

## CAB Rule Committee Meeting Notes

Zoom Conference October 22, 2020

Meeting began at 12:08 p.m. Pacific Time

In Attendance:

### Committee Members

Mark Case, Washington State Collection Agency Board Member – Industry member

Scott Kinkley, Washington State Collection Agency Board Member – Public member

David Reid, Director of government affairs and regulatory policy for the Receivables Management Association.

Kevin Underwood, Collection Agency Attorney, Linebarger Goggan Blair & Sampson –Gig Harbor,

WA

Kirk Miller, Consumer Rights Attorney- Spokane, WA

Sam Leonard, Collection Attorney – Seattle, WA

Andy Madden, ACA International vice president of government and state affairs.

Gary Nicholas, DOL Chief Information Security Officer

### Program Staff

Kim Hall, Administrative Assistant 3

Grace Hamilton, Investigator 3

Julie Konnersman, Management Analyst

Kathe McDaniel, Assistant Administrator

Rick Storvick, Administrator

Elizabeth Lagerberg, Assistant Attorney General, Board Advisor

- Mr. Storvick opened with welcoming all the members, thanking them for their efforts and covered the purpose of the meeting.
- Mrs. McDaniel reviewed the agenda and key focus elements for the day.
- Ms. Lagerberg facilitated a discussion regarding the revised draft language for the following topics for the committees deliberation and agreement:
  - Mr. Underwood and Mr. Kinkley led the discussion referencing Collection Activities. Concerns shared on the subject of correct use of the terms of claim vs. debt, for the purposes and intent of this subsection. The term debt is inserted in the draft language. Mr. Reid recommended change of term “licensees” with “collection agency” accepted and applied.
  - Mr. Reid suggested edits to the “Remote Work “section noting that work performed by a licensed attorney litigating claims on behalf of a licensee is not considered remote work. Accepted.

- New language provided by Ms. Lagerberg under “Remote Work Requirements” was accepted as it added clarity to allowing employees to perform collection activities from virtual offices if they met/followed certain listed requirements. Accepted.
- Under these same requirements, Mr. Kinkley and Mr. Miller recommended additional clarifying draft language of “ or otherwise reproduced records” when speaking to the requirement which states employees may not print hard copies of collection agency data. Accepted.
- New language under “Employee Work Agreement” was inserted here as the draft language came from requirements in other places in the WAC, adding continuity. Mr. Miller proposed changes to the draft language including to include “to the consumer” regarding disclosure of employee working from a virtual office. Accepted.
- Mr. Reid shared concerns regarding the “45 day in office training” requirement posing the possible scenarios and outcome for an employee that didn’t meet the 45 days of training, only 40. Draft language for the CAB to provide a waiver in such conditions inserted and accepted.
- Mr. Kinkley and Mr. Underwood headed a discussion on the appropriate number of days required of an employee for “in office” training. Mr. Underwood leaning toward less than 45 days and Mr. Kinkley leaning towards more than 45 days. Committee members engaged in good discussion and compromised with 45 days of training. Accepted.
- Mr. Nicholas provided revised draft language for IT Data security regarding privacy and protections for working in a virtual office, protecting consumer data and agency data. All suggested edits approved and accepted.
- Mr. Leonard spoke to concerns on the sun setting option of this draft language. Mr. Storvick shared additional options and practices that could be taken by the CAB, to monitor the practices and requirements to address these concerns. After thoughtful discussion by the committee, draft language for the CAB to review this WAC annually was crafted. Accepted.
- Mr. Leonard brought forth his desire to emphasize the increased exposure to consumers and agencies in virtual environments due to data breaches, and the obligation to report such breaches. After deliberate discussion with the committee, a new section of draft language was added that references RCW 19.255 where these requirements exist, highlighting the expectation to be knowledgeable and follow the existing law.

### ➤ **Work Assignments for the next meeting:**

- Department of Licensing staff will collect and provide stakeholder comments to share with the committee for review and consideration.
- Committee to review comments forwarded by staff and consider edits to discuss at next meeting to finalize draft language for consideration by the CAB.

- Public Comment & Guest:  
None

### **October Meeting Schedule: All Times Pacific Time**

- Thursday, October 29<sup>th</sup>- 12:00 p.m. to 2:00 p.m.