Collection Agency
Board Meeting
Tab 1
Call to Order

April 15, 2021

10:00 AM
DATE: Thursday, April 15, 2021
TIME: 10:00 a.m.
LOCATION: Zoom Video Conference

LINK: https://dol-wa.zoom.us/j/92750643999?pwd=WEJ3Y0cvbVd2MGp1TmQ0YzNVMDV1QT09

PARTICIPANT PIN CODE: 410125

ATTENTION: Board meetings are open to the public except when business calls for an Executive Session. During Executive Session all guests will be excused. Start times are subject to change by the Board Chair.

1. Call to Order
   1.1. Introductions
   1.2. Order Of Agenda
   1.3. Approval of Minutes: November 3, 2020
   1.4. Approval of Minutes: January 12, 2021
   1.5. Review Communications

2. New Business
   2.1. Remote Work Rule Implementation
   2.2. Remote Work Waiver Requests
   2.3. Board Charter
   2.4. 2021 NACARA Annual Meeting

3. Old Business
   3.1. 2020 NACARA Annual Meeting Report Out
   3.2. Review Master Action Items List

4. Complaint Cases for Review*
   4.1. Administrative Closures Report
5. Legal Issues for Deliberation*

6. Disciplinary & Investigation Items
   6.1. Closed Session Deliberation report (*only necessary if closed session is held*)
   6.2. Disciplinary Cases Report

7. Assistant Attorney General’s Report

8. Board Administrator’s Report
   8.1. Program Operations
   8.2. Department Of Licensing
   8.3. Other Items

9. Other Business
   10.1. Action Items from This Meeting
   10.2. Agenda Items for Next Meeting

10. Public Comment

11. Adjournment

Next Board Meeting:

September 16, 2021
OPEN SESSION

1. Call to Order 1:05 p.m.
   1.1 Introductions
       Kim Hall conducted a roll call and all Board members and listed staff were present.

   1.1. Order Of Agenda
MOTION: Ms. Neubauer made a MOTION to accept the agenda as presented. Mr. Bunker seconded the MOTION and it passed.

1.2. Approval Of Minutes: October 8, 2020

MOTION: Mr. Kinkley made a MOTION to accept the minutes as presented. Ms. Neubauer seconded the motion and it passed.

2. New Business

2.1. Permanent Rule Language – WAC 308-29-010, 308-29-085

Mr. Storvick discussed the Collection Rule Committee that was created after the Emergency Rule was passed. The committee met every week for the past six weeks working on creating language that would work for all stakeholders. One of the concerns that was brought up during the Emergency Rule was to have a Data Security Expert assist with the drafting, and that was done. A key element of the rule requires the board to review it annually to ensure it is working effectively. Washington State is the third state to put a permanent rule into effect, and these rules are more comprehensive than rules adopted in the other two states.

The next steps for this will be filing the CR-102, a public comment period and a hearing.

MOTION: Mr. Bunker made a MOTION to accept the Permanent Rule Language as presented. Mr. Case seconded the MOTION and it passed.

3. Adjourn Meeting 1:26 p.m.

Approved by:

________________________________________  _______________
Rick Storvick, Assistant Administrator  Date

________________________________________  _______________
Fred Wade, Chair  Date
OPEN SESSION

1. Call to Order 11:06 a.m.
   1.1 Introductions
      Ms. Hall called roll and board members except Ms. Neubauer and staff were accounted for. Ms. Neubauer arrived at 11:20 AM as noted in the minutes.

   1.2 Order Of Agenda
      Agenda was reviewed.
2. **New Business**

2.1 Permanent Rule Language- WAC 308-29-010(2), 308-29-085 – Response to Comments and filing of CR-103p

Mr. Storvick reviewed the rule’s progress and discussed the process of Rulemaking. Ms. Lagerberg provided a summary of the comments that were received. Most comments received by the public were issues the committee and Board had anticipated. The only concern that was brought up by multiple individuals was the term debt with a suggestion to change it to. The word debt was originally used based on previous discussions with the Rules Committee that drafted the language. Based on review by Ms. Lagerberg a revision identified as “option B” was suggested to consider revising the language by simply removing the phrase “, which are associated with collecting or attempting to collect debts”.

**MOTION:** Mr. Case made a MOTION to substitute the word *claims* for *debts* in definition of Collection Activates in Subsection 4 WAC 308-29-010. Mr. Bunker seconded the MOTION and the board discussed.

Mr. Kinkley discussed concerns of changing the word. The committee had worked on this language in-depth. The word was decided not to be changed due to confusion of its definition. The new rule language was not to change current rules but to add the teleworking language so employees could safely work from home.

Ms. Neubauer joined the meeting and Mr. Storvick recapped what she had missed.

