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Elusive Debtors Foiled By Their Social Media Sites

by VANESSA ROMO

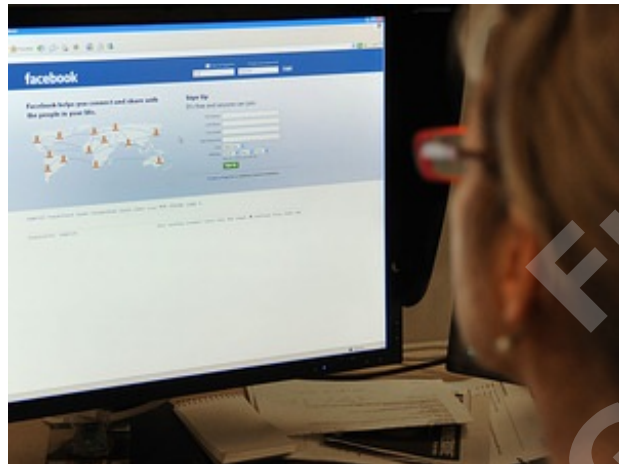


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Karen Bleier/Getty Images

Debt collectors are using social networking sites, such as Facebook, to catch debtors.

July 12, 2010

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As soon as he got the call, Isaac Vicknair knew he was busted.

"I've been known to be a rascalion from time to time," he says. "And I've had some credit problems because of that."

Vicknair is a 35-year-old solar panel salesman with a slew of credit problems. He says his credit is so bad that he can't buy a car or a house — or a gum ball.

He owes the Department of Education almost \$15,000 in student loans. But for more than a decade, he's managed to evade collections

agencies and their skip tracers — the people collections agencies hire to find delinquents like

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Vicknair.

"I've always had jobs as waiters, or jobs that last summers or a couple years — a bit of a gypsy," Vicknair says. "So it's really impossible to track me down. And there's even been times in my life where they've found me, and I just quit the job so that I didn't have to deal with it. And then I just found a new job."

Two weeks ago, Vicknair says he unwittingly set his own trap.

Caught In His Own Web

"My bosses actually asked me to use Facebook as a social networking tool for meeting other people in the solar field," he says.

He put his contact information on his account. It didn't occur to him that it could lead to trouble.

"So within one day of putting my work information on Facebook, the secretary gets a call from some lady who totally gets my name wrong, and I pick up the phone, and they're like, 'Is Mr. Isaac Vicknair there?' And I was like, 'Oh, I've heard this call before.' Lots of times," he says.

The woman on the other end of the line was contacting him on behalf of [Financial Management Service](#), a bureau of the Treasury Department that is responsible for collecting money owed to the government. They were threatening to garnishee his wages unless he set up a payment plan.

Collection agencies, like everyone else, are now using social networking sites to track down or keep tabs on people they're interested in.

Legal Gray Area

"It's incredible the kind of information that people put out there about themselves," says Gary Nitzkin, a credit collection attorney with his own firm, Nitzkin and Associates.

He says Vicknair got off easy. Some of his employees go even further than just searching MySpace, LinkedIn or Facebook.

"My collectors and skip tracers will put their name in to be a friend to the debtor," he says. "And then they can get into their inner circle and talk to their other friends.

“

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Find out what they're doing. Are they going boating today — on their new sailboat? Well, guess what? We just found an asset that we can take."

And Nitzkin says that's legal.

"On the surface of it, I can tell you there's nothing illegal about it," he says.

Maybe that's because the Fair Debt Collections Practices Act, or FDCPA, was written in 1978, before social media existed. The statute protects debtors from being harassed, and also prohibits collectors from doing or saying anything that's false or misleading.

The Federal Trade Commission enforces the act. And when asked if it is legal for a collections agent to "friend" a debtor online without mentioning the debt, the FTC sent this e-mail response:

FDCPA mandates that collectors must disclose that they are attempting to collect on a debt and any information obtained will be used for that purpose. It also requires that collectors state in subsequent communications with the debtor that they are a debt collector. A collector's failure to make these disclosures would violate Section 807(11).

But Nitzkin argues it's a gray area for now. And he's hoping that, in the end, he'll come out on the right side of things.

"If you ask defense attorneys, they'll tell you that what I do is underhanded, sneaky and completely uncalled for. If you ask my colleagues — the plaintiff attorneys that collect these debts — we're laughing," he says. "We think it's a wonderful thing."

Waiting

As for Isaac Vicknair, he's given up hiding and made arrangements to pay off most of his debt.

He says, "The dark horse is there's one more out there, waiting. Waiting to find me on Facebook, and maybe they haven't and maybe they will through this story. It will be interesting."

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Recent First 




Mark Smith (Senekal) wrote:
Facebook and its ilk sets the gold standard for data mining.

Rapscallion? I can think of a different adjective for someone who racks up huge debt with no intention to repay.

