

## Collecting Business Debt

by Christopher Ferreira

The key to collecting a business debt, whether by a financial institution, private party lender, or investor, is to recognize and promptly attend to loan defaults. The situation exacerbates when neither the borrower nor the lender responds promptly and appropriately.



## Are You a Debt Collector? Three Scenarios

by Patrick D. Newman

The Fair Debt Collection Practices Act defines a debt collector as “any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due. . . another.”



# Moss & Barnett

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## Collecting Business Debt

By Christopher Ferreira | 612.877.5339 | [Chris.Ferreira@lawmoss.com](mailto:Chris.Ferreira@lawmoss.com)

The key to collecting a business debt, whether by a financial institution, private party lender, or investor, is to recognize and promptly attend to loan defaults. Signs of an impending loan default may include delays in meeting deliverables, declining revenues or losses, cash flow issues, delays in billings and collections, growing debt load, and additional cash infusions and related-party transactions. A non-responsive borrower means trouble. The situation exacerbates when neither the borrower nor the lender responds promptly and appropriately.

Once a borrower becomes resigned to the eventual loss of control of its business or property, and before surrendering control, the borrower may attempt to divert as much money or property out of the business as possible. For example, the borrower may allow existing account debtors to prepay invoices at a significant discount for a present cash payment. With respect to real estate collateral, the borrower may enter into leasing arrangements requiring substantial

or full payment of rent in advance of, or cancel long term leases in exchange for, a cash payment. To mitigate this diversion, the lender should regularly monitor the borrower's business practices to determine: (i) the collectability of accounts receivable and any departure from past payments, and (ii) whether the borrower is depositing funds in the same account consistent with prior practices. The money that is diverted is usually used by the borrower to support a bankruptcy filing or litigation against the lender.

At the first sign of trouble, the lender should have an attorney review the loan and related documents, including notes and correspondence, to determine whether the lender is well-situated to exercise its rights and remedies under the loan documents. The loan review is essential for identifying drafting errors or other issues that might affect the enforceability of the loan documents, or for identifying any “course of dealing” between the parties that might

be construed as altering or modifying the parties' rights and obligations under the loan documents and at law.

A loan “workout” can be an effective tool to get the borrower back on track or to maximize the liquidation value of its business. The “workout” may include the following:

### Loan Extension

One of the most common terms of a loan workout is the lender's extension of the loan or loans under a forbearance agreement. Often during the course of a loan, problems arise for which the lender may feel adequately protected during the course of the loan but, as the loan nears maturity and liquidation appears imminent, the picture starts to change. In such a scenario, it is not uncommon for the lender to grant a 60 or 90-day extension of the loan during which the lender agrees to forbear from exercising its rights and remedies under the loan documents to give the borrower time to cure the default or to obtain take-out

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Did You Know?

## Jana Aune Deach and Tom Shroyer Elected to Board of Directors

**Jana Aune Deach** and **Thomas J. Shroyer**, were recently elected to three-year terms as members of our Board of Directors. Jana is a member of the firm's family law team, and this will be her first term serving as a director. Tom is chair of the firm's accountant law team and a member of the firm's litigation team. He has been a director since 1993

and has served as the firm's Chief Executive Officer since 2000. Jana and Tom will each continue practicing law on a full-time basis in addition to handling their management responsibilities. They are joined on the board by co-directors **Rick Johnson, Kevin Busch, Brian Grogan** and **Tim Gustin**.



Tom Shroyer and Jana Aune Deach

## Caroline Bussey and Sarah Doerr Elected Shareholders



Sarah Doerr and Caroline Bussey

We are pleased to announce that **Caroline A. Bussey** and **Sarah E. Doerr** have been elected shareholders of the firm.

**Caroline** is a member of the firm's real estate team representing landlords, tenants, and lenders on a wide range of leasing and financing transactions. Her areas of counsel include drafting and negotiating lease documents, real estate agreements, and loan documents; conducting real estate due diligence; analyzing and resolving title and survey issues; negotiating title insurance coverage; and closing lending transactions.

**Sarah** is a member of the firm's creditors' remedies and bankruptcy team. She has experience in both individual and commercial bankruptcy matters and represents secured and unsecured creditors, as well as debtors. Sarah also defends debt buyers and debt collection agencies in connection with Fair Debt Collection Practices Act and Fair Credit Reporting Act claims. She has been listed in *Minnesota Super Lawyers* "Rising Stars" from 2012 to the present.

***Congratulations to Caroline and Sarah!***

## Moss & Barnett Joins Geneva Group International (GGi)

Moss & Barnett is pleased to announce that it has been selected as a new member of **Geneva Group International (GGi)**. GGi is a global alliance of well-established and experienced law, accounting, audit, management, and trust firms. It has more than 496 member firms in over 118 countries and is consistently ranked among the top ten associations worldwide. All firms are carefully vetted before GGi grants membership. Moss & Barnett is the only Minnesota law firm member of GGi.

As a member of GGi, Moss & Barnett has access to experts around the world who are able to provide solutions on local regulations, compliance, and go-to-market strategies.



GGi's broad international presence opens up a gateway to the global marketplace for our clients, as well as for Moss & Barnett. Through our GGi membership, we have access to high-quality firms in nearly every major financial and commercial center worldwide. This remarkable facility applies

whether clients are looking for business opportunities beyond national boundaries or need international support in addition to services in their home markets.

In today's international markets, having a strong presence is essential for big and small companies. That is why international contacts are so important. An in-depth understanding of local legal and fiscal differences is a must for businesses to be successful in their cross-border activities. For more information about GGi, visit [www.ggi.com](http://www.ggi.com).

***We are here to help and support your success wherever your business takes you!***

## Moss & Barnett is Pleased to Recognize Cindy Ackerman

Moss & Barnett is pleased to congratulate **Cindy J. Ackerman**, a member of our wealth preservation and estate planning and business law teams, who was selected as a 2016 “Five Star