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## When Collections Go Too Far ... Know Your Legal Rights!

Did you know that millions of Americans have debt in collections? Anyone who has ever dealt with a collection agency can attest that it's no fun. Luckily, there are laws that limit what collection agencies can and cannot do.

### Step 1: Know your FDCPA rights.

If you ever fall behind on paying your mortgage, credit card debt, medical debt, student loans, or auto loans, it's important to know your rights under the Fair Debt Collection Practices Act (FDCPA). Especially for individuals, FDCPA covers all kinds of debt — but specifically targets third-party debt collectors such as collection agencies, debt buyers, and lawyers who practice debt collection as part of their business.

When, where, and who can contact you to collect your debt? There are some limitations, such as:



- **Time.** Debt collectors are only allowed to call you between 8 a.m. to 9 p.m. in your local time zone. Any calls outside these hours are an FDCPA violation.
- **Place.** You may be contacted by phone, mail, fax, or email; however, collectors can't contact you in "unusual places," such as hospitals, schools, or restaurants. Although they can call your home or office, you have the right to tell them not to contact you at your workplace.

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Beach Cities Estate Law Team

## It All Started With One

### BUILDING A TOP-NOTCH TEAM

I started out as a one-woman show. My dream is for Beach Cities Estate Law to be a recognized and trusted name in Southern California, to normalize the estate planning process, and to make it more relatable. I knew that this vision would be impossible to execute on my own, so I educated myself to gather the tools necessary to hire and lead a team of professionals. Now, five years later, we have grown to a team of eight!

It has been a wild ride, but I buckled in tightly. This month, as we celebrate Labor Day, I can't help but to feel so grateful for and proud of our team at Beach Cities Estate Law.

When we are looking for a new team member, we use special software. The software helps us assess each candidate's natural strengths and working style to ensure an organic and seamless fit with the ideal qualities for the role.

In addition, we integrate our firm's values, which are described below, in our recruiting process. Hiring individuals who truly embody these values drives our culture and influences our interactions with our clients, each other, and our business partners.

**Warmth.** We value warm, genuinely caring relationships with clients, business partners, and each other. Many of our clients are going through a stressful time; being warm makes our clients feel at ease with us.

**Respect.** We treat others with courtesy, dignity, politeness, and kindness; we hold in high regard the opinions, ideas, and feelings of others.

**Flexibility.** We accept change as an inevitable part of the business environment, and we respond to change by evolving. We're always learning and moving forward, finding new and better ways to work.

**Trust.** We seek to consistently build trust by conducting ourselves in a professional and honest manner. We do what we say we'll do. We accept responsibility and quickly correct things when mistakes are made, because trust is built in the proper handling of both our successes and our failures.

**Excellence.** We have high standards. We execute on the details. We take pride in our work. The quality of the work we deliver is of prime importance.

I can wholeheartedly say that the team we have in place now was hand-picked because they exhibit these qualities and strengths, and it's reflected in the way we ensure the needs of our clients are met and exceeded. Everyone on our team shares the same understanding, focus, warmth, and empathy, and together they are helping my dream come to fruition. For my team, I am so grateful!

*- Angela Klenk*



To get to know the Beach Cities Estate Law team, scan the QR code!

# Thinking Outside the Bun Leads to Legal Action

## The Story of 50 Cent vs. Taco Bell

In 2008, rapper 50 Cent filed an unlikely lawsuit against the fast-food chain Taco Bell. Was it an endorsement deal gone wrong? Quite the opposite. According to the rapper, the company had implied an endorsement deal in the media when there was none.

Taco Bell, known for their quirky and humorous ads, had released a print ad formatted as a faux "letter" to 50 Cent, requesting that 50 Cent change his name to 79, 89, or 99 Cent as a part of their latest promotion. The letter reached the national press and even television ... except for 50 Cent's actual mailbox. In fact, 50 Cent had no idea Taco Bell used his name.

By releasing the letter, 50 Cent became the face of Taco Bell's whole campaign, too. The letter was part of a larger hip hop-themed campaign, and customers could go to the Taco Bell website and participate in a "Rap Name Creator" to discover their rap name. They also had a "Why Pay Mo' Rhyme Generator" that played hip hop music and a montage of "hip hop-themed scenes," according to the rapper's lawyer, Peter D. Raymond.

As soon as 50 Cent found out about the letter on the news, he wasn't happy. On July 23, 2008, 50 Cent — whose real name is Curtis Jackson

— filed a federal lawsuit saying they featured the rapper in an ad campaign without his permission and profited directly from his celebrity status without paying him a multimillion-dollar fee. Raymond said his client sought \$4 million in damages.

In response, Taco Bell Corp. spokesman Rob Poetsch issued a statement saying: "We made a good faith, charitable offer to 50 Cent to change his name to either 79, 89 or 99 Cent for one day by rapping his order at a Taco Bell, and we would have been very pleased to make the \$10,000 donation to the charity of his choice."

