



Regulatory Guidance 20-19

Issued April 24, 2020

Attention: Debt Collection Agencies and Debt Collectors
Re: Enforcement Guidance regarding Minnesota Statutes §332.33, subd. 3
Date: April 24, 2020

Authority.

On March 13, 2020, Governor Tim Walz signed Executive Order 20-01, declaring a peacetime emergency related to COVID-19.

On March 25, 2020, Governor Tim Walz signed Executive Order 20-20 directing Minnesotans to Stay Home and establishing what businesses were in the Critical Sector and were exempt from the Stay at Home Order. It was determined that debt collection and workers supporting debt collection were not exempt from the order, so any work that can be done must be done from home.

On April 13, 2020, Governor Tim Walz signed Executive Order 20-35, extending the COVID-19 peacetime emergency declared in Executive Order 20-01.

Guidance.

The Commissioner recognizes that because of the concern surrounding the COVID-19 outbreak, and in light of the Governor's Executive Orders, individual collectors should be working from home temporarily to protect themselves and others, even though their home location is not currently licensed as a branch office.

As such, the Department will not take action against any licensee who allows their individual registered collectors to temporarily work from home as a precautionary measure and pursuant to Governor Walz's Stay At Home Orders. This decision will continue through any extension of the Stay At Home Order initially issued by Governor Walz on March 25, 2020, so long as the following criteria are met:

- 1) The activity is conducted from the home location of an individual working on behalf of a Minnesota licensee;
- 2) The individual is working from home due to a reason relating to the COVID-19 outbreak and has informed the licensee of such reason.
- 3) None of the activity will be conducted in person with members of the public from the home location; and
- 4) The licensee shall, at all times, exercise supervision of the activity being performed at the home office and ensure that appropriate safeguards and controls are in place to protect consumer information and data.

Please note that this Enforcement Guidance only pertains to allowing collectors to work from home and the Department's decision to temporarily suspend its enforcement of Minn. Stat. § 332.33, subd. 3. All other legal requirements under Chapter 332, and other applicable law are still in force. A licensee will still be responsible for any other violations of law from the activity performed at the home office, if there are violations.

The Commissioner may amend, revise, or extend this position at any time and at his discretion. This does not constitute a permanent statutory or regulatory exemption from licensure. This is a response to the current COVID-19 outbreak to ensure the safety and wellness of all licensees and their employees.

Questions.

If you have questions, please contact Jacqueline Olson, Audit Director at jacqueline.olson@state.mn.us. Commerce staff are responding as soon as possible to written inquiries from all regulated industries.

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