracking Tool: Social Media

Social media has become the primary skiptracing tool for commercial collection agencies. Public posts, status updates, photos and conversations can yield a great deal of information. This type of search can be very revealing as well as economical, but you must learn how to

analyze the data and exclude information that doesn't match the pattern of the person you are looking for.

Here are some of the most popular social media sites you can review (remember, even if a platform isn't as popular today as it once was, people still may have accounts on it with helpful information):

- » Facebook
- » Instagram
- » Twitter
- » Reddit
- » Weibo
- » Ask FM
- » Flickr
- » Google+
- » LinkedIn
- » MySpace
- » TikTok

"One thing I like about LinkedIn is that it will actually show other companies that an employee is involved with as well as other helpful connections," Brown said.

While the previously mentioned sites are the most-used platforms right now, there are dozens of other lesser-known websites that can also be plumbed for information, such as [socialsuite.com](http://socialsuite.com), [peopleseeking.net](http://peopleseeking.net), [legacypioneers.com](http://legacypioneers.com) and [maxsearch.co](http://maxsearch.co).

Brown also reviewed three rules of social media skiptracing:

#### • Read Only

Never communicate with anyone when tracing with social media. Never ask to be someone's "friend."

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## PRESIDENT'S LETTER



## Changing Tides

*By Valerie Ingold, IACC President*

It's been an eventful couple of months. Hopefully you have all received the announcement regarding the changes to Visa's policy affecting debt collection practices.

To recap, the rules implemented by Visa, which went into effect April 15, 2023, prohibit the use of credit cards to pay off certain overdue debts in collections.

According to the release, "an overdue receivable is defined as money owed by one party (the debtor) to another (the creditor) that is not classified as debt and is one of the following:

- » Classified by the receivable owner as non-collectible;
- » Written off and/or sold to a third party;
- » Subject to a court order as the result of a bankruptcy or insolvency;
- » 120 calendar days past the due date for payment."

The new regulations may make it more difficult for debtors to use Visa credit cards, limiting their ability to pay off debt and potentially impacting their overall financial stability. It also negatively affects debtors trying to consolidate or pay off debts quickly.

Imposing limitations on merchants or banks that work with Visa theoretically leads to higher costs for consumers, impacting their ability to pay existing debts or take on new ones.

This eliminates a wellspring of revenue to collection agencies, severely limiting our ability to collect debt effectively, and is a hinderance on both sides of the coin.

Not to mention the questions that our payment processor and Visa seem unable to answer: How does this affect our ability to take client credit cards? What about first-party payments? What does this mean for our clients trying to collect receivables in-house, pre-collection?

It appears that the new rules don't differentiate between consumer and commercial debt.

We encourage you to visit directly with your payment processor(s) regarding these changes and their implications. We will also provide more information as it becomes available.

If you come across anything helpful, please feel free to reach out to me ([vingold@commercialcollection.com](mailto:vingold@commercialcollection.com)). If you missed our member alert, we'd be happy to send you the bulletin. Just let me know!

In other news, artificial intelligence (AI) and ChatGPT are everywhere now. I get alerts, employees bring me news, and even my restaurant reservation app tells me it will begin interfacing with ChatGPT in the near future so that I will be able to... I'm not really sure. Have a conversation with my reservation app, I guess?

The possibilities of this new development are endless. We can already use it to analyze recorded phone calls between our agents and debtors for predictive analytics. We can also identify patterns, distinguishing accounts most likely to result in and optimizing strategies for successful collections.

In short, AI will be able to help us write LinkedIn articles, marketing materials, training

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- **Never Create a False Identity**

Be very careful of what you post on your own social media sites. Always tell the truth.

“I’ve had people tell me, ‘Well, I’ve created a false identification. I’m a 42-year-old man in real life, but on the internet I’ve got this website where I’m pretending to be a good-looking woman.’ Let me tell you something: if you are skiptracing, that is illegal. You have to be honest when representing yourself. If you look at my Facebook profile under my employment profession, you’ll see it says, ‘Professional Hunter.’ That’s exactly what I am.”

- **Look at Timelines and Follow Friends’ Timelines**

The consumers you are looking for may be hiding, but their friends are not. If the company’s or person’s social media profile is private, pivot to their contact and friend list, which might give you helpful information. Read comments on every post and look at embedded photo location data.

“Another thing I like to remind people of is that on the internet, nothing is as it seems. People can create false identities and leave false trails, even within databases where you’re paying for information,” he said.

