

# THE CREDIT TIMES



July 2013 / E-Newsletter #4

A Publication of The Commercial Collection Corp. of NY Inc.

*For Our Readers...  
Click here for a special offer!!*

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## *Dischargeability Of Debts Based On Bad Checks*



*Frank Vecchio  
Legal Manager*

So, you have a customer that filed bankruptcy, but the debt is based on a bad check. Is the bad check dischargeable in bankruptcy? Your first thought might be that it is NOT because you feel the debtor fraudulently wrote the check. Not so fast! Unfortunately, the debt based on a bad check is not automatically and not even usually held to be nondischargeable. In order to succeed, the creditor usually bears a heavy burden of proof of fraud.

These are some non-exclusive factors that are considered when determining the dischargeability of a bad check:

- \* The time between the delivery of the check and the bankruptcy filing.*
- \* Whether a bankruptcy attorney was consulted prior to delivery of the check.*
- \* The number of checks and their amount.*
- \* The debtor's financial condition at delivery of the check.*

There are some other factors considered but these are the main ones and again, the burden of proof for the above factors lies with the creditor. Remember, a bad check will only be nondischargeable to the extent that it was "obtained by false pretenses or misrepresentations by means of actual fraud".

*Frank Vecchio*

## *Congratulations...*

Commercial Collection's President, Robert Ingold, was elected the Chair of the Eastern District of the Commercial Law League of America on March 19, 2013 at the Water Club in NYC. Bob will be the first collection agency member of the district to be elected as chair. The organization has been in existence for over 100 years and is charged with the responsibility of running the CLLA mid-year convention in NYC.



Robert Ingold  
Commercial Collection

Warren Pinchuck  
Columbia List

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*Believe It or Not*



**2013 NACM  
Credit Congress  
Is Over!!!**



*We enjoyed having our Annual Grand Breakfast Buffet at the NACM in Las Vegas this year. It was very well attended and we **THANK** everyone for getting up a little early to join us. Hope to see you again next year in Florida!!*

**Q: Everyone in the Credit Industry knows D&B and what they do... BUT I'm not sure I know all I need to know about EXPERIAN?**

*Carlene Samuel, Winston-Salem, NC*

**The Voice**

As an authorized Experian reseller, CCC of NY offers credit reports at an affordable price without the need for long term contracts. If you are not using Experian already, our credit reporting service can supplement or substitute your current service with the critical information you need to make the tough credit decisions.

- Experian researches and collects all information through a network of Accounts Receivable contributors and third party data vendors or providers. Experian does not collect any self-reported information directly from debtor businesses.
- No need for long term contracts.
- The cost per report is substantially less expensive compared to the cost for other comprehensive reports.
- Desk top access to pull reports when YOU need them.
- Subscription plans are available for added savings or have the option of pulling one report at a time.

For additional information regarding Experian reports and the potential cost savings, contact Valerie Ingold at [vingold@commercialcollection.com](mailto:vingold@commercialcollection.com), or call 800-873-5212 extension 210.



# Join our Client Birthday Club!

Send an E-mail to Alicia Bell at [abell@commercialcollection.com](mailto:abell@commercialcollection.com)  
to become a member and watch for your gift from CCC on your birthday!

## Our Management Team:

Robert Ingold - President / Joseph Grieco - Exec. Vice President  
Judith Mattioli - Sr. Vice President

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Patricia Stelter - VP/Controller / John Chotkowski - VP of Collections  
Susan Landel - VP of Collections / Darlene Evans - VP of Operations  
Bryan Rafferty - VP of Sales / Frank Vecchio - Legal Manager  
Valerie Ingold - Outsource Manager



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