

## Court Halts Social Networking "Harrassment" By Debt Collector

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Traditional debt collection methods include letters and phone calls. Social networking sites provide new communication channels for and between users, including the opportunity for debt collectors to contact a debtor via their social networking profile. In 2010, Melanie Beacham filed a lawsuit in Florida state court against MarkOne Financial alleging violations of Florida's consumer protection practices act. Ms. Beacham claimed that, while attempting to collect a consumer debt from her, MarkOne using the name "Jeff Happenstance" sent messages about the debt to Ms. Beacham's friends and family members on Facebook. Ms. Beacham characterized such contacts as harassment designed to embarrass her. In an initial statement in response to the lawsuit, MarkOne stated that it only uses social networking sites to locate a customer when the individual has a completely public profile and the person has not otherwise responded to the company's contact attempts.

Via a recent preliminary ruling, the Florida court held that MarkOne cannot contact Ms. Beacham, her family or friends on Facebook or any other social networking site. While debt collection practices laws generally don't specifically address use of social media, it is reasonable that courts will evaluate such communications in a similar manner to phone calls or email messages.