Mr. Case added that Ms. Lagerberg’s purposed fix was a step in the right direction but doesn’t really work. He stated the clarifying language of claims is needed and we don’t want to have contradictory language in the WAC.

**MOTION** was put to a vote and failed.

**MOTION:** Mr. Kinkley made a MOTION to file the Permanent Rule Language- WAC 308-29-010(2), 308-29-085 to adopt option B. Ms. Neubauer seconded the MOTION and it passed unanimously.

Mr. Case and Mr. Bunker both stated they voted for option B since their proposed motion to use the term “claim” in place of debt failed.
Adjournment: 11:30 a.m.

Approved by:

_______________________________      _______________
Rick Storvick, Assistant Administrator  Date

_______________________________ ________________
Fred Wade, Chair    Date
Board Meeting

Tab 2

New Business

Topics for action or discussion by the board that were identified at or since the last board meeting.
Remote Work Rule Implementation

**Background:** On February 14, 2021, the new permanent rule associated with remote work became effective. Staff met on March 18, 2021, with the two board members who were a part of the rules development committee to discuss implementation questions.

A few issues for which there was agreement and the board members did not have any question are as follows:

- The new rule took effect as of February 14, 2021, and at that time the State's "Healthy Washington" reopening plan was in phase 2, strongly encouraging remote work, but allowing up to 25% capacity for professional services. Considering the approval for up to 25% capacity, fully implementing the remote work rules is appropriate.
- Implementing the rules requires anybody who had not previously participated in a minimum of 45 days in office training with their current employer to complete the 45 days before returning to a remote work setting.
- The remote work rule applies to all Collection Agencies licensed by Washington State, regardless of whether they are an in state or out of state licensee, and is intended to cover collection agency employees engaged in collection activities.
- All other laws and rules continue to be in effect, regardless of whether or not an agency is operating with or without remote workers. Therefore, any agency with an in state endorsement must also comply with the Business office requirements of RCW 19.16.230.

Questions for the Board’s consideration involve the rule requirement to conduct a review on an annual basis. Staff would like to assemble appropriate information to support the Board's future review process especially specific to the remote work rule. The questions are as follows:

- Should the first review take place in the spring of 2022?
- What information will the Board want to review as a part of the review process?
  - Complaints associated with the Remote Work rule
  - Comments or questions from licensees regarding elements of the rule
  - Information regarding remote work rules either adopted or under consideration in other jurisdictions
- In addition, staff will collect information regarding other rule topics that come up in the next year to facilitate pursuing any additional rule cleanup work at the same time.

**Recommendation:** Review and discuss implementation of the new Remote Work rule, and provide direction to staff in anticipation of the first annual review of the rule.

Submitted by Board Staff
March 18, 2021
Remote Work Waiver Requests

**Background:** The new remote work rule that became effective February 14, 2021, includes a waiver clause associated with the 45 day in office training requirement that states, “This requirement may be waived by the board under emergency circumstances that the board has determined makes it impossible to perform.” Staff have received 4 requests to date (attached) requesting a waiver of the 45 day rule at this time. A Summary of the waiver requests are as follows:

1) DCM services from Minneapolis MN requests a waiver based on the current conditions in Minnesota with an Executive Order (EO 21-01). This Order states remote work is strongly recommended, and employers, such as DCMS, are expected to continue to accommodate employees who wish to work from home.

2) Credit Corp Solutions from Federal Way Washington requests a waiver of sections 5(a) and 5(b) for a period of 6 months. They indicate to keep their employees safe and healthy they need to complete extensive remodeling in the business office and have all employees working remotely during the remodeling.

3) Convergent Outsourcing from Houston Texas requests a waiver of the 45 day rule until they “get more employees vaccinated”.

4) Enhanced Recovery Company, LLC from Jacksonville Florida, but with multiple locations, requests a waiver of the 45 day in office training rule “due to government’s mandates currently in place.” They indicated they believe they should qualify for an exception due to the pandemic. In addition, they reference their extensive use of zoom training currently being utilized in their business.

Considering additional waiver requests may come in the future, would the Board consider establishing a committee of two board members to approve or deny future requests?

**Recommendation:** Make determination to approve or deny waiver requests submitted and provide direction to staff regarding processing any future waiver requests.

Submitted by Board Staff
April 6, 2021
Good Morning Collection Agency Board:

The new remote work rule states a collector must be at the physical location for a minimum of 45-days for mentoring and oversight before working remotely. After that 45-day period, the collector can work remotely. However, there is an exception to the rule:

“This requirement may be waived by the Board under emergency circumstances that the Board has determined makes it impossible to perform.”