### **Social Site Monitoring**

There are many ways to automate your social media monitoring. Google Alerts can help you keep tabs on specific people by alerting you to any news or updates related to them that show up online.

Technorati is the largest blog monitoring service. Once you register on Technorati, it tracks any blogs that reference your posts. To sign up for alerts, just search for the blog and subscribe to the RSS feed.

Addictomatic allows you to create a personalized tracking page and pulls content from all over the internet,

including Google, Yahoo, Technorati, YouTube, Flickr, Digg and Tweetscan.

“Let me give you an example of how I have used Addictomatic,” Brown said. “A while back we were looking for a bulldozer company. These people had disappeared off the face of the earth. They had been up in Colorado, building houses, and all of a sudden they disappeared with seven bulldozers. So I went to this site and entered their company name. Pretty soon, I started getting information back from the site, showing me that they were in other parts of the country doing work and we were able to recover the seven bulldozers.”

Brown also said a site called Twazzup can be a useful tool. The site will create a dashboard to track your selected keyword on Twitter. It categorizes the mentions by link popularity, contributors, news, tags and users.

“When you’re doing commercial debt collection, this can help you track company names and products that they sell, especially if it’s an unusual product,” Brown said.

Workstreamer is a relatively new service that helps you track specific companies. It also allows you the option of connecting with LinkedIn and Salesforce. As a bonus, Workstreamer sends you a daily monitoring email with the most popular company information from the day before.

Other social media monitoring sites Brown uses include HootSuite, Social Mention, Klout, Monitter and BoardTracker.

### **Additional Sources of Information**

Brown also discussed non-social media sources of information for skiptracers, such as utility records, tax records, credit bureaus and welfare records.

Transportation is a key area where you can find a lot of helpful information, including warranty records, registration records, accident records and insurance records.

“Develop a source of information at car dealerships, if you can,” Brown said. “Next time you take your car in to have any work done on it, become friends with that service manager. We have contacts at every dealership. I can call that contact, ask them to run a VIN number and see if there is any warranty work that’s been done on that vehicle. It’s not protected information. They can tell me where that car was last worked on and what was done to it, plus two things I’m looking for: the home phone number and work phone number of the person who took that vehicle in.”

Data brokers purchase information skiptracers would not normally be able to access. They cull data from multiple sources and compile it into one searchable database, which skiptracers can use for a fee.

Brown noted that the data banks you can access depend on state laws and the type of business you have.

“In Oklahoma, a lot of this information is available to us because we’re a state licensed private investigation agency,” Brown said. “We access a lot of data banks that most collectors cannot get into, but also collectors can get into a lot of data banks that we can’t get into as private investigators. So we have both—I have a collection agency and I have a private investigation agency.”

While the technological advances in online information searches make a skiptracer’s life much easier than it was in the past, Brown said your personal experience and instincts are your greatest tools.

“When you use these websites, if you understand *why* you’re using them and what information they give you, you’ll be a lot better off,” he said. “When I’m tracing people, I think: what are they going to do next? That’s how we find people. We reason, we understand why they’re running, and then we countermove to get in front of them or the assets.” ■

manuals, policies and procedures, and compliance programs. We will be able to automate routine tasks such as data entry and document processing, freeing up staff to focus on more complex tasks. AI-powered chatbots and virtual assistants will help us communicate with debtors more efficiently, answering common questions and providing personalized assistance.

The future is here. It's scary and exciting to watch these innovations bring forth another industrial revolution. The world will look very different than it did before. As an industry, we have to be willing to continue to adapt, evolve and be on

the forefront of new and changing technology.

The basics of what we do will not change; we are customer service providers enabling our clients to stay in business through the collection of debts. How we accomplish this is the new question. I don't know what the future looks like, but I know this has the potential to significantly impact our industry, in part by enabling more efficient and effective collection practices while reducing costs and increasing revenue for us. It will be important to keep in mind as we navigate this future that the use of AI in debt collection must be carefully managed to ensure

that it complies with relevant laws and regulations and is used ethically and responsibly.

The future is now, and I'm excited to take these steps with you all, especially knowing we have a partner like IACC in our corner.

*Note: Part of the above text was written by ChatGPT.*

Have an Open AI or ChatGPT story, fear or success to share? Send it to [vingold@commercialcollection.com](mailto:vingold@commercialcollection.com) and we'll share it with our members. ■



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# FTC Proposes Ban on Noncompete Agreements

The Federal Trade Commission recently closed the public comment period for a [proposed rule](#) that seeks to ban employers' noncompete agreements and rescind existing agreements in an effort to increase wages and expand career opportunities for U.S. workers.

