

**MINUTES OF
THE STATE BOARD OF COLLECTION AGENCIES
MEETING**

August 15, 2012

A meeting of the State Board of Collection Agencies was held on August 15, 2012 at 10:00 a.m. in the Board Room of Lafayette Square located at 523 South Louisiana Street in Little Rock, Arkansas. Chairman Rusty Guinn, Vice Chairman Jerry Markham, Secretary-Treasurer Steve Copley, Board Member Robert Watkins and Peggy Matson, Executive Director, were present.

Rusty Guinn, Chairman of the Board, called the meeting to order.

The Chairman noted that notice of the meeting had been given in accordance with the Arkansas Freedom of Information Act.

Passive Debt Buyers. Manny Newberger of Barron & Newberger in Austin, Texas made a presentation regarding debt buyers and then requested that passive debt buyers, i.e., persons or entities that purchase debts then assign them to attorneys or collection agencies for collection, be exempted from the definition of collection agencies found at A.C.A. 17-24-101. Mr. Copley made a motion which was seconded by Mr. Markham that the following language be adopted:

IT IS HEREBY RESOLVED that the Arkansas State Board of Collection Agencies recognizes as exempt from collection agency licensure in Arkansas any entity that purchases or receives an assignment of ownership of a debt that is in default at the time of assignment provided that the debt buyer: 1) does not attempt to collect debts directly either for itself or others; 2) undertakes collection efforts solely through third-party collection agencies or law firms; 3) maintains no place of business in Arkansas. This resolution is not a change in the law; rather it is a clarification of existing law.

Mr. Guinn, Mr. Markham and Mr. Copley voted to adopt the motion and Mr. Watkins voted against the motion. The motion passed.

Consideration of Minutes. The Board reviewed the Minutes from its meeting held on May 16, 2012. Mr. Copley made a motion, seconded by Mr. Watkins, that the minutes be approved as presented. The motion carried.

Financial Report. Ms. Matson presented a report of the agency's financial status from April, 2012 through August, 2012. The Agency's checking account had a balance of \$1,521,334.73 and the amount of its certificate of deposit was \$2,998,216.50. The financial report was accepted as presented.

N.A.C.A.R.A. Ms. Matson reported that the 2012 NACARA Annual Meeting will be held on September 18-20 at the French Quarter Hyatt in New Orleans, Louisiana.

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Purchase of Database Software. Ms. Matson reported that the new FileMakerPro data base is on track to be installed at the end of the year.

Collection Agency Licenses. Ms. Matson stated that currently 1,227 licenses have been renewed and 67 licenses that have not been renewed.

There being no further business, Mr. Markham made a motion that the meeting be adjourned. Mr. Watkins seconded the motion. Meeting adjourned.