



## U.S. Department of Justice

[office]

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[address]

GUIDANCE

[date]

### VIA ELECTRONIC MAIL

[email address]

[name and address]

Re: Quality of Service Review of [Agency]  
Agency Number:

Dear [name]:

Pursuant to 28 C.F.R. §§ 58.20(p)(2) and 58.33(n)(2),<sup>1</sup> which require approved credit counseling agencies and debtor education providers to cooperate with inquiries by the United States Trustee and the Executive Office for United States Trustees (“EOUST”), we have commenced a Quality of Service Review (“QSR”) concerning your agency. I appreciate your cooperation in our review.

The QSR will be conducted remotely and will take place during the week of [60 days from today’s date]. During that time, EOUST personnel will observe counseling sessions, interview management and staff, review books and records, and otherwise ensure compliance with the requirements of 11 U.S.C. § 111 and 28 C.F.R. § 58.12 et seq. Most of this will be accomplished using Microsoft Teams, and you will receive an invitation via email prior to the QSR.

Please provide six codes we may use to anonymously test the agency’s credit counseling prior to the QSR by [45 days from today’s date].

Please also provide copies of the documents set forth on the attached Appendix A and written answers to the questions set forth on the attached Appendix B on or before [30 days from today’s date]. By providing timely and complete responses to these requests, you will enable us to complete portions of our review ahead of time, minimizing interruption of your daily

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<sup>1</sup> *Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies by United States Trustee*, 28 C.F.R. §§ 58.12 – 58.24 and *Application Procedures and Criteria for Approval of Providers of a Personal Financial Management Instruction Course by United States Trustee*, 28 C.F.R. §§ 58.25-58.36.

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operations. We would like to discuss with you the submission of responsive documents and written answers through the Department of Justice portal, the Justice Enterprise File Sharing (JEFS) system, which is a secure portal for transmitting documents.

I have attached a Certification (certifying that all the responses provided are true and correct), which will need to be reviewed and signed by the appropriate agency representative.

Again, I appreciate your cooperation. I would like to arrange a conference call on [date] to discuss the QSR with you and will email you separately to schedule a mutually convenient time. If you have any questions or concerns, please do not hesitate to contact me at [telephone number] or by email at [email address]. Please send a reply confirming receipt of this letter.

Sincerely,

[name and title]

Attachments

cc:

# **APPENDIX A**

(Document Requests)

Copies of the following documents and a completed Appendix B should be provided by [date]. Do not leave any document request unaddressed. If no responsive documents exist, please write “None” next to the relevant request. If the responsive documents exist but are not provided, please respond “No” and include a written explanation for the omission on a separate sheet.

	<b>Document Description</b>	<b>Provided? (Y/None/N)</b>
1.	An organizational chart including the names of all supervisory and management level employees	
2.	Minutes of the Board of Directors meetings for the past three years	
3.	The Board of Directors’ conflict of interest policy	
4.	Advertising, marketing, and promotional documents, whether produced by the agency or a third party, and whether distributed to the public at large or to individuals	
5.	Articles of incorporation, by-laws, articles of merger or exchange, articles of dissolution, and any and all amendments to the above	
6.	The Agency’s general ledger for the two years covering the Agency’s two most recent tax returns.	

7.	<p>Complete individual client files for the certificate numbers listed below, including recordings or transcripts of counseling sessions, whether in electronic or paper format; internet service provider (ISP) records concerning the client's internet counseling session; counselors' notes; receipts and disbursements; and correspondence with the client or the client's counsel.</p> <p>CC# _____ CC# _____ CC# _____ CC# _____ CC# _____ CC# _____</p>	
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Agency No. [insert]

## **APPENDIX B**

(Preliminary QSR Questions)

Written answers to the following questions should be provided by [date]. Do not leave any question unaddressed. If the answer to any question is “none” or “not applicable,” please respond by writing “None” or “Not Applicable.”

1. Identify all persons who participated in answering or who supplied information upon which you relied in providing the documents requested in Appendix A or in answering the questions below.

### Business Organization

2. State whether the agency currently is subject to examination or audit by the Internal Revenue Service or any state or local governmental entity.
3. Identify by name all officers and directors and their positions. For each officer or director, state:
  - a. the individual’s principal occupation and current employer (or, if retired, the individual’s previous principal occupation);
  - b. whether the individual has ever been convicted of a felony or a crime involving fraud, dishonesty or false statements; and
  - c. an itemized list of any compensation received by the individual from the agency in the last 12 months (e.g., salary, benefits or business transactions with the agency).
4. Provide the schedule for board of directors’ meetings for the past three years.

