



Educational Offerings

The Debt Buyer Identity Crisis: Active, Passive, or Something Different?

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Not all entities that purchase defaulted debt are subject to the FDCPA as the U.S. Supreme Court's 2017 decision in *Henson v. Santander* held. Although *Santander* addressed the issue in the context of a national bank, the decision fueled discussion (and several cases) raising the possibility that certain debt buying companies may not be FDCPA debt collectors. What kind of entities can those be and how would those entities be structured? Jack Metzler, an attorney in the Office of the General Counsel for the Federal Trade Commission, Dara Tarkowski of Actuate Law and Don Maurice of Maurice Wutscher for a lively discussion of the impact of *Santander* on debt buyers and how their activities, whether passive, active or something else, have become critical questions.

Pricing:

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Course Presenters:



Don Maurice is a partner at Maurice Wutscher representing the financial services industry in compliance matters, trials and appeals of individual and class actions. Don is a Regent of the American College of Consumer Financial Services Lawyers and serves on the Governing Committee of the Conference on Consumer Finance Law. He formerly chaired the Debt Collection Practices and Bankruptcy Subcommittee of the American Bar Association and serves as outside counsel to Receivables Management Association International, the trade association for debt purchasers. He is admitted to the Bars of Massachusetts, New York, New Jersey and the District of Columbia and has practiced law since 1988.



Dara Tarkowski concentrates her practice on the defense of creditors in litigation and regulatory matters, including matters involving the FDCPA, FCRA, TCPA, state consumer protection laws, licensing, and regulatory advocacy. Dara acts as outside general counsel to debt buyers and collection agencies and counsels her debt collection and debt buying clients with respect to policies and procedures and responding to consumer complaints with the CFPB. Dara has represented clients before the CFPB in connection with supervisory audits, investigations, and self-disclosures to the Bureau. Finally, Dara counsels clients in navigating requirements surrounding the preservation and production of electronic information and information governance.



Jack Metzler is an attorney in the Office of the General Counsel for the Federal Trade Commission, where he handles appeals in the Commission's antitrust and consumer protection matters, and trial-level litigation in a variety of matters in which the Commission has been sued. Jack has represented the Commission as amicus in several Fair Debt Collection Practices

Act cases. Jack is a graduate of George Mason University and Georgetown University Law Center, where he graduated summa cum laude and was an editor of the Georgetown Law Journal. Following law school, Jack clerked for Judge Tjoflat of the U.S. Court of Appeals for the Eleventh Circuit. Before joining the FTC, Jack specialized in Supreme Court and appellate litigation at Covington & Burling. He is the editor and publisher of The Solicitor General's Style Guide and The Supreme Court's Style Guide, the co-author of Posner Thoughts: Annotated, and the inventor of the (cleaned up) parenthetical. Jack also serves on the D.C. Court of Appeals Committee on Unauthorized Practice of Law.