Enhanced Recovery Company, LLC has multiple locations licensed and due to the fear and uncertainty throughout the US and Internationally, its Federal, State and some local governments have advised if you can work from home please do it and applied strict curfews as well due to COVID-19. Enhanced Recovery Company, LLC believes it falls under the exception to the WA work from home rule because of the pandemic. To further that known complication, this requirement would mean cumbersome travel, extreme financial strain, delays in employment, direct business impact and overall impossibility to ensure all agents are trained on site rather than by use of the extensive zoom training being provided today.

Please advise if the Board will waive the requirement of a collector having to be physically located for 45-days due to the government’s mandates currently in place.

Thank you for your attention to this matter.
This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient, or the authorized agent of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify ERC immediately by telephone at (800) 617-0049 and delete the message and any attachments from your system. Thank you for your cooperation.
March 29, 2021

Grace Hamilton  
State of Washington  
Collection Agencies Board  
Department of Licensing  
PO Box 9012  
Olympia, Washington 98507-9012  

By Email: GHamilton@dol.wa.gov

Dear Ms. Hamilton,

We write to seek a waiver by the board of the requirements under sections 5(a) and (b) of the Washington Administrative Code 308-29-085 (the ‘Code’), under emergency circumstances. We ask that the board grants Credit Corp Solutions, Inc., (‘CCS’) a waiver for a period of 6 months.

The Code came into effect on 14 February 2021, prescribing certain obligations in relation to remote work. The Code prescribes, amongst other things, the following employee requirements:

5(a) To become eligible to work from a virtual office, the employee must have completed a training program at the licensee's business office, which covers topics including compliance, privacy, confidentiality, monitoring and security, and other issues that apply particularly to working remotely from a virtual office; and

5(b) In addition, an employee must complete a minimum of forty-five days of direct oversight and mentoring in the licensee's business office prior to working from a virtual office.

The requirements may be waived by the board under emergency circumstances that the board has determined makes it impossible to perform. We consider that it is currently impossible to CCS to perform these obligations in light of the COVID-19 pandemic.

Like many businesses in the state of Washington, CCS has worked hard to safeguard the health and safety of its employees and their families, while keeping employees gainfully and meaningfully employed throughout the COVID-19 pandemic. CCS has closely followed and adhered to all official rules and guidance, including the Governor’s “Stay Home, Stay Healthy” proclamation, which focused on the option of remote work to support the return of commerce in all business sectors.

CCS has put in place the necessary systems and controls to support our employees’ health and safety through remote work, while also ensuring appropriate training, supervision, compliance and data security.

In October 2019 CCS established a call centre facility in the state of Washington in the high unemployment area of Federal Way. Our premises located at 33405 8th Ave S, South, Federal Way,
WA 98003 accommodates ~300 employees. Our recruitment has been severely impacted by the COVID-19 pandemic, and our current headcount is behind our target, at 50 employees. This has been further impacted by our decision to cease all further recruitment since the Code came into effect in order to comply with sections 5(a) and (b) of the Code.

It is our intention to continue to invest in our Washington operation, expand our business and grow headcount to 300 employees by December 2022. This investment will create 250 new local jobs. However, enabling such growth, while ensuring the health and safety of our employees and their families during the pandemic requires us to extensively remodel our office environment (the ‘Safety Remodelling Works’).

We can only practically complete the Safety Remodelling Works by temporarily closing our facility and transitioning to a full remote work capacity while they are completed. Closing our facility means that we will no longer be able to meet the requirements under 5 (a) and (b) of the Code as we will not be able to conduct the requisite training of new recruits at our business office, nor provide direct oversight and mentoring in our business office prior to working from a virtual office.

However, our experience has shown that we are able to effectively train and monitor new employees via a remote implementation. We have successfully achieved this prior to the Code coming into effect, and in other jurisdictions in the United States and around the world where this is permitted. We have implemented systems and processes that allow us to deliver training, including meeting all of the prescribed content, and conduct live monitoring of staff remotely to provide adequate oversight.

We ask that the board consider our request to grant a temporary waiver until 30 September 2021 in light of the circumstances. This will allow us to safeguard the health and wellbeing of our staff, while continuing with our plans to expand our Washington operations and create 250 new local jobs, 112 during this temporary period. The Safety Remodelling Works will also support the local economy, providing work for local suppliers and trade, with a total contract value of more than $1.3 million.

If you would like to discuss our request, please do not hesitate to contact me on my direct line at (213) 833 2401.

Yours faithfully,

David Acheatel
Chief Operating Officer - USA
Credit Corp Solutions, Inc.

