UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

July 28, 2006

Rozanne M. Andersen, Esq.
ACA International
4040 West 70th Street
Minneapolis, Minnesota 55435

Andrew M. Beato, Esq.
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1100 Connecticut Avenue, N.W.
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Washington, D.C. 20036

Re: Petition of ACA International for Advisory Opinion

Dear Ms. Andersen and Mr. Beato:

The Federal Trade Commission has received the petition of ACA International ("ACA") for an advisory opinion pursuant to Sections 1.1-1.4 of the Commission's Rules of Practice, 16 C.F.R. §§ 1.1-1.4 ("Rules"). I apologize for the delay in responding to your request. In the petition, you present the following questions:

> Under section 806(6) of the FDCPA, must a debt collector identify a corporate name in order to meaningfully disclose the caller's identity in a telephone call that results in an electronic voice mail message for the debtor? If a corporate name must be disclosed, what specifically must be disclosed when the corporate name implies the collection of a debt, thereby potentially violating the third-party disclosure prohibition of section 805(b)? If the voice mail message is the initial oral communication with the debtor, must the debt collector deliver a "mini-Miranda" disclosure under section 807(11) to notify the debtor that he or she is attempting to collect a debt and that any information obtained will be used for that purpose?

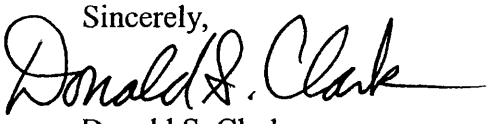
Section 1.1(a) of the Rules provides that the Commission will consider requests for advisory opinions and inform the requesting party of the Commission's views, where practicable, under the following circumstances: "(1) The matter involves a substantial or novel question of fact or law and there is no clear Commission or court precedent; or (2) The subject matter of the request and consequent publication of Commission advice is of significant public interest."

Section 1.1(b) of the Rules further provides that the Commission has authorized the staff to consider all requests for advice, and pursuant to that provision, I have reviewed your request for an advisory opinion.

A number of federal district courts have ruled consistently on the questions you raised in the petition. Based on these decisions, there is clear court precedent for the proposition that a debt collector leaving a voice mail message must reveal the name of his employer, even if the name indicates that the message involves a debt. *Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F. Supp. 2d 1104 (C.D. Calif. 2005); *Joseph v. J.J. Mac Intyre Cos, L.L.C.*, 281 F. Supp. 2d 1156 (N.D. Calif. 2003); *Wright v. Credit Bureau of Georgia, Inc.*, 548 F. Supp. 591, *on reconsideration on other grounds*, 555 F. Supp. 1005 (N.D. Ga. 1982). Courts also have addressed the issue of whether a debt collector leaving a voice mail message must convey the mini-Miranda disclosure. The decisions are uniform in concluding that a collector failing to do so violates Section 807(11). *Stinson v. Asset Acceptance, LLC*, 2006 U.S. Dist. Lexis 42266 (E.D. Va. June 12, 2006); *Foti v. NCO Financial Systems, Inc.*, 424 F. Supp. 2d 643 (S.D.N.Y. 2006); *Hosseinzadeh,* 387 F. Supp. 2d at 1116. *See also Chlanda v. Wymard*, 1995 U.S. Dist. Lexis 14394, *32 n.16 (S.D. Ohio 1995) (voice mail message requesting that the consumer pay a credit card debt violated Section 807(11) because it did not include that provision's notice).

For the foregoing reasons, your request for an advisory opinion does not satisfy either of the prerequisites prescribed by the Commission Rules of Practice, and accordingly cannot be granted.

Sincerely,



Donald S. Clark
Secretary