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STATE OF COLORADO
DEPARTMENT OF LAW

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CONSUMER CREDIT UNIT
COLLECTION AGENCY REGULATION

May 1, 2016

COLORADO COLLECTION AGENCY LICENSE RENEWAL INSTRUCTIONS
Licensing Year 2016-2017

Colorado collection agency licenses expire **July 1** of each year and must be renewed annually. If you timely file a complete application, you may continue to operate until your application is approved or denied. Although renewed licenses are effective July 1, 2016, your license certificate will be emailed at a later date.

To surrender your license, send a letter stating the date the license should be cancelled.

If you have questions contact us by e-mail at car@coag.gov or call (720) 508-6020.

RENEWAL DEADLINES

Deadline July 1 A completed license renewal application and renewal fee must be received in our office. A collection agency license will automatically expire if a completed license renewal application and license renewal fee are not received by 5:00 p.m. on **July 1**.

FEES

The license renewal fee for 2016-17 is **\$1,000.00**. Make checks payable to Colorado Fair Debt Collection Practices Act. You have the option to pay by credit card or electronic check at www.coag.gov/car/renew. Please note there is a fee for this service. Although your license renewal fee may be deposited upon receipt of the application, this does not constitute approval of your renewal application. If your license renewal application is denied, the renewal fee will be refunded.

NOTIFICATION OF CHANGES & REAPPLICATION REQUIREMENTS

If there have been any changes in your operations, structure, address, or name, carefully review section 12-14-122, C.R.S. and Rule 3.01 of the Rules of the Administrator. Some changes require that you notify the Administrator in writing or file a new license application within 30 days. **If you fail to do so, your license automatically expires and you may be subject to administrative fines, disciplinary action, and private lawsuits.** If your license has expired, court judgments you obtained during the time you were unlicensed may be invalid.

CHANGE IN COLLECTIONS MANAGER

If you have a change in collections manager, you must include a completed Collections Manager form, available on our website at www.coag.gov/car/licensing. In addition to the completed form, provide the effective date of the change. Please see Rule 1.01 of the Rules of the Administrator.

COLORADO LOCAL OFFICE

All of your written communications to consumers must include your Colorado local office address and your local telephone number. Please see section 12-14-123(1)(b), C.R.S. and Rule 1.09 of the Rules of the Administrator.

COLLECTIONS/REMITTANCE INFORMATION

Please note – new form for 2016

All licensees must provide collections or remittance information for the last 12 months ending in April 2016. Collection agencies that do not receive consumer payments, because payments are made directly to the creditors or the clients, only need to check #1 and sign and date the form.

VERIFIED FINANCIAL STATEMENT

Please note – new form for 2016

A collection agency renewing its license must submit a verified financial statement for the immediate preceding year. **The use of our designated Verified Financial Statement form is mandatory. We will not accept your agency's audited or non-audited financial statement in lieu of a completed Verified Financial Statement on our form.**

OUT-OF-STATE TRUST ACCOUNTS

You may maintain your required trust account at an out-of-state financial institution if you file the attached affidavit ***each year***. You must submit a separate form for each out of state trust account. Please see section 12-14-123(1)(c), C.R.S. and Rule 3.01(1) of the Rules of the Administrator.

LAWS & RULES

Copies of the Colorado Fair Debt Collection Practices Act, Colorado Child Support Collection Consumer Protection Act, and Rules of the Administrator are available at www.coag.gov/car. In addition, advisory opinions are posted at the web site.

NEW FOR 2016-2017

New Website – In January of this year you were notified of our agency’s new website, www.coag.gov. All current forms and information relating to collection agency regulation can be found at www.coag.gov/car/licensing. Per section 12-14-105(3)(c), C.R.S. your initial written communication to consumers should have been updated to contain the following web address: www.coag.gov/car.

License Renewal Certificates - License certificates will be sent by e-mail to each and every collection agency whose license has been approved for renewal. Therefore, you must provide the name and e-mail address of your agency’s licensing contact.

COLORADO FAIR DEBT COLLECTION PRACTICES ACT

RENEWAL LICENSE CHECK LIST

You may find the following list helpful to ensure you have filed all necessary documents. Do not return this checklist with your renewal application.

