August 25, 2019

Office of Disciplinary Administrator

701 S.W. Jackson, First Floor

Topeka, Ks 66603

Case Number: 19LM342P in Crawford County Limited Actions Civil Court Midland Funding LLC vs. Julie Stover

Greetings Ethic Department::

This is a complaint against attorney/debt collector Jennifer L. Shipman of Blitt and Gaines, P.C. of 6804 W. 107th St., Ste #150 Overland Park, Ks 66212 for their attorney/debt collector Jennifer Shipman for filing of a frivolous claim without merit, Rule 3.1 Meritorious Claims and Contentions for the filing of a frivolous claim, Rule 3.3(a)(1)(2)(4) Candor toward the Tribunal, Rule 3.4(a)(b)(c)(d) Fairness To Opposing Party and Counsel, Rule 3.7 Lawyer as Witness(a), Rule 1.16(a)(1)(4) Declining or Terminating Representation, Rule 4.4 Respect for Rights of Third Persons, Rule 4.1(a)(b) Truthfulness in Statements to Others, KRPC Rule 1.5 Fees, Rule 8.4 Misconduct(a)(b)(c)(d)(g), Supreme Court Rule 202 Grounds For Discipline, and Supreme Court Rule 203(a)Misconduct.

Attorney Jennifer Shipman needs too be investigated for a violation of Kansas Rules of Professional Conduct Rule 3.1 Meritorious Claims and Contentions for filing the frivolous lawsuit in 19LM342P in Crawford County District Court Midland Funding vs. Julie Brusnskill when the original creditor Credit One already charged this off and turned the loss in as an insurance profit/loss write off and had sold the account for pennies on the dollar to Sherman and this is insurance fraud what attorney Shipman is attempting. Midland Funding then purchases the debt but refuses to show the BILL OF SALE and how much money they actually paid for the charged off claim of $1,013.

Attorney Shipman needs investigated for the following FCRA and FDCPA violations as well for being a debt collector.

I would like to make a complaint against debt collection agency Blitt and Gaines, P.C. of 6804 W. 107th St., Ste #150 Overland Park, Ks 66212 for their debt collector Jennifer L. Shipman suing me in Crawford County civil court for the alleged balance of $1,013 with a partial account number of 444796231310XXXX which violates FDCPA Section 807 because a collector cannot claim to garnish wages or seize property and this is a $1000 fine. Debt Collector Jennifer Shipman filed a lawsuit for

Midland Funding with an address of 350 Camino DE La Reina San Diego Ca 92108 for attempting to collect on a debt where the original creditor is Credit One with an alleged balance of $1013 and the account was closed on January of 2018 and the account number is 444796231310XXXX. Credit One also showed an alleged balance of $830 closed on December of 2017 for account number 546645112828XXXX that Midland

Funding is attempting to collect on as well and both accounts have been paid as profit/loss insurance write offs and have been re-aged which violates the FCRA and FDCPA.

Sherman Originator III, LLC purchased the claim for account number 444796231310XXXX on May 18, 2018, Sherman then placed it back in the pool and it was purchased by Midland Funding for pennies on the dollar. Midland Funding has now sued me even though Midland Credit Management Incorporated 320 E. Big Beaver Suite 300 Troy Michigan 48083 it reporting the information on my credit report.

Midland Funding has now sued me in Crawford County District Court for the amount of $1,013 with their debt collection attorney Jennifer L. Shipman of Blitt and Gaines, P.C. of 6804 W. 107th St., Ste #150 Overland Park, Ks 66212 for the alleged balance of $1,013 with a partial account number of 444796231310XXXX without showing the BILL OF SALE on the account. This account is past statutes of limitations laws in Kansas according to Actions Limited to three Years in Kansas under K.S.A. 60-512 because this account was closed in January of 2018 and the balance on this account should have been ZERO because Credit One's insurance already paid for this charged off claim. Midland Funding has now violated FCRA Section 605(c) by re-aging the account with a negative balance and attempting to double dip on a debt that was paid by insurance and this is fraud.

