

David Schultz Analyzes in ARM Compliance Digest: Class Action Accuses Collector of Violating FDCPA via Text Message

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In the June 27, 2022 edition of the *ARM Compliance Digest*, Hinshaw partner David Schultz discusses a class-action filed in federal court in North Carolina that accused a collector of violating the Fair Debt Collection Practices Act by sending a text message to a consumer that created “a false sense of urgency” because of how it was worded, and for not identifying itself as a debt collector when it was contacted by the plaintiff:

When I first heard of a new FDCPA complaint filed over a text I thought it must involve Regulation F issues. It does not. There is no reference to the new rules. However, *Rivera v Capital Link Management* packs a lot of issues in it. One class count is over the text and how it lacks numerous items one might expect in a collection communication (for instance, *Evory* settlement safe harbor and a reference to “debt collector”). The other count is over comments made in a collection call (for instance, about a “mediation” service and “legal documents”).

This is only a complaint. I had to remind myself of that a few times. The defendant likely has explanations and we’ll follow it to see what they are. In the least, the pleading highlights one of the risks of texts: how do you format the communication to cover needed content? That is a discussion that goes well beyond this short blurb.

[Read the full June 27, 2022 edition of the AccountsRecovery.net Compliance Digest.](#)

“Class Action Accuses Collector of Violating FDCPA via Text Message,” *ARM Compliance Digest*, June 27, 2022

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