"If the rule's approved, companies would have just six months to kill existing non-competes and tell current and former employees those deals are dunzo," Jane Harper [wrote in an HR Digest article](#).

According to a [client alert](#) from Brownstein Hyatt Farber Schreck, the variety of impacted entities could cause thousands of comments to be submitted to the FTC, which could delay efforts to finalize a rule. The regulator is responsible for reviewing all comments and public feedback and considering those in the revisions to the proposed rule.

"Because of the FTC's sweeping



approach, any final rule is also likely to face legal challenges. However, such delays are far from certain. Therefore, employers should consider certain actions in response to and preparation for the rule's development," the firm reported.

Specifically, the FTC says the new proposed rule could increase wages by nearly \$300 billion annually and grow career opportunities for about 30 million Americans, according to a [news release](#).

The proposed rule would prohibit employers from:

- » Entering into or attempting to enter into a noncompete with a

worker;

- » Maintaining a noncompete with a worker; or
- » Representing to a worker, under certain circumstances, that the worker is subject to a noncompete.

"The proposed rule would apply to independent contractors and anyone who works for an employer, whether paid or unpaid. It would also require employers to rescind existing noncompetes and actively inform workers that they are no longer in effect," the FTC reports.

It would also preempt state laws with less restrictive noncompete requirements. ■



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# U.S. Supreme Court Grants CFPB's Petition to Review Case on Its Funding Structure

The U.S. Supreme Court will review a 5th Circuit Court of Appeals' decision declaring the Consumer Financial Protection Bureau's funding structure is unconstitutional.

The court granted the CFPB's petition for certiorari to review the decision, requesting that the court address whether the 5th Circuit Court of Appeals erred in its ruling that the bureau's funding structure through the Federal Reserve rather than the congressional appropriations process violates the U.S. Constitution's separation of powers.

The case, *Consumer Financial Protection Bureau, et. Al., vs. Community Financial Services Association of America, Limited, et al.* (Docket Number 22-448), is slated to be heard as part of the Supreme Court's next term, which begins in October 2023. That means a decision may not be issued until next year.

"We're very pleased the Supreme Court is reviewing the 5th Circuit's decision. At the end of the day, we want there to be certainty about rules that were written 10 years ago, safe harbors put into place," CFPB Director Rohit Chopra said at the Credit Union National Association's (CUNA) Governmental Affairs Conference Monday, according to a [news release](#).

It started when the Community Financial Services Association of America (CFSAA) filed suit against the bureau and Chopra challenging the CFPB's 2017 payday lending rule in addition to its constitutionality.

The CFSAA had filed a cross petition in the case asking the Supreme Court to



deny the CFPB's petition to review the case as well as for the court to consider additional questions on the 5th Circuit's decision and the payday lending rule.

The cross petition was denied.

"The Supreme Court's action on the CFPB's petition today supports what the industry has been saying for months, that there is confusion in the marketplace that must be addressed," said Leah Dempsey, shareholder at Brownstein Hyatt Farber Schreck and ACA International's lobbyist. "Recent CFPB actions ignoring statutory constraints on its activity highlights the merit of concerns raised by the 5th Circuit—that an agency with an unconstitutional funding structure does not have the proper checks and balances in place to ensure its actions align with good policy for consumers and financial services providers throughout the country."

## How Did We Get Here?

The 5th Circuit Court of Appeals issued its ruling on the funding structure in response to the CFSAA's case in October 2022.

"Even among self-funded agencies, the [b]ureau is unique," U.S. Circuit Judge Cory Wilson wrote in the decision in the case brought by the CFSAA against

the bureau and Chopra. "The [b]ureau's perpetual self-directed, double-insulated funding structure goes a significant step further than that enjoyed by the other agencies on offer."

The CFSAA and Consumer Service Alliance of Texas challenged the validity of the CFPB's 2017 payday lending rule when they filed suit.

In a similar case decided in 2020, *Seila Law v. CFPB*, the Supreme Court struck down the CFPB's leadership structure by severing language from the Dodd-Frank Act.

The court, at that time, did not consider any challenge to the bureau's funding structure. Now that the CFSAA decision will be considered by the Supreme Court, it puts into question the validity of rules, at least in the 5th Circuit and maybe elsewhere, until a final decision is issued.

