

Employees of Collection Agencies Working Nevada Accounts are Permitted to Work From Home through December 31, 2020

On September 18, 2020, the State of Nevada Financial Institutions Division ("Division") issued a notice permitting employees of collection agencies to work temporarily from their residence, even if the residence was not a location licensed with the Division, through December 31, 2020. The Division has cautioned that it may not extend the December 31, 2020 deadline and that collection agencies should make plans to ensure that they can comply with Nevada and other applicable state law after that date.

The Division originally permitted employees to work from home through May 31, 2020. After that, employees of collection agencies working accounts in Nevada needed to work from the brick and mortar location listed on the license. This also applied to collection agencies which are not located in Nevada.

The Division's current guidance for working at home is as follows:

1. Data security requirements include provisions for the employee to access the company's secured system from any out-of-office device the licensee or registrant uses through the use of a VPN or other system that requires passwords or an identification authentication. The company is responsible to maintain any updates or other requirements in order to keep information and devices secure;
2. Neither the employee nor the company is to do any act that would indicate or tend to indicate that the employee is conducting business from an unlicensed location. Such acts include but are not limited to:
 - a. Advertising in any form, including business cards and social media, the unlicensed residence address or landline telephone or facsimile number associated to the unlicensed residence;
 - b. Meeting consumers at, or having consumers come, to an employee's unlicensed residence;
 - c. Holding out in any manner, directly or indirectly, by the employee or company licensee, the residence address that would suggest or convey to a consumer that the residence is a licensed location for conducting licensable activities;
3. Employees and companies must exercise due diligence in the safeguarding of company and customer data, information and records, whether in paper or electronic format, and to protect them against unauthorized or accidental access, use, modification, duplication, destruction or disclosure.

KD's Consumer Financial Services Group can assist you with any questions regarding state law licensing requirements and compliance matters.

Richard J. Perr, Chair, Kaufman Dolowich & Voluck, LLP's Consumer Financial Services group. Monica M. Littman, Graeme E. Hogan, and Matthew E. Selmasska, KD Associates