- _____ Renewal application completed and signed
- _____ Check payable to Colorado Fair Debt Collection Practices Act for **\$1,000.00** license renewal fee or pay by credit card or electronic check
at: www.coag.gov/car/renew
- _____ Collections Manager form for new manager (if applicable). The form is available
at: www.coag.gov/car/licensing
- _____ Collections/Remittance Information for the last 12 months ending in April 2016
- _____ If required to hold a surety bond, verify correct amount is being maintained (see § 12-14-124, C.R.S.)
- _____ Verified Financial Statement for the immediate preceding year on our form only
- _____ Out-of-state trust account affidavit(s) (if applicable)
- _____ Branch office list completed and signed (if applicable)
- _____ Ensure your complete application is delivered to our office by **July 1, 2016**. You may wish to use overnight mail or another method that provides proof of delivery.

If you have any questions about the license renewal application, please e-mail us at: car@coag.gov.

STATE OF COLORADO
ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

2016-17 COLLECTION AGENCY LICENSE RENEWAL APPLICATION

Deliver completed license renewal application and \$1,000.00 fee on or before July 1, 2016 to:

Administrator, CFDCPA
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, CO 80203
E-mail: car@coag.gov Tel: (720) 508-6020

1. License number of collection agency _____
2. Legal name of collection agency _____
(Corporation, LLC, partnership, or individual person's name for sole proprietorship)
3. Registered trade name(s) used in collections. (Trade names must be filed with Colorado Secretary of State. Copies must be on file with this office)

4. Physical address of *principal* place of business

(Street) (City) (State) (Zip)
5. Mailing address of collection agency (if different from #4)

(Street or PO Box) (City) (State) (Zip)
6. Colorado *local* office physical address and local telephone number (if different from #4)

(Street) (City) (State) (Zip) (Telephone number)
7. Non toll-free telephone number (if available) _____ Fax _____
8. Mandatory toll-free number(s) _____
9. Licensing Contact _____
(Name) (Direct Telephone) (Email)
10. Complaint Contact _____
(Name) (Direct Telephone) (Email)
11. Name of Colorado Collections Manager _____
Direct telephone # _____ **E-mail** _____

12. Since last renewal or original application, has the applicant (the licensee), its owners, officers, collections manager, solicitors, or debt collectors, been the subject of any legal, disciplinary, administrative, or enforcement action(s) by any government agency or regulatory authority in any jurisdiction? No ___ Yes ___ If yes, provide details and copies of any judgment, order, settlement agreement or consent order. Attach additional pages if necessary.

13. Since last renewal or original application, has the applicant (the licensee), its owners, officers, collections manager, solicitors or debt collectors, been named a defendant(s) in any civil action filed in connection with the business of debt collection? No ___ Yes ___ If yes, provide details and copies of the court judgment or order or settlement agreement. Attach additional pages if necessary.

14. Have any of the applicant's owners, partners, members, officers, directors, collection managers, debt collectors, or solicitors ever been convicted of or entered a plea of guilty or nolo contendere to theft, concealing stolen goods, forgery, fraud, offenses related to the Uniform Commercial Code or financial transaction devices, computer crime or any similar crime in Colorado or in any other federal or state jurisdiction? No ___ Yes ___ If yes, provide details and copies of the court judgment or order. Attach additional pages if necessary.

15. Is applicant a debt-purchaser or debt-buyer only (does not take any assignment of debts for collection, from other creditors, debt-buyers or other collection agencies)?

No ___ Yes ___

16. What percentage of your collection accounts relate to members of the U.S. military service?

17. Does the applicant record telephone conversations with consumers?

No ___ Yes ___ If yes, how long are these recordings retained? _____

18. Payment Method: Check Enclosed ___ Credit Card ___ Electronic Check ___

NOTE: Statements made herein are under oath. False statements may be punishable as second-degree perjury.

Date

(Signature of Officer, Partner, or Owner)

(Print Name and Title)

STATE OF COLORADO
 ADMINISTRATOR
 COLORADO FAIR DEBT COLLECTION PRACTICES ACT
COLLECTIONS/REMITTANCE INFORMATION

Legal Name of Collection Agency _____

License Number _____

Each applicant must affirm its collection activity and follow the related instructions:

1. ___ Applicant (licensee) does not receive any consumer payments because all payments are made directly to the creditor. **(Skip the monthly collections/remittance information and date and sign this form)**
2. ___ Applicant (licensee) receives consumer payments and remits collections to its clients. **(List net monthly amounts remitted or to be remitted from all branches and to all clients (Colorado clients and out-of-state clients), date and sign this form)**
3. ___ Applicant (licensee) is exclusively a debt purchaser. **(List your monthly collections from all sources (Colorado and out-of-state), date and sign this form)**

Monthly Collections/Remittance Information

May 2015	\$ _____	Nov. 2015	\$ _____
June 2015	\$ _____	Dec. 2015	\$ _____
July 2015	\$ _____	Jan. 2016	\$ _____
Aug. 2015	\$ _____	Feb. 2016	\$ _____
Sept. 2015	\$ _____	Mar. 2016	\$ _____
Oct. 2015	\$ _____	Apr. 2016	\$ _____

12 MONTH TOTAL \$ _____ ÷ 12 = \$ _____ (Average Monthly Amount)
 (use actual number of months of operation if less than 12 months)

I certify that the information contained herein is correct and filed under oath. False statements may be punishable as second-degree perjury.