## Congressional Reactions

U.S. Rep. Patrick McHenry, R-N.C., chair of the House Financial Services Committee, who has supported legislation to bring the bureau under congressional appropriations, issued a statement on the court's decision.

"As Republicans have said for years, the CFPB's unconstitutional funding

*continued on page 11*

# FCC Advances Rulemaking on Mitigating Illegal Robocalls

The Federal Communications Commission has adopted new rules on illegal robocall mitigation and to expand requirements for voice service providers to implement the STIR/SHAKEN call authentication framework.

The action “will build on FCC and industry success in implementing the framework used to trace back, block, and/or identify originators of illegal spoofed robocalls,” according to a [news release from the FCC](#) following its March 16 meeting where the rules were passed.

The [rulemaking](#) (PDF) closes a significant gap in the STIR/SHAKEN call authentication framework, increases robocall mitigation requirements for all providers, enacts more robust enforcement tools, and seeks feedback on more steps to further improve the effectiveness of the STIR/SHAKEN framework.

Specifically, the new rules will “require intermediate providers that receive unauthenticated IP calls directly from domestic originating providers to use STIR/SHAKEN to authenticate those calls.”

This measure will close the gap between originating voice service providers with systems that cannot accommodate the framework and others that “may deliberately fail to authenticate calls,” according to the FCC.

“By requiring the next provider in the call path to authenticate those calls, the FCC closes a gap in the caller ID



**“The new rules will expand robocall mitigation requirements for all providers through the FCC’s Robocall Mitigation Database.”**

authentication regime and facilitates government and industry efforts to identify and block illegal robocalls,” it reports.

In addition, the new rules will expand robocall mitigation requirements for all providers through the FCC’s Robocall Mitigation Database.

In enforcement components of the rule, the “FCC made clear that violations of its mandatory blocking rules could result in substantial fines using per call forfeiture calculations.”

The FCC also adopted a further notice of proposed rulemaking at the March 16 meeting to continue to build on robocall protections for consumers as well as [new regulations](#) to target “scam

text messages” through mitigation by wireless carriers.

The mitigation includes requiring wireless carriers to block text messages that appear to be from invalid, unallocated or unused numbers that are unlikely to send text messages, according to the FCC.

Meanwhile, the FCC’s [modified rule](#) on call exemptions and obtaining consumers’ consent will take effect on July 20, 2023, meaning compliance is required for certain call exemptions and call limits by that date. ■

# Realistic Expectations: Attorneys and Agencies Working Together

The COVID-19 pandemic changed a lot of things, including our court system and the legal landscape. As a result, it may be time for commercial collection agencies to recalibrate their expectations for attorneys.

## The Landscape Today

One of the positive changes that has occurred in recent years is that many courts continue to rely on remote technology to handle routine matters without requiring parties to physically travel to a courthouse.

However, one negative is that many already overburdened courts are still digging their way out of the pandemic-induced backlog of cases.

For example, Wanda Borges, member at Borges & Associates, LLC, noted that while the courts have reopened in downstate New York, the time required to get judgments entered is still lengthy. Depending on the court, it can take six months for a default judgment.

“The pile-up of court cases caused by pandemic-related delays has accentuated preexisting court staff shortages and created new pressures for attorneys,” editor Alaina Lancaster wrote in a [Law.com article](#).

Additionally, the [State of the Courts Report 2023](#) by the Thomson Reuters Institute found that 68% of U.S. judges and court professionals say their court experienced workforce shortages over the past 12 months, and 58% say staffing budgets have either stagnated or decreased during this time.

“I think resources are thin across the board. We’re seeing that with agencies, creditors and the law firms,” said Gary Tier, president and publisher of The Forwarders List of Attorneys. “Businesses



are having trouble finding people to hire, and our industry is no different than what the rest of the country is talking about in that respect. People are trying to do more with less.”

Plus, law firm consolidation is on the rise. There were at least as many large law firm mergers completed in the first quarter of 2023 than in all of 2022, according to data from Fairfax Associates, a legal consulting firm.

In some ways, agencies benefit from this. Consolidation allows law firms to offer their services at a lower cost due to economies of scale. Clients may be able to take advantage of more favorable fee structures and payment arrangements.

That said, there are potential downsides, such as the possibility of reduced competition and loss of personalized service.

