

Wrong Numbers, Enraged Relatives, and Settled Debts: Too Many Illegal Debt Collection Robocalls Go Unchecked

More than [30 billion robocalls](#) were dialed to U.S. consumers in 2017, many of which were calls placed to cellphones for the purpose of collecting a debt. The Telephone Consumer Protection Act (TCPA) gives consumers a say in who can call their cellphone, requiring debt collectors and all non-emergency callers to obtain consent before using an automated dialing system (autodialer) to dial a cellphone number. But sometimes debt collectors have the wrong number and in many of those cases, they keep calling long after they've been told they have the wrong number. Other times, they call friends and relatives of the borrower who have no knowledge of the debt and have not provided consent. The following cases are representative of the [more than 4,000 lawsuits](#) filed in 2017 addressing violations of consumers' rights under the TCPA and the nearly [10,000 consumer lawsuits](#) brought under the Fair Debt Collection Practices Act.

Who is Kenya Johnson? Amber Goins of Florida received frequent calls from Palmer Recovery Attorneys, an Orlando-based debt collection firm acting on behalf of Walmart in hopes of collecting a debt owed by Kenya Johnson. Ms. Goins told the callers countless times that she was not Kenya Johnson and that she did not know anyone by that name. Each time, the callers assured her that her number would be removed from their list, but it wasn't. The wrong number robocalls kept coming until Ms. Goins filed a lawsuit that was later settled. *Goins v. Palmer Recovery Attorneys, PLLC*, Case No. 6:17-cv-00654 (M.D. Fla. Apr. 26, 2018).



We haven't spoken in years, why am I getting your debt collection calls? In efforts to collect on William Lamey of Mississippi's student debt, loan servicer Navient called Mr. Lamey's ex-girlfriend from more than ten years prior. Navient also called Mr. Lamey's mother, and stepfather in efforts to collect a debt. None of the called parties had provided consent to receive the calls. Mr. Lamey's lawsuit against Navient is ongoing. *Lamey v. Navient Solutions, LLC*, Case No. 3:17-cv-00945 (S.D. Miss.).



Rosemary's debt. Jamie Davis of Massachusetts received up to three calls a day from Diversified Consultants, a Jacksonville-based debt collector asking for someone named Rosemary. Mr. Davis told Diversified that he did not know anyone named Rosemary and they promised to stop calling his phone number. But still, the robocalls continued. Mr. Davis was forced to file a lawsuit that was settled out of court. *Davis v. Diversified Consultants, Inc.*, Case No. 1:13-cv-10875 (D. Mass. Oct. 15, 2014).

Paid in full. Kia Elder of Pennsylvania received at least two calls per day for more than nine months regarding a \$527 cable bill she had with Comcast, yet Ms. Elder had paid the debt more than three years prior to receiving the calls. Despite informing Comcast that the debt was paid and asking repeatedly for the cable giant to stop calling, the automated robocalls did not stop until Ms. Elder filed a lawsuit that was later dismissed. *Elder v. Comcast Corporation*, Case No. 2:15-cv-03834 (E.D. Pa. Dec. 28, 2015).

The TCPA gives consumers the right to tell debt collectors to stop making unwanted robocalls, but they aren't listening, even when they are calling the wrong number. The FCC must reign in abusive debt collection robocalls by maintaining a broad autodialer definition and strong consumer protections.