



Jonathan Mintz
Commissioner

42 Broadway
New York, NY 10004

Dial 311 or
212-NEW-YORK
(outside NYC)

nyc.gov/consumers

December 17, 2010

BY REGULAR MAIL



Re: Debt collection agency question

Dear Ms. [REDACTED]

The New York City Department of Consumer Affairs ("Department") issues this letter in response to your recent inquiry on behalf of your client. Your client asked the following questions:

1. Can the debt collection agency employee name listed on dunning letters as the person to call back under Section 20-493.1(a)(iv) of the Administrative Code of the City of New York ("Code") be an alias?
2. Can the name of the person to call back under Section 20-493.1(a)(iv) of the Code be printed on the back of the dunning letter?

The answer to your client's first question is yes, subject to the limitations in Section 5-77(d) of the Rules of the City of New York ("Rules"). Under Section 5-77(d)(16) of the Rules, "the use of any name that is not the debt collector's actual name" is a false, deceptive, and/or misleading representation except in the following circumstances:

. . . a debt collector may use a name other than his actual name if he or she uses only that name in communications with respect to a debt and if the debt collector's employer has the name on file so that the true identity of the debt collector can be ascertained.

With regard to your client's second question, the answer is yes, as long as this information is clear and conspicuous. The purpose of this requirement is to provide clear, meaningful information to consumers; a debt collection agency may not evade such purpose by placing the required information in a location where consumers will not easily see it.

For more information about New York City's laws and rules regulating debt collection agencies, you or your client may visit the Department's web site at www.nyc.gov/consumers. Note that other laws enforced by Federal, State, and/or other City agencies may apply to your client's business.

Thank you for your inquiry.

Sincerely,

Department of Consumer Affairs