## What to Expect From Your Attorney

Some agencies report that claim investigations are changing. The investigation and discovery process requires attorneys to interview witnesses, obtain evidence, collect reports and document everything to support your case. Whereas at one point agencies could have handed over cases where issues were somewhat speculative and expected attorneys to investigate the claims, today agencies should be prepared to do some of that work beforehand.

“We can’t expect attorneys to do our work for us, as far as investigating to see

whether or not the case is even viable,” said Ronald Stiegel, vice president, collection specialist, at Euler Hermes Collections North America. “I think depending on the relationship with our client, and whether or not it’s a profitable client, we need to be realistic about what the attorney is going to do for us. If you send an attorney a case for \$1,000 or \$5,000, and you don’t know if the debtor is even in business, you can’t really expect the attorney to do a big investigation for you. If we aren’t spending the money doing it, and we have better resources than the attorney, why would we expect the attorney to do that for us? We’re seeing that attorneys are not going as deep as they used to, and I think it’s just a matter of economics.”

That’s why Stiegel suggests that the scope of the investigation should be addressed from the outset between the agency and the attorney.

“It’s a matter of communication,” he said. “The law firm needs to understand what your expectation is and what the client’s expectation is, and I think there needs to be some better communication among everyone as to how to best work cases to satisfy our clients but be realistic about how cases get handled.”

Despite these changes, Borges reports that there may be good news on the horizon: “As for collectability, we have seen an improvement during 2023 and are hopeful this is a continuing trend.” ■





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structure improperly insulates it from Americans' representatives in Congress," McHenry said. "This problem is compounded when the [b]ureau is led by a rogue regulator, as it is now. Director Chopra is returning the CFPB to its Obama-era regulation by enforcement approach that harms both consumers and our economy. Republicans promised the American people we would restore accountability to the federal bureaucracy. The House Financial Services Committee is committed to delivering transparency with legislation like Congressman Barr's TABS Act to bring the unaccountable

CFPB under the annual appropriations process."

The TABS Act would amend the Consumer Financial Protection Act of 2010 to move the bureau's funding from the Federal Reserve to the regular appropriations process.

In the Senate, chair of the Senate Committee on Banking, Housing and Urban Affairs Sherrod Brown, D-Ohio, told *Bloomberg Law* there will be significant negative implications for consumers from the court's decision to hear the case in its next term.

It is an "urgent issue," Brown said in

the article.

U.S. Sen. Elizabeth Warren, D-Mass., who developed the initiative that led to the creation of the CFPB during the Obama administration, said on Twitter that, "Despite years of desperate attacks from Republicans & corporate lobbyists, the constitutionality of [the] CFPB and its funding structure have been upheld. If the Supreme Court follows precedent, it will strike down the 5th Circuit's decision before it throws our economy into chaos." ■

## Upcoming IACC Events and Education

**May 9**

### **International Open Forum**

*Online seminar; 10:00 a.m. CDT*

**May 18**

### **Collection Calls & Telephone Techniques - Part 2**

*Online seminar; 11:00 a.m. CDT*

**June 13**

### **Emerging Leader Education**

*Online seminar; 2:00 p.m. CDT*

**June 22**

### **Credit Instruments: Properly Documenting Your Commercial Credit Transactions**

*Online seminar; 11:00 a.m. CDT*

**June 24-26**

### **2023 Mid-Year Conference**

Hyatt Chicago, Chicago

**Sept. 19**

### **Collection Laws and Bankruptcy Fundamentals**

*Online seminar; 11:00 a.m. CDT*

**Oct. 19**

### **Client Relationships**

*Online seminar; 11:00 a.m. CDT*

**Nov. 14**

### **Legal Aspects of Commercial Collection**

*Online seminar; 11:00 a.m. CDT*

**Additional topics and dates will be added.**

**Please visit the IACC Events calendar for the current events and details: [www.commercialcollector.com/events](http://www.commercialcollector.com/events).**



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- When forwarding to Associate Member law firms, we recommend that you designate IACC and a Law List in your forwarding letter and notify the Law List designated. These actions will ensure your account is covered by the Law List's bond and let the associate member know it is



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If you have any questions, please do not hesitate to contact the IACC staff at [iacc@commercialcollector.com](mailto:iacc@commercialcollector.com).

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If you have any questions about the Affinity Program, contact IACC at [iacc@commercialcollector.com](mailto:iacc@commercialcollector.com) or (800) 859-9526. Please continue to watch your email for more Affinity partners!



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