

*To the Point:*

# CALL BAITING

Complimentary Preview

**COMPLIANCE**  
PROFESSIONALS FORUM  
an IA initiative



Published by Compliance Professionals Forum  
an IA Initiative  
6010 Executive Blvd, Suite 802, Rockville, Maryland, 20850

editor@compliancePF.com | 240.499.3834 | www.compliancePF.com

Copyright © 2015  
All rights reserved  
Printed in the United States of America

*This publication is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, resold, hired out, or otherwise circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.*

*The scanning, uploading, and distribution of this publication via the Internet or via any other means without the permission of the publisher is illegal and punishable by law. Please purchase only authorized editions.*

**Legal Disclaimer**

This information contained in this report is not intended to be legal advice and may not be used as legal advice. Legal advice must be tailored to the specific circumstances of each case. Every effort has been made to assure this information is up-to-date. It is not intended to be a full and exhaustive explanation of the law in any area, however, nor should it be used to replace the advice of your own legal counsel.

Complimentary  
Preview

## Contents

About the Experts .....	4
An Enhanced Training Tool .....	5
Introduction .....	6
Call Baiting: Recognizing the Threat .....	7
Common Terms and Phrases .....	7
Recognizing Patterns.....	9
Phone Call Pitfalls: Consumer Identification.....	9
Phone Call Pitfalls: Attorney Representation .....	10
Phone Call Pitfalls: Cease & Desist Traps .....	10
Phone Call Pitfalls: Bankruptcy .....	10
Phone Call Pitfalls: Call Recordings .....	10
Phone Call Pitfalls: And Another Thing.....	11
Key Prevention Phrases .....	12
From the Trenches: Industry Call-Baiting Horror Stories.....	13
Strategies .....	14
Preserve all the Records .....	14
Consider an Offer of Judgment.....	14
Learn from It .....	15
Q & A from the Webinar .....	16
QUESTION: From a bankruptcy standpoint, what type of call baiting are you familiar with? .....	16
QUESTION: We've had consumers tell us that they are filing for bankruptcy with an attorney. They request a statement so they can give it to their attorney. What should we do?.....	16
QUESTION: Is there an increase in TCPA suits in regards to call baiting?.....	16
QUESTION: Third party calls in to pay balance in full and is not authorized on the account. Would taking this payment be considered a call baiting violation, or just a violation in general?.....	17
Appendix A: Transcript.....	18
Appendix B: Slide Deck.....	19

## About the Experts

---



**Brit Davis** serves as one of the collection managers at American Profit Recovery's Farmington Hills office. Brit heads up a team of collectors that are responsible for resolving past due debt using a variety of diplomatic methods. He joined American Profit Recovery in 2007 as a collector and has continued to be an asset to this collection agency. Brit's colleague, Mike Hiller, is also on the phone with us, but I don't have any fancy stuff to say about him except thank you.



**Thomas R. Dominczyk** is an attorney with Maurice & Needleman, P.C. He focuses his practice on various aspects of creditors' rights law, with an emphasis on consumer financial services litigation. He has successfully represented financial institutions and law firms throughout the country for claims filed under the FDCPA, FCRA, TCPA and various state consumer protection statutes. In addition to his litigation practice, Tom represents national, regional and local creditors in a variety of bankruptcy matters ranging from simple claim filing and management to complex non-dischargeability litigation and preference defenses.



**Mike Poncin** is a shareholder with the Minneapolis law firm of Moss & Barnett, PA, practicing in its Creditors' Remedies Practice Group. Mr. Poncin is licensed to practice law in the state of Minnesota, in addition to being admitted to practice in 17 federal district courts. Mr. Poncin represents clients across the country, defending against FDCPA, TCPA, FCRA and other consumer law cases. He is the co-host of the collection industry podcast The Debt Collection Drill featured on insideARM. If you've not listened to it, I recommend it.

