



June 12, 2008

Kruk S.A.
Attn: Piotr Krupa, President
Lignicka 56
Wroclaw 54-204
Poland

Dear Mr. Krupa,

This is in response to the Kruk S.A. request for an exemption from Rule II.A.6. of ACA International's Code of Ethics. Rule II.A.6. of ACA International's Code of Ethics prohibits members of the association from threatening or initiating collection litigation on time barred debt. According to the letter written by Kruk S.A., such activities are permitted under Polish law.

Debt collectors undertaking collection activity in the United States are subject to the Fair Debt Collection Practices Act ("FDCPA").¹ Section 1692e(2)(A) of the FDCPA prohibits debt collectors from falsely representing the character, amount or legal status of the debt. Courts that have interpreted this provision have held debt collectors are prohibited from threatening the consumer with legal action or commencing a lawsuit against a consumer on a time barred debt.²

It is ACA International's position that Rule II.A.6. of ACA's Code of Ethics applies only to debt collectors and other entities subject to the FDCPA or subject to any other law which prohibits such activity.

Sincerely,

Valerie Hayes
Corporate Counsel
ACA International

¹ 15 U.S.C. §§ 1692-1692p (2006).

² See *Freyermuth v. Credit Bureau Servs., Inc.*, 248 F.3d 767, 771 (8th Cir. 2001); *Walker v. Cash Flow Consultants, Inc.*, 200 F.R.D. 613, 616 (N.D. Ill. 2001); *Johnson v. Capital One Bank*, No. Civ. A. SA00CA315EP, 2000 WL 1279661 at *2 (W.D. Tex. May 19, 2000); *Shorty v. Capital One Bank*, 90 F. Supp. 2d 1330, 1332 (D.N.M. 2000); *Aronson v. Commercial Fin. Servs. Inc.*, No. Civ. A. 96-2113, 1997 WL 1038818 at *3-4 (W.D. Pa. Dec. 22, 1997).