In the end, both sides settled, keeping the terms of the settlement confidential and paying their own legal fees. So, it's possible that 50 Cent was paid after all, but we'll never know the exact terms of their legal agreement, except "both sides are satisfied," according to Raymond.

Since then, more companies have been careful about using celebrity names in their marketing without permission. It pays to think inside the bun, after all.



TAKE A BREAK



# LIFE CAN BE UNPREDICTABLE

## Preserving the Balance of Work and Family Life

Workers shouldn't have to choose between the job they need and the family members they love. The Family and Medical Leave Act (FMLA) was created to allow employees to take reasonable unpaid leave for a particular family or medical reason so they can maintain a work/life balance.

### What does it provide?

The FMLA provides eligible employees up to 12 workweeks of unpaid leave a year with the requirement of group health benefits to be maintained during the leave as if employees were continuing to work. They are also entitled to resume their same or equivalent job at the end of their FMLA leave.

### Who is eligible for FMLA?

FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees.

Employees can be eligible for FMLA if they have worked for their employer for at least 12 months, worked at least 1,250 hours over the past 12 months, and work at a location that employs 50 or more employees within 75 miles.

### When can I use FMLA leave?

An eligible employee can be granted up to 12 workweeks of unpaid, job-protected leave in a 12-month period for the following reason(s):

- Birth of and/or bonding with a newborn child
- The placement of a child for adoption or foster care with the employee
- To care for an immediate family member with a serious condition (child, spouse, or parent, but does not include parent in-laws)
- To take medical leave when the employee is unable to work due to a serious health condition
- For qualifying exigencies arising out of the fact that the employee's spouse, child, or parent is on covered active duty or call to covered active-duty status as a member of the National Guard, Reserves, or Regular Armed Forces

The FMLA exists so employees can tend to their families without worrying about their job, allowing them to provide the best care for their loved ones. For more information regarding whether or not your company is eligible for FMLA, check out your local government agency for more details.

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- **Legal representation.** If you have an attorney — and a debt collector knows this — they aren't allowed to contact you. They must contact your attorney instead. If you are called by a debt collector while you have legal representation, make sure to give them your attorney's information.

When a debt collector calls, they should identify themselves as a debt collector. Afterwards, they're required to state the amount owed, that you can dispute the debt, and that you can request the name and address of the original creditor (if different from the current creditor). They should also tell you that any information provided to them in your calls, emails, or other communication will be used in their efforts to collect the debt.

There are even more restrictions on who they can call, so make sure to research for yourself if your loved ones begin receiving calls from your debtor.



### Step 2: Consider hiring an attorney.

You may want an attorney as soon as you can, so you can receive the best guidance possible. A lawyer will be your advocate when collectors engage in harassment or communication that is abusive, threatening, or deceptive.

What is harassment? It includes using profane language; threatening bodily harm; misrepresenting what you owe; making false claims that you could be arrested; threatening your property; making repeated attempts to contact you or calling you anonymously; or, as mentioned earlier, failing to state debt and creditor information on the call as required by FDCPA.

### Step 3: Report any violations to the FTC.

The Federal Trade Commission (FTC) has an online website for reporting FDCPA violations, but your attorney can help with this as well. Take a look at [FTCComplaintAssistant.com](http://FTCComplaintAssistant.com).

We hope this helps our readers to stay safe from abusive collectors. Although debt can make us feel vulnerable, never forget that you do have rights.

## GOULASH, HUNGARY'S NATIONAL DISH

### Ingredients

- 2 tbsp extra-virgin olive oil
- 1 yellow onion, chopped
- 2 cloves of garlic, minced
- 1lb ground beef
- Salt and pepper, to taste
- 1 tbsp tomato paste
- 1 1/4 cups beef broth
- 1 15-oz can tomato sauce
- 1 15-oz can diced tomatoes
- 1 tsp Italian seasoning
- 1 tsp paprika
- 1 1/2 cups elbow macaroni, uncooked
- 1 cup shredded cheddar cheese
- Fresh chopped parsley, for garnish

### Directions

1. In a large skillet over medium heat, add olive oil and wait for it to heat.
2. Once heated, add onion and cook for 5 minutes, then add garlic and cook for 1 minute.
3. Next, add the ground beef to the skillet, and cook until no longer pink. Drain the grease, then add salt and pepper.
4. Stir in the tomato paste, beef broth, tomato sauce, and diced tomatoes. Season with Italian seasoning and paprika. Add macaroni to the skillet.
5. Bring mixture to a simmer and let it cook for 15 minutes. Stir the pasta occasionally.
6. Mix in the cheddar cheese and remove the heat.

Inspired by Delish.com