



THE CITY OF NEW YORK  
DEPARTMENT OF CONSUMER AND WORKER PROTECTION

NYC DEPARTMENT OF CONSUMER  
AND WORKER PROTECTION,

*Petitioner,*

*-against-*

PROFESSIONAL CLAIMS BUREAU, INC.,

*Respondent.*

OATH Index No. 1311/20

**Final Agency Decision**

On April 19, 2021, Administrative Law Judge Ingrid M. Addison of the Office of Administrative Trials and Hearings (“OATH”) issued a Report and Recommendation in the above-captioned matter. OATH recommended that the petition be dismissed in its entirety because Petitioner failed to establish that Respondent made any misleading statements in attempting to collect on certain debt.

The Department of Consumer and Worker Protection (“Department”) now issues this Final Agency Decision adopting OATH’s Report and Recommendation without modification. The petition in this matter is dismissed in its entirety.

**DISCUSSION**

Petitioner alleges that Professional Clams Bureau, Inc. (“PCB”), a licensed debt collection agency, violated the consumer protection law, New York City Administrative Code section 20-700 *et seq* (“CPL”), and related rules by including a misleading notice in letters to alleged debtors about the origin of the debt being collected. Specifically, Petitioner alleges that the following statement is misleading: “There is a good chance that this balance represents a balance after insurance or a balance that your insurance carrier has denied for some reason” (“Provenance Statement”).

While the Provenance Statement is not misleading, when viewed in the context of the entire letter, it is problematic. PCB stipulated that it did not confirm whether it was true that the alleged debt represents a “balance after insurance or a balance that your insurance carrier has denied for some reason.” For this reason, the inclusion of the Provenance Statement—which is not legally required—serves only to potentially mislead readers about the validity and origin of the debt.



This is especially true where, as here, PCB follows the Provenance Statement with a notice that *is* legally required—a statement informing alleged debtors of their right to dispute the validity and obtain verification of the debt (“Validation Notice”). Notably, PCB printed the Validation Notice in a smaller font size and with smaller line spacing than the Provenance Statement.

In sum, PCB featured the potentially confusing, unnecessary Provenance Statement before and more prominently than the legally required Validation Notice. In doing so, PCB risked creating confusion in readers’ minds about the importance and necessity of verification and validation. The Department cautions against the use of language and printing techniques like these and warns that they can constitute a deceptive or unconscionable trade practice in violation of the CPL. However, taking the record as a whole, the Department declines to reverse or modify OATH’s Report and Recommendation.

**CONCLUSION**

OATH’s Report and Recommendation is adopted without modification and the petition in this matter is dismissed in its entirety.

A handwritten signature in black ink, appearing to read "Peter A. Hatch", written over a horizontal line.

Peter A. Hatch  
Commissioner  
Department of Consumer and Worker Protection

Date: 1/20/2012