### Related Party Transactions

5. Identify the agency’s highest paid employees and highest paid independent contractors (if any) and their current annual compensation or contractual payments.
6. Identify any asset transactions, contracts, leases, or other agreements in effect between the agency and any of its officers, directors, highest paid employees or independent contractors, or family members within the past three years. For each, describe
  - a. the asset(s) purchased or sold, or the nature of the contract, lease, or other agreement;
  - b. the individual involved; and
  - c. the price paid for the asset(s), or the terms of the contract, lease, or other agreement.

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7. Identify any loans between the agency and any of its officers, directors, highest paid employees or independent contractors, or family members within the past three years. For each, describe
  - a. the amount of the loan;
  - b. the parties to the loan;
  - c. the loan terms and actual repayments; and
  - d. the date of approval by the Board of Directors.
8. Disclose any compensation or other benefits that agency officers, directors, highest paid employees or independent contractors, or their immediate family members, receive from any entity with which the agency conducts business, maintains any contracts, leases, or other agreements, or has a referral relationship.

### Counseling

9. State whether the agency or its personnel provide counseling to clients on behalf of other credit counseling agencies or their personnel and
  - a. identify the other agency or agencies on whose behalf the agency provides counseling;
  - b. describe the process by which the agency receives and satisfies requests to provide counseling on behalf of other agencies; and
  - c. describe whether the agency receives compensation for providing counseling on behalf of other agencies, the nature and amount of such compensation, and whether such compensation is paid by the client, the client's representative, or the other agency.

### Recordkeeping

10. Describe the procedures the agency has established for maintaining client files, including a description of the required or expected contents for a complete client file.
11. Describe the agency's recordkeeping policies and procedures regarding credit counseling sessions, including, without limitation:
  - a. whether the agency records, in electronic or analog format, telephone counseling sessions with clients, any policies or procedures concerning storage and disposal of such records, and the location of any such records;
  - b. whether the agency maintains, in electronic or paper format, copies of electronic correspondence with clients, and any policies or procedures concerning storage and disposal of such records, and the location of any such records;

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- c. whether the agency maintains, in electronic or paper format, copies of paper correspondence with clients, and any policies or procedures concerning storage and disposal of such records, and the location of any such records;
- d. whether the agency maintains its own internet server for purposes of internet and credit counseling, or whether the agency uses a third-party web hosting service for such purposes; and
- e. regarding (d), state the location of any internet server the agency uses for purposes of internet credit counseling.

Client satisfaction and access

- 12. Describe any procedures the agency has developed for measuring counseling effectiveness and customer satisfaction.
- 13. Describe the agency's policies and procedures in place during the past year relating to intake, processing, and resolution of complaints received concerning its credit counseling and debtor education services, including, without limitation:
  - a. the agency's policies and procedures concerning storage, retention, and disposal of paper or electronic mail evidencing such complaints;
  - b. the agency's policies and procedures concerning creation and maintenance of business records or logs documenting telephone complaints; and
  - c. the agency's policies and procedures concerning storage, retention, and disposal of documents evidencing the agency's responses to such complaints.
- 14. Describe all complaints received by the agency during the past two years and the agency's responses to those complaints.

## QUALITY OF SERVICE REVIEW

[Agency Name]

[Date]

[signature date]

I HEREBY CERTIFY AND CONFIRM under penalty of perjury, in connection with the Executive Office of the U.S. Trustee's ("EOUST's") Quality of Service Review ("QSR") of [Agency name] (the "Agency") that, to the best of my knowledge and belief, all representations that I and/or Agency staff made to the EOUST employees assigned to this QSR (the "QSR Team") in connection with this QSR are complete and accurate. In addition:

1. I and/or Agency staff have provided all requested Agency files, records, or statements in any form (whether paper, electronic, or otherwise) and related information to the QSR Team, or will provide them subsequently within the deadlines represented during this QSR. [Furthermore, I understand that the Document Request delivered on [date] is ongoing to the extent the Agency has not delivered all responsive documents on or before this date.]
2. No internal control issues, compliance matters with any regulatory body or agency, financial considerations, connections or contracts with related entities or persons, or irregularities exist of which the Agency has not informed members of the QSR Team.

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Printed Name & Position with Agency

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Signature