I feel that Blitt and Gaines has violated the Federal Credit Reporting under the FCRA and the extant of the fine and a report from (THE CONSUMER ADVOCATE) showing combating debt collectors misuse of credit reports and false credit reporting which Midland Funding has done to me. I have also included two (2) pages from Civil Tree.com showing the statutes of limitations on all fifty (50) states. If you notice on Kansas it shows that Kansas only has five (5) years to collect on a written contract. It is three (3) years on oral contract under K.S.A. 60-512(1) Actions Limited to Three years and Midland Funding (HAS NO VALID CLAIM). Midland Funding has reported a balance of $1,013 which violates K.S.A. 60-512 and they are wrongful reporting a balance that should be DELETED or reported with a balance of ZERO. This account now needs to be DELETED in accordance with title 15 u.s.c. section 1681(i) from my Equifax, Experian, and Transunion credit reports. Blitt and Gaines has violated the following FCRA and FDCPA violations.

1. FCRA Section 605(c) Running of the reporting period and re-aging the account by re-aging the account by updating the date of last activity on your credit report in the hopes of keeping negative information on your account longer and this a fine of $1,000.

2. Creditors if they report your credit history inaccurately and the fine is extent of damages incurred by the wronged party as deemed by the courts. US Court of appeals, ninth circuit, NO. 00-15946, Nelson vs. Chase Manhattan.

3. Blitt and Gaines also violated Protection under the FDCPA because misrepresentations by the collector about themselves or the debt are actionable regardless of intent and the following case law of *Gearing v. Check Brokerage Corp.* and .*Cacace v. Lucas, 775 F.Supp. 502, 505 (D. Conn. 1990) support this.* This is also a fine of $1,000.

4. Blitt and Gaines also violated FDCPA Section 809(b) because they have never validated the debt I have disputed after the date of January 2018 and this is a fine of $1,000.

6. Blitt and Gaines also violated FDCPA Section 806 because the collection agency can not use any kind of harassment or abuse and they have abused me and my credit by reporting negative and inaccurate information on my credit report and by suing me and this is also another $1,000 fine.

The FDCPA contains specific provision applicable to debt collectors when they communicate with a CRA. This provision under title 15 U.S.C. section 1692e(8), provides a very effective means for consumers to police debt collector credit reporting. Under section 1692e(8), a debt collector is liable for reporting to a credit reporting agency information that it knows or should know is false or for failing to disclose in any communication with a CRA that it knows a debt is disputed.

Please investigate attorney Jennifer Shipman of Blitt and Gaines and why there client Midland Funding sued me and is reporting negative information with a balance after (3) years under K.S.A. 60-512 which is inaccurate and unverifiable information and needs to be deleted under title 15 u.s.c. 1681(i). There are also now monetary damages issues concerning the negative reporting and the violations and fines of the FCRA and FDCPA which total $4,000 plus the extent of damages incurred by the wronged party as deemed by the courts for statement number 2. I would also like for you to investigate if Midland Credit Management Incorporated 320 E. Big Beaver Suite 300 Troy Michigan 48083 and Midland Funding are the same entity or not. Midland Credit Management Incorporated 320 E. Big Beaver Suite 300 is the one reporting on my credit report not Midland Funding who Blitt and Gaines has filed a lawsuit for.

P.S. I will be requesting/filing a subpoena for attorney Jennifer Shipman to be a witness in this case since I feel that Blitt and Gaines is actually the holder in due course of this account and they have purchased the claim for pennies on the dollar so that she can answer these questions under oath which I feel violates the following rules of the KRPC and they are Rule 1.16(a)(1)(4) Declining or Terminating Representation, and Rule 4.4 Respect for Rights of Third Person. I feel that her law firm needs to be disqualified from this case for a conflict of interest since they are the ones that have purchased this claim after my research that is my conclusion.

Sincerely,

Julie Stover

303 S. Jefferson

Frontenac Ks 66763