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Atty. Alexander Ullenberg's

# GETTING PAID BULLETIN

Your source for information on collecting the money you're owed, promptly and legally.†

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April 2001

## WISCONSIN DEBT COLLECTION LAWS

### Wisconsin Consumer Act Debt Collection Regulations

If the Wisconsin Consumer Act applies to you (see the March 2001 edition of the Getting Paid Bulletin), you cannot do the following when attempting to collect debts from consumers or agricultural businesses: (Wis. Stats. §427.101, et. seq.)

1. Threaten to or physically harm the customer, their dependents, or property;
2. Threaten criminal prosecution;
3. Negligently threaten to or actually disclose false information on the consumer's credit reputation;
4. Prior to judgment, threaten to or actually communicate with the consumer's employer except to arrange a voluntary revocable wage assignment, verify employment status or earnings, or cooperate with the employer's established employee debt counseling procedures;
5. Negligently threaten to or disclose any information on the consumer's reputation to any

person (other than the consumer or their spouse) who does not have a legitimate business need for the information, except if permitted by other law;

6. Negligently threaten or fail to disclose that a consumer disputes a debt when communicating about the disputed debt;
7. Communicating with consumers or someone related to them so frequently, or at such unusual hours, or in any other manner which could reasonably be expected to harass or threaten them;
8. Use obscene or threatening language when communicating with the consumer or any person related to them;
9. Do anything which could reasonably be expected to threaten or harass the consumer or any person related to them;
10. Threaten or attempt to enforce a right you know you don't have; (this is the "catch-all" prohibition which forces you to assume the responsibility for any mistakes you may make);
11. Threaten to do something

which you do not intend to do or which you do not regularly do;

12. Communicate with anyone, orally or in writing, in a manner which falsely simulates legal proceedings or gives the appearance of being issued or approved by the government or an attorney;
13. Violate an administrative rules of the Wisconsin Department of Financial Institutions promulgated under this statute.

*(Continued on page 2)*

**More Free Collection Information.** Find back issues, time-proven advice and tips, and collection services at the Collection Center at UllenbergLaw.com Or request our free packet of debt-collection articles: 10 Easy Ways You Can Collect More Money Owed You and Write Off Fewer Bad Debts, 12 Fatal Mistakes Businesses Make When Extending Credit, and more. Call us at (920) 924-9878 or send us your name and address / email / fax number to Ullenberg@hotmail.com or fax to (920) 924-9895!

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† Do not regard these articles as legal advice. The complexity of laws and people's problems make it difficult to give legal advice without knowing the facts of each case or situation. Call us for your legal needs or seek other professional advice before acting.

(Continued from page 1)

**Other General Laws Regulating Your Debt Collection Activities.** Even if the Wisconsin Consumer Act does not apply to your situation, you are still prohibited from harassing your debtor, inflicting emotional distress, maliciously prosecuting

them or abusing legal process, defrauding them, interfering with their contractual relationships, invading their privacy, defaming them, libeling or slandering them, converting their property, trespassing, or assaulting them.

**More to Follow!** In the next few months we will be addressing

some of these requirements in depth, as well as other laws and regulations which could affect you while collection consumer debts owed to you.

**Excuse of the Month:** “My ex-wife got everything when we divorced. Get the money from her!”

**Seminar Notice.** We’re working on our year 2001 seminars now. Anything you’d like to see? Drop us a note. Thanks.

**Got a Question or Good Excuse?** Send it to Ullenberg@hotmail.com or fax to (920) 924-9895. We’ll include your name and city with your question or excuse, unless you ask us not to.

**May We Ask a Favor?**

**How Do You Like the New Look?** Easier to read, easier to find things, more informative? Would you like to see 4 pages instead of this 2-page format? We’d like to know your thoughts...

**Help Us Keep Our Fees Low.** Can we email / fax this newsletter to you? As you already know, a successful collection depends on quick action. We’d like to get these bulletins to you quickly and also keep our mailing costs low (and our fees reasonable.) Please send us your email address or fax number.

**Share the Knowledge.** If you’d like to share this bulletin with friends and colleagues, feel free to do so (but include our copyright notice). Or better yet, invite them to subscribe so they receive this free Bulletin themselves. To subscribe send us an email, fax, or note with your name and address, or better yet, your email / fax number. To unsubscribe, let us know at anytime.

**Atty. Alexander Ullenberg** has represented clients in hundreds of



lawsuits across Wisconsin from high-volume small-claims collections to complex bankruptcy litigation.

He is a guest lecturer at the University of Wisconsin Law School and a former business law instructor for Marian College of Fond du Lac.

Alex lives in Fond du Lac, Wisconsin, where he is an active member of the State Bar of Wisconsin, Fond du Lac County Bar Association, and Noon Rotary Club among others.

## ADVERTISEMENT

### How Can We Help You?

In addition to other general business and litigation services, Ullenberg Law Offices provides complete debt collection services for our clients. Dunning (“Reminder”) Letters. Small-claims and large-claims collections. Garnishments. Enforcement of security interests. Seller reclamation of delivered products. Repossessions. Foreclosures. Construction liens. Asset searches and supplemental examinations. Bankruptcy preference defense. Objection to bankruptcy discharges or lien avoid-

ance claims. Contingency, flat, and hourly Fees. Assistance to your existing collection agency. Troubleshooting current collection practices. Designing tailored collection practices for your organization. Expert testimony. And more — check out UllenbergLaw.com. Or, email or call me anytime (but please do not contact me with specific confidential information unless you are an existing client as I may not be able to legally keep the information confidential if you’re not a current client.)

Questions? Comments? Ideas? Opinions? I’m always happy to hear from you. *Alex*

You can reach me at:

**ULLENBERG**

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