E: dacheatel@creditcorponline.com
D: (213) 833 2401
March 24, 2021

Washington State Collection Agency Board  
State of Washington – Department of Licensing  
PO BOX 9012  
Olympia, Washington 98507-9027

Via e-mail only to Starleen Boone at COLLECT@DOL.WA.GOV

Re: Waiver Request of Remote Work Rules pursuant to WAC 308-29-085(5)(b)  
DCM Services, LLC – Business ID 602638946

To Whom it May Concern:

On March 23, 2021, DCM Services, LLC (DCMS) received notification that its temporary waiver regarding in-office training for new employees was revoked. DCMS respectfully requests the Board to consider another waiver of this 45-day onsite training requirement for the following reasons:

- **DCMS is not located in Washington State.** Although Washington State has a reopening plan allowing for a 25% office capacity, that is specific to offices physically located in Washington State.

- **DCMS is physically located in Minnesota and continues to be under a peacetime emergency.**
  
  - On March 25, 2020, Minnesota Governor Tim Walz issued a Shelter in Place Order (Executive Order (EO) 20-20) directing Minnesotans to stay at home.
    - There was a specific exemption in the order for “essential businesses and operations”. It was DCMS’ position that as a Financial Services provider it would fall under this exemption and its business operations could continue to be performed at the office.
    - However, the Governor added clarification to that order on March 27, 2020 with this addition: Debt collection professionals and other workers supporting debt collection are not exempted (from EO 20-20).
    - Since DCMS was considered a non-essential business it was required to perform its collections operations from a work-from-home environment.

  - Up until March 14, 2021, several Minnesota EOs had a requirement that those who can work from home must continue to do so pursuant to EO 21-01.

  - Although the peacetime emergency remains in place, currently, businesses in Minnesota must comply with EO 21-11 issued by Governor Walz. This Order states that remote work is strongly recommended, and employers, such as DCMS, are expected to continue to accommodate employees who wish to work from home.
    - Yet, the Governor is clear that any businesses who requires or encourages any of their employees to violate this order is guilty of a gross misdemeanor and upon conviction, must be punished by fine or imprisonment. In addition to criminal penalties, civil relief penalties may be enforced as well.

- **Sadly, the pandemic is not over.** Many businesses in the industry continue to be faced with the challenge of complying with collection agency licensing statutes to maintain good standing of their agencies and their obligations to keep their employees healthy and safe to minimize the spread of COVID-19.

If, for any reason, this request could be reviewed before the Board meets on April 15, it would be greatly appreciated.

Thank you for your consideration,

Martha Hanson, CCO/Sr. Counsel

7601 Penn Ave S, A600 Minneapolis, MN 55423  
612.243.8620 | www.dcmservices.com
Subject: Waiver Request from CCS

Good Morning Ms. Hamilton,

CCS understands that you may be the most appropriate contact to send the attached waiver request. If not, please let us know to whom we should reach out to.

We look forward to hearing from you.

Thank you for your time,

Julia

Julia Anderson
Customer Care Manager

Credit Corp Solutions
Toll Free 800 483 2361

Ext 2406  D (213) 833 2406
W www.creditcorponline.com

Credit Corp Solutions Inc. (Also licensed in some jurisdictions as Tasman Credit Corp and Tasman Credit)

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THIS FIRM IS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

Any feedback about your dealings with Credit Corp?
Raise it with a supervisor. Alternatively, you can Complete our online feedback form or call the Customer Care Team directly on 855-323-1869.
View our Complaint process here.
Board Charter Introduction

**Background:** Staff developed a DRAFT Board Charter template for all nine board’s we currently support. The charter defines roles, responsibilities, and authority of the board and outlines an understanding of the board’s role with the agency. In developing a board charter as a key governance resource, it is important the board engages in the drafting and finalization process.

The attached board charter is a template for review and discussion. The intent is to refine the template through the work of a committee this year and finalize it by spring 2022. Once finalized, the document should be an excellent resource for board members and provide staff a tool for onboarding new board members.

**Recommendation:** Secure 2 volunteers to review and refine the DRAFT Board Charter for Board consideration and adoption at a later meeting.

Submitted by Board Staff
April 6, 2021
Welcome

Welcome to the Washington State Collection Agency Board. The Board in part may adopt, amend, and rescind rules, inquire into the needs of the collection agency business, and work on policy matters in administering RCW 19.16.

Your responsibilities are briefly outlined below. Please see associated sections for more detail.

- Attend board meetings; prepare as needed and actively participate
- Participate in board committees for specific projects
- Responsibly represent the board to the profession and public
- Public Disclosure

Board created—Composition of board—Qualification of members

RCW 19.16.280
There is hereby created a board to be known and designated as the "Washington state collection agency board." The board shall consist of five members, one of whom shall be the director and the other four shall be appointed by the governor. The director may delegate his or her duties as a board member to a designee from his or her department. The director or his or her designee shall be the executive officer of the board and its chair.

