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To: [DFPI Regulations](#)
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Comments Regarding Rulemaking

Scope of the DCLA

- A. The DCLA definition of “debt collector” conflicts with the Rosenthal Act’s definition of “debt collector.” The Rosenthal Act at Civil Code section 1788.2(c) specifically excludes an attorney or counselor at law from the definition of “debt collector” whereas the DCLA does not.

Proposed Rule: The DCLA does not apply to an attorney or counselor at law who may regularly engage in debt collection solely through the judicial process.

Reasoning: The distinction between an attorney or law practice who does not have a call center and does not regularly contact consumers versus an attorney or law practice who does have a call center and regularly engages in debt collection without any intent to pursue legal action relating to the debt would provide clarity and reconcile the conflict between the DCLA and the Rosenthal Act. Licensing attorney’s who do nothing more than use the judicial process to collect debt imposes an undue burden on the attorney’s practice when that practice does not regularly contact consumers, does not operate a call center, and does not regularly send notices to consumers (except those notices required by law prior to initiating legal action or during the course of judicial proceedings). California attorneys are already licensed in accordance with Business and Professions Code section 6060 et al and attorneys are already subject to the disciplinary action through the California State Bar.

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