FDCPA / Rosenthal – Common Issues

Please retain the following information:
- Document every call, and take notes
- Save all messages / voicemail
- Save all letters / email / texts

The Fair Debt Collection Practices Act and the Rosenthal Act (California's version of the FDCPA) regulate the manner in which debt collectors may attempt to collect debts. Common violations of these laws include:
- Excessive calls (how often does the collector call? / how many times per day? / at what times?)
- Collectors say inappropriate things
    - Did the collector use profanity?
    - Did the collector yell at you?
    - Was the collector mean to you?
- Collectors make idle threats
    - Did the collector threaten wage garnishment, litigation, credit reporting, violence, arrest, or to contact your employer?
- Collectors fail to identify their company and state the purpose of the call
    - Did the collector identify their company?
    - Did the collector say why they were calling? ("this is an attempt to collect a debt and any information will be used for that purpose")
    - Did the collector call you after you told them you have an attorney?
- Collectors leave inappropriate messages on your voicemail.
    - What was the content of the message?
    - What number was called?
    - Was it an automated or pre-recorded message?
- Collectors call at inappropriate times / places
    - Did the collector call you at work after you told them not to?
    - Did the collector call before 8:00 a.m. or after 9:00 p.m.?
- Collectors talk to others about your account or leave messages with family, co-workers or friends.
    - Did the collector call anyone other than you or your spouse?
        - Who did the collector call? (name of friend, co-worker, neighbor, etc.)
        - When did the collector call? (date / time)
        - What was said?
    - Did the collector leave a message or phone number with your family, co-worker, or friend?
        - What was the content of the message?
        - Did the collector leave a call-back number?