At least two but no more than two members of the board shall be licensees hereunder. Each of the licensee members of the board shall be actively engaged in the collection agency business at the time of his or her appointment and must continue to be so engaged and continue to be licensed under this chapter during the term of his or her appointment or he or she will be deemed to have resigned his or her position: PROVIDED, That no individual may be a licensee member of the board unless he or she has been actively engaged as either an owner or executive employee or a combination of both of a collection agency business in this state for a period of not less than five years immediately prior to his or her appointment.

No board member shall be employed by or have any interest in, directly or indirectly, as owner, partner, officer, director, agent, stockholder, or attorney, any collection agency in which any other board member is employed by or has such an interest.

No member of the board other than the director or his or her designee shall hold any other elective or appointive state or federal office.

Board — Initial members — Terms — Oath —Removal

RCW 19.16.290
The initial members of the board shall be named by the governor within thirty days after January 1, 1972. At the first meeting of the board, the members appointed by the governor shall determine by lot
the period of time from January 1, 1972, that each of them shall serve, one for one year; one for two years; one for three years; and one for four years. In the event of a vacancy on the board, the governor shall appoint a successor for the unexpired term.

Each member appointed by the governor shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified.

Any member of the board other than the director or his or her designee may be removed by the governor for neglect of duty, misconduct, malfeasance, or misfeasance in office, after being given a written statement of the charges against him or her and sufficient opportunity to be heard thereon.

**Board meetings — Quorum — Effect of vacancy**

**RCW 19.16.300**

The board shall meet as soon as practicable after the governor has appointed the initial members of the board. The board shall meet at least once a year and at such other times as may be necessary for the transaction of its business.

The time and place of the initial meeting of the board and the annual meetings shall be at a time and place fixed by the director. Other meetings of the board shall be held upon written request of the director at a time and place designated by him or her, or upon the written request of any two members of the board at a time and place designated by them.

A majority of the board shall constitute a quorum.

A vacancy in the board membership shall not impair the right of the remaining members of the board to exercise any power or to perform any duty of the board, so long as the power is exercised or the duty performed by a quorum of the board.

**Board — Compensation Reimbursement of Travel expenses**

**RCW 19.16.310**

**Board—Territorial scope of operations**

**RCW 19.16.320**

**Board—Immunity from suit**

**RCW 19.16.330**

**Board—Records**

**RCW 19.16.340**

All records of the board shall be kept in the office of the director. Copies of all records and papers of the board, certified to be true copies by the director, shall be received in evidence in all cases with like effect as the originals. All actions by the board which require publication, or any writing shall be over the signature of the director or his or her designee.
Additional powers and duties of board

RCW 19.16.351
The board, in addition to any other powers and duties granted under this chapter and RCW 18.235.030:

(1) May adopt, amend, and rescind rules for its own organization and procedure and other rules as it may deem necessary in order to perform its duties under this chapter.

(2) May inquire into the needs of the collection agency business, the needs of the director, and the matter of the policy of the director in administering this chapter, and make such recommendations with respect thereto as, after consideration, may be deemed important and necessary for the welfare of the state, the welfare of the public, and the welfare and progress of the collection agency business.

(3) Upon request of the director, confer and advise in matters relating to the administering of this chapter.

(4) May consider and make appropriate recommendations to the director in all matters referred to the board.

(5) Upon request of the director, confer with and advise the director in the preparation of any rules to be adopted, amended, or repealed.

(6) May assist the director in the collection of such information and data as the director may deem necessary to the proper administration of this chapter.

Rules, orders, decisions, etc.

RCW 19.16.410
The board may adopt rules, make specific decisions, orders, and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of the board's duties under this chapter.

Board Committees

The board chair may create committees of board members for specific projects. These committees may also include volunteers from the public.

Examples of these projects may include:

- Outreach Recommendations
- Policy or procedure recommendations development

Committee Reporting to the DOL and Public

Committees serve the purpose of establishing recommendations for the DOL around specific topics. Reporting these recommendations will be a two part process. Committee reports will be submitted
in writing approximately 4 weeks before the next board meeting. The report is submitted to the board, the DOL and the public via the website.

At the next board meeting the board opens the report for comment and if no changes are necessary the board moves to adopt the report as a recommendation. If only minor changes are needed the board may make those changes while in the board meeting and choose to adopt the report as a recommendation at that time. Should the report need significant changes the report will be withdrawn and submitted again at a later date once the changes have been made.

Once finalized, the completed committee report will be emailed to the DOL. The DOL will post the final recommendations on the DOL website to comply with open government requirements.

**Board Chair Responsibilities**

The Board Chair has several responsibilities to the board, the DOL and the general public. The board chair is responsible for running all public meetings, insuring that each topic is covered, and insuring that there is proper time for public comment. The board chair oversees all committees to insure that tasks are completed on time.

