

**Opinion 13-018 and Opinion 16-002 were withdrawn by a letter from the  
Division of Banks dated 4/1/16.**



THE COMMONWEALTH OF MASSACHUSETTS  
**DIVISION OF BANKS**

1000 Washington Street, 10<sup>th</sup> Floor, Boston, Massachusetts 02118

**CHARLES D. BAKER**  
GOVERNOR

**JOHN C. CHAPMAN**  
UNDERSECRETARY

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**DAVID J. COTNEY**  
COMMISSIONER OF BANKS

February 11, 2016

This Division is issuing the following opinion pertaining to the licensing of Massachusetts debt collection law firms that do not fall within the exemption under Massachusetts General Laws chapter 93, section 24(g) or 209 CMR 18.02 pursuant to the Division's recent opinion, 13-018.

As set forth in Opinion 13-018, if a law firm's principal purpose is the collection of debts, or where the firm regularly collects or attempts to collect debts owed or asserted to be owed to another, such law firm is required to be licensed as a debt collector in the Commonwealth.<sup>1</sup> The determination as to whether a particular law firm is required to be licensed is based upon consideration of various factors, including but not limited to those set forth in Opinion 13-018.

Following the issuance of Opinion 13-018, the Division received inquiries regarding certain aspects of the opinion, and now provides further clarification regarding the licensure application requirements for such law firms acting as debt collectors in the Commonwealth. As an initial matter, and as set forth in Opinion 13-018, the licensing requirement for Massachusetts debt collection law firms will not be applied retroactively.

As an additional matter, the Division seeks to clarify the timing requirements for law firms now required to be licensed as debt collectors in the Commonwealth. In particular, the Division states that a law firm required to be licensed as a debt collector under Opinion 13-018 will not be in violation of the Division's licensing requirements if such law firm has submitted an application for licensure to the Division within the six-month time period referenced in Opinion 13-018. Finally, because the Division is now providing further clarification, the six-month period referenced in Opinion 13-018 will run from the date of this opinion, February 11, 2016. Additional information regarding the Division's application for a debt collector license may be found at <http://www.mass.gov/ocabr/licensee/license-types/banks-banking/application-forms-banking/apply-for-or-amend-a-license/debt-collectors-loan/>.

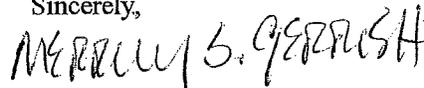
This Opinion is effective as of February 11, 2016.

Please also note that the Division will issue further guidance to assist law firms in determining whether they must obtain a debt collection license. If the applicability of the licensure requirement to a particular firm is not resolved by the Division's further guidance, such firm may seek a further determination from the Division. The Division will review such requests on a case-by-case basis. If a law firm requires a legal opinion from the Division addressing the applicability of the licensure requirement, it

<sup>1</sup> The term "law firm" includes one or more attorneys, regardless of corporate structure.

should review the process for obtaining an opinion, as set forth in Regulatory Bulletin 1.1-103. Opinion requests must contain all applicable facts and cite specific cases or authority, if any, which support the argument presented.

Sincerely,

A handwritten signature in black ink that reads "Merrily S. Gerrish". The signature is written in a cursive style with some capitalization.

Merrily S. Gerrish  
Deputy Commissioner of Banks  
and General Counsel

O16002