 (Date)

 (Signature of Officer, Partner, or Owner)

 (Print Name and Title)

STATE OF COLORADO
ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

VERIFIED FINANCIAL STATEMENT

Collection Agency Name _____

I. Statement of Assets and Liabilities as of (date) _____

Assets

Cash on Hand \$ _____

Cash in Bank

(a) Operating Accounts \$ _____

(b) Other Bank Accounts \$ _____

Accounts Receivable \$ _____

Property, Furniture & Fixtures \$ _____

Other Assets \$ _____

TOTAL ASSETS \$ _____

LIABILITIES

Accounts Payable & Accrued Expenses

(a) Current \$ _____

(b) Long Term \$ _____

Taxes payable \$ _____

Other Liabilities \$ _____

TOTAL LIABILITIES \$ _____

TOTAL NET WORTH* \$ _____

*Net Worth must equal Total Assets minus Total Liabilities

IF A NEGATIVE NET WORTH IS REPORTED, ATTACH AN EXPLANATION TO THIS FORM.

II. Trust Account

§12-14-123(1)(a), C.R.S. requires applicants (licensees) at all times to maintain a minimum amount that is the total sum of not less than two thousand five hundred (\$2500) dollars MORE than all sums due and owing to all clients.

___ I affirm that applicant (licensee) is in compliance with requirements of §12-14-123(1)(a).

OR

___ I affirm that applicant (licensee) is solely a debt purchaser and pursuant to Rule 3.01(4) is not required to maintain the minimum liquid assets referred to in §12-14-123(1)(a).

Statements made herein are made under oath. False statements may be punishable as second degree perjury.

(Date)

(Signature of Officer, Partner, or Owner)

(Print Name and Title)

Subscribed and sworn to before me in the County of _____, State of _____, on this _____ day of _____ 20_____.

NOTARY PUBLIC

My Commission expires:

STATE OF COLORADO
ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

OUT OF STATE TRUST ACCOUNT AFFIDAVIT

(Use only for out-of-state trust accounts)

I, _____
(legal name of collection agency, referred to below as “affiant”), do hereby swear and affirm under penalty of perjury that the following information is true and correct:

1. Affiant is licensed as a collection agency by the Administrator of the Colorado Fair Debt Collection Practices Act and/or is applying for a Colorado collection agency license.
2. Affiant maintains one or more trust accounts (“account”) in a state(s) other than the State of Colorado. Provide the trust account number or numbers, name, address, telephone of the bank: **(For each trust account - submit a separate affidavit).**

Trust Account No: _____

Bank Name: _____

Bank Address: _____

Telephone No: _____

3. The account is used for the benefit of affiant’s clients located in the State of Colorado. The account may also be used for the benefit of affiant’s other clients.
4. The funds maintained in the account contain, at all times, sufficient funds to pay all sums due and owing to all of affiant’s clients.
5. The funds maintained in the account are used only for purposes of paying affiant’s clients and the account is not used as an operating account.
6. Affiant acknowledges that the account, although not maintained in a financial institution within the State of Colorado, may be attached upon order of a Colorado court and authorizes such attachment.

(Date)

(Signature of Officer, Partner, or Owner)

(Print Name and Title)

Subscribed and sworn to before me in the County of _____, State of _____, on this _____ day of _____ 20_____.

My Commission expires:

NOTARY PUBLIC

STATE OF COLORADO
ADMINISTRATOR
COLORADO FAIR DEBT COLLECTION PRACTICES ACT

BRANCH OFFICE LISTING

(Return if applicable)

Legal Name of Collection Agency _____

License Number _____

List any new branch offices that contact Colorado residents or collect for clients with a place of business in Colorado that has been added since July 2015 and not previously reported. Do not include the principal place of business (question #4 of the renewal license application). In addition, list any previously reported branch offices that closed since July 2015. (Attach additional pages if necessary).

<u>New Branch Office Address</u>	<u>Effective Open Date</u>	<u>Branch Telephone Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

<u>Closed Branch Office Address</u>	<u>Effective Close Date</u>	<u>Branch Telephone Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Date)

(Signature of Officer, Partner or Owner)

(Print Name and Title)