**Election of Board Chair**

The board chair position shall be voted on every year as the prior position becomes vacant or as necessary should a board chair position become vacant. To qualify for the position the board member must have sat on the board for at least 3 months prior to election and attended at least one board meeting in person.

The board chair position is a one year term with a maximum of two consecutive years of service. The board member may run for board chair again at a later date as long as they never serve as chair for more than two consecutive years.

**Electing the board chair position**

At the final meeting of the incumbent board chair the new board chair will be elected. If the position is uncontested the member who has applied will be elected the board chair effective at the end of the current meeting session. The members of the board will elect the chair.

**Ethics**

**Ethics in Public Service - RCW 42.52**

Board members are subject to the provisions of the Ethics in Public Service Act and may not use their position for private benefit or gain.

**Overview**

The State’s ethics law is founded on the principle that a public position, whether filled through election, appointment, or by hiring may not be used for personal gain or benefit. The standards established under the state’s ethics law, chapter 42.52 RCW, are based on the idea that State Officers
should not:

- Have financial or other interests, or engage in business or professional activities that conflict with the performance of their official duties.
- Use their state positions to secure special privileges or exceptions for themselves or any other person.
- Receive compensation from a source other than the State of Washington for the performance of their official board duties.
- Receive a gift if it could be reasonably expected to influence or reward the performance of their official duties.

Conflicts of Interest

While some conflicts are clear, others are more complex. Conflicts of interest involve the concepts of benefit and bias. When evaluating a potential conflict of interest ask yourself:

- Will your interests benefit as a result?
- Would a reasonable person conclude that a private or personal interest impairs your independent and impartial judgment in the exercise of your official duties?

Examples of conflicts:

- Having or acquiring a beneficial or financial interest in a contract, sale, lease, purchase or grant that is under your authority or supervision as a state officer.
- Accepting compensation, a gratuity or reward from someone else who has a beneficial interest in a contract, sale, lease purchase or grant under your authority or supervision.
- Acting in a state matter or transaction involving an entity or person in which you have a beneficial interest, or an entity in which you serve as an officer, agent, employee or member.
- Sharing in compensation or assisting others in transactions involving the state, when you had responsibility for these transactions as a state officer.

Use of State Resources

The state’s ethics law protects and limits the use of state resources- including equipment, office and conference space, vehicles, supplies, postage, and personnel- for the conduct of official state business. State resources may never be used to support an outside business. The following standards govern specific state resources:

- Phones. Local telephone calls to conduct reasonable personal business (medical and dental appointments, child care arrangements, transportation, etc.) are permitted. Long distance calls must be placed using a personal calling card. Cell phones are limited to business use.
- Email. Occasional personal email messages are permitted provided they do not relate to a prohibited use, such as an outside business or political campaigns.
- Internet. Internet use, other than to transmit email messages related to official duties, is
restricted to official duties, is restricted to official business purposes only. Agencies may adopt policies that allow de minimis use of the Internet approved by the Executive Ethics Board.

- **Receipt of Gifts, Gratuities, and Favors**
- There are two circumstances under which gifts, gratuities, and favors may not be accepted:
- If the gift, gratuity, or favor could reasonably be expected to influence the performance or nonperformance of official duties
- If the gift, gratuity, or favor could be considered as part of a reward for action or inaction.

*See Ethics quick guide under Other Resources.

**Open Government**

Open Public Meetings Act - RCW 42.30

The board, like all government, is responsible for providing accessible and transparent processes to the public.

The board is governed by public meeting rules. The rules are generalized below. All board meetings must be open to the public.

- The board must notify the public of its meetings
- Any time a majority of the board is present and board business is discussed, it is considered a meeting
- Email conversations can be considered meetings if they involve a majority of board members
- Meeting minutes are available to the public
- Any time 3 or more board members are present there is a quorum.

*Please see Open Public Meeting Q & A under Other Resources.

**Public Disclosure**

Public record” is broadly defined as any writing that contains information relating to the conduct of government or the performance of any governmental function that was prepared, owned, used or retained by any agency regardless of physical form. This includes paper, tapes, microfiche, CD’s, databases, emails, text messages, or chat session transcripts. The definition has been applied to each new medium that has been created, and as long as that medium contains information related to government operations, it will be considered a public record.

*See more information under Other Resources.
Board Pay
Compensation of members of part-time boards and commissions - RCW 43.03.240

(1) Any part-time, statutory board, commission, council, committee, or other similar group which has rule-making authority, performs quasi-judicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business, or industry shall be identified as a class three group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class three group is eligible to receive compensation in an amount not to exceed fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

(4) Beginning July 1, 2010, through June 30, 2011, no person designated as a member of a class three board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under section 605, chapter 3, Laws of 2010. Class three groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Meetings that require a member's physical presence at one location must be held in state facilities whenever possible. Meetings conducted using private facilities must be approved by the director of the office of financial management, except for facilities provided free of charge.