From Article at
GetOutOfDebt.org

Tue 13 Jul 2010 12:06:27 PM CEST

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Koz theCons (kosciuda) wrote:

Realty Rocket, What percentage of the country would have to think like you before no kid ever got a college loan, no small business would ever be able to find startup capital, and all credit cards would disappear?

People are responsible for their debts.

Tue 13 Jul 2010 12:05:18 PM CEST

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Lee Moore (ELmoe) wrote:

I'm not saying Vicknair is right.. But there are young people who get themselves into this position without even knowing what is happening. It was way to easy to get money several years ago and to a 17-18 year old living on their own for the first time thats tempting. Sure, no excuses, you made a mistake, deal with it. But irresponsible practices on the lenders behalf should count for something. Did no one ask this guy what his plans were to pay the money back? Did he even have a major? Without a well thought out plan or explanation on the borrowers behalf, why would anyone lend money? I remember when I was a freshman in college, I walked into the library, got on the internet and had 10K in debt without even talking to somebody on the phone. I make enough to pay back what I've borrowed, but I know several people who can't...

Tue 13 Jul 2010 11:38:28 AM CEST

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s braun (braundzign) wrote:

TomDikenhary, you're just proving how correct RainyDay is when you attack her photo... you don't deserve respect. I agree with her. I pay my debts, and have no respect for the Vicknairs in the country who are so cavalier about not paying theirs. I don't care who you owe, what they do with their money is irrelevant. You owe it. Pay it back. If you couldn't afford to pay for your education, you couldn't afford to have kids. Birth control is cheap and no one wants to hear the "my kids" excuse anymore. Spawning doesn't give you the right to steal money from the government or anyone else.

Tue 13 Jul 2010 11:26:43 AM CEST

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Realty Rocket (CreditRestoreAttorney) wrote:

Why must everyone judge and put down everyone else?

Too many comments on here are from people who have scant to no knowledge of how the system actually works. I'm not saying that this man ought not pay his student loan debt, but that that we try to understand the true nature of how the debt was created.

No one, not government, company nor organization reached into their accounts & pulled money out to loan this man. They CREATED the money based on his signature. Abra-ca-dad-bra! Then they set up a system wherein he was to begin paying off it with INTEREST over time.

It's all a game/ a racket.

We MUST Come TOGETHER.

If you have defaulted student loans & you are struggling financially, you do not have to hide. You can file what is called a Hardship Deferment form & your loans will be taken out of default. You can do this for up to 1 to 3 years giving you time to get back on your feet again.

If your credit is shot, I work for an attorney who'll work on your credit month to month for a low monthly fee. All is not lost. WE should come together & help one another instead of putting each other down. It is this wicked, twisted system that we ought to disparage.

RealtyRocket (A) RocketMail . com

Tue 13 Jul 2010 11:16:14 AM CEST

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reza shakiba (rshakiba) wrote:

I think the future is belong to social networking belongs to those services (like www.multiply.com) that take care of their personal information and have tools to control exactly what search engines can reach or public see.

Tue 13 Jul 2010 10:49:43 AM CEST

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Mark Novak (straitfan1962) wrote:

I have regretted getting on and not being able to get off of facebook myself. All the information leaks. I get called by the NRA for the wrong reason. Debtors, glad am not in that position, but I certainly would not have touched the live wire had I felt there was a greater downside to the privacy issue.

Tue 13 Jul 2010 09:32:52 AM CEST

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Danny DeGuira (Outofbox) wrote:

I must admit I have lived the life of a rapsillion. With the age of the computer, there is no where to hide. We all have a number!



Tue 13 Jul 2010 09:03:25 AM CEST

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Small Butwise (LaughingHaHu) wrote:

Just one more good reason NOT to use social networking sites with your real information. If creditors are going to use this, whether it's legal or not, who's to say some criminal won't?

Paying student loans can be really tough but the agencies have always been willing to work with me, plus you can defer/forebear your loans if you're really that bad off. And as far as Isaac Vicknair goes, I sure hope he's been neutered, because he sounds like the perfect candidate for a deadbeat dad.

Tue 13 Jul 2010 07:04:24 AM CEST

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Tom Dikenhary (tsd70) wrote:

Rainydaytreat nobody cares how wonderfully successful you have been at quickly paying off your student loans. I also went to college- borrowed over 28K and can't make my payments. I work my azz off and scrape by on rent - food and utilities. I also have 2 kids which I provide for. Unemployment rate is 9.3%. So i'm lucky to even have a job at all. I will ALWAYS choose food, clothing and shelter for my kids and family over paying back the government. They blow billions and rack up trillions in debt and don't seem too concerned about cutting spending on worthless programs and projects to pay back their debt. By your definition the US government is also a pathetic loser with no respect from the "respectable". Not everybody who can't pay is a deadbeat. You sound and look like a really arrogant, egotistical, pathetic loser yourself. Wake up and smell reality. Many good people are in debt beyond their means. 9 out of every 100 people are out of work with no real hope in sight. You certainly are not even close to being one of the "respectable" you so smugly referred to.

Tue 13 Jul 2010 02:15:16 AM CEST

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