(5) Beginning July 1, 2010, through June 30, 2011, class three groups that are funded by sources other than the state general fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

Travel and Reimbursements

Subsistence, lodging and refreshment, and per diem allowance for officials, employees, and members of boards, commissions, or committees – RCW 43.03.050

Mileage allowance – RCW 43.03.060
Travel

Method of travel is determined based on what is most economical for the state. Typically in-state travel is all done by the board member’s privately owned vehicle. Any other form of travel must be pre-approved by the Department of Licensing’s Architect’s program.

Mileage reimbursement is paid up to the government limit (state rate). No receipts are needed.

If air travel is more economical, the Administrative Assistant will arrange the travel utilizing the state travel contract and the airfare will be paid by the agency. No reimbursement will be made to any board member for airfare that is arranged and paid for by the board member.

If a rental car is required for board travel, the Administrative Assistant will arrange the reservation utilizing the state rental car contract and the cost will be paid by the agency. Receipts are required to be submitted.

Reimbursements

Parking fees are eligible expenses that may be reimbursed to the board member. Receipts are required for reimbursement.

Hotel and per diem travel expenses for members of the advisory board are reimbursed according to section 10.70.20.b, option 1 of the Washington State Administrative and Accounting Manual (SAAM).

For allowable meal and lodging expenses, members are reimbursed at an hourly rate equal to 1/24th of the allowable per diem rate in effect at the time of travel for the specific area or locality. Reimbursement is then determined based on time spent in going to a meeting, attendance at a meeting, and returning from the meeting. We will not reimburse you for time spent doing activities unrelated to the board meeting.

- Hotel and meal receipts are not required.
- You will not be reimbursed for meals that are provided at the meeting.

Examples:

For a meeting held in Yakima County
Hourly rate = $5.38 per hour (Calculation: Lodging rate ($83) + Meal rate ($46) = $129.00 per day / 24 hours = $5.38 per hour)

For a meeting held in King County
Hourly rate = $9.29 per hour (Calculation: Lodging rate ($152) + Meal rate ($71) = $223.00 per day / 24 hours = $9.29 per hour)

Exceptions to the Maximum Allowable Lodging Amounts (Subsection 10.30.20) do not apply for board members attending board meetings.
To Receive a Reimbursement

After participating in a board activity (board members) to receive a reimbursement, you must submit to SHoneywell@dol.wa.gov the following information:

- Your round trip mileage to and from the meeting (to and from your home or work site only). *Do not include any mileage for travel unrelated to attending the board meeting.*
- The number of hours spent in travel status and participating in the board meeting. *Do not include time spent for activities unrelated to the board meeting such as visiting friends or shopping.* If an overnight stay is required or justified, you will include that time as part of your time spent in travel status.
- Cost and receipts for any additional travel expenses related to the board meeting (such as parking).

All board members will be paid their travel reimbursement through the state’s vendor payment system. To be set-up in the system, new members must complete the Statewide Vendor Registration Form (see attached).

*Other Resources*

- **Required online training**
- **Boards and Commissions Membership handbook (PDF)**
- **Open Public Meeting Act Q & A**
- **Travel Reimbursement Color map by County**
- **Travel Reimbursement Rates**
- **Ethics Quick Guide Sheet**
- **Public Record Act Quick Guide**
- **Public Records Act**

**Board Roster**

<table>
<thead>
<tr>
<th>Member</th>
<th>Role</th>
<th>Term Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frederick Wade</td>
<td>Chair</td>
<td>Ex-officio</td>
</tr>
<tr>
<td>Mari Neubauer</td>
<td>Public Member</td>
<td>December 31, 2022</td>
</tr>
<tr>
<td>Scott M Kinkley</td>
<td>Public Member</td>
<td>December 31, 2019</td>
</tr>
<tr>
<td>Mark Case</td>
<td>Licensee Member</td>
<td>December 31, 2020</td>
</tr>
<tr>
<td>Dirk Bunker</td>
<td>Licensee Member</td>
<td>December 31, 2021</td>
</tr>
</tbody>
</table>
North American Collection Agency Regulatory Association (NACARA) Annual Meeting

Background: The North American Collection Agency Regulatory Association (NACARA) anticipates holding their annual meeting in Nashville, TN in the fall of 2021. In the past staff have requested travel approval for one board member and one staff member to attend and represent Washington State. If the association holds an in person meeting, and if travel is allowed at that time, we would like to be prepared to request travel approval as we have done in the past.

Current Board members who have previously attended the annual meeting in person include, Ms. Neubauer, Mr. Kinkley, and Mr. Case.

Recommendation: Identify a primary and secondary board member to attend the conference if staff are able to register a board member when registration opens.

Submitted by Board Staff
April 6, 2021
Board Meeting

Tab 3

Old Business

Topics from past meetings, presented for update, action or further discussion by the board.
### Collection Agency Board
#### Board or Staff Assignments

<table>
<thead>
<tr>
<th>Date Assigned</th>
<th>Action Item</th>
<th>Assigned to</th>
<th>Comments</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/17/20</td>
<td>Review Governor Proclamation on garnished wages</td>
<td>Staff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/17/20</td>
<td>Schedule Special Board meeting</td>
<td>Ms. Hall</td>
<td>Done</td>
<td></td>
</tr>
</tbody>
</table>
Board Meeting

Tab 4

Complaint Cases for Review

Complaint closure recommendations presented by the assigned case manager.

Board action is required on each case.
### Collection Agency Board Administrative Closures

<table>
<thead>
<tr>
<th>5 cases of no jurisdiction</th>
<th>26 cases with no violation</th>
<th>2 cases recommended to be closed by case manager</th>
<th>2 Complaints withdrawn or opened in error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received the complaint.</td>
<td>Received the complaint.</td>
<td>Received the complaint.</td>
<td>Received the complaint.</td>
</tr>
<tr>
<td></td>
<td>Determine if there was a violation.</td>
<td>Assign and send case to case manager.</td>
<td>Notify Respondent that case has been closed.</td>
</tr>
<tr>
<td></td>
<td>No?</td>
<td>Receive case manager recommendation to close.</td>
<td></td>
</tr>
</tbody>
</table>

**Completed April 2, 2021**
Board Meeting

Tab 5

Legal Issues for Deliberation

Negotiated settlement orders or default orders presented by the board’s prosecution team.

Board action is required on each order.
Disciplinary & Investigation Reports

Standard disciplinary reports and a list of any administratively-closed complaints.

Provided for information only – typically no board action is needed.
Board Meeting

Tab 7

Assistant Attorney General’s Report

Presentation of general legal issues of interest to the board.

Provided for information only – typically no board action is needed
Board Meeting

Tab 8

Board Administrator’s Report

Operational reports and information about legislative matters of interest to the board.

Provided for information only – typically no board action is needed.
Collection Agency Licensee Counts as of April 1, 2021

<table>
<thead>
<tr>
<th>Licensee Count</th>
<th>Collection Agency</th>
<th>Collection Agency Branch</th>
<th>Out Of State Collection Agency</th>
<th>Out Of State Collection Agency Branch</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensee Count</td>
<td>273</td>
<td>271</td>
<td>405</td>
<td>561</td>
<td>1510</td>
</tr>
</tbody>
</table>

Licensee Counts by Type

- **Out of State Collection Agency Branch**: 561
- **Out of State Collection Agency**: 405
- **Collection Agency Branch**: 271
- **Collection Agency**: 273

Grand Total: 1510
Collection Agency Complaint Status as of April 1, 2021

<table>
<thead>
<tr>
<th>Complaint Status</th>
<th>Program Type</th>
<th>Case Manager</th>
<th>Closed</th>
<th>Investigation</th>
<th>Legal</th>
<th>*Management Review</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Collection Agency</td>
<td>*Dirk Bunker</td>
<td>1</td>
<td></td>
<td>3</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>*Mark Case</td>
<td>1</td>
<td></td>
<td>4</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>*Scott Kinkley</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>n/a</td>
<td>87</td>
<td>6</td>
<td>4</td>
<td></td>
<td>97</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>89</td>
<td>7</td>
<td>4</td>
<td>7</td>
<td>107</td>
</tr>
</tbody>
</table>

Note: Closed status as of November 2019

Investigation Status Categories with Description

- **Daily Intake** – This status is automatically generated when a complaint is filed via the portal or the back office. Cases will stay in this status until a response to the complaint is received from the Respondent. At that time the status will change to investigation.

- **Investigation** – This status is used while complaints are actively being worked by the investigator.

- **Management Review** – This status is used for various steps between the investigation and the decision to either charge or close the case.

- **Legal** – This is the status used when a case is going through the formal charges process.

- **Closed** – This status is used when the case is completed.
  - **Monitor Sanctions** – This sub status is used when an Agreed Order has been signed and there are sanctions to monitor.
Review of action items from this meeting, agenda items for the next meeting, and discussion of topics added under the Order of the Agenda.
Public Comment

The board has the option to allow comment from the public on agenda items or other topics, unless the comment is related to an open investigation.

The board may limit the comment period, and will provide instructions if it chooses to do so.
Board Meeting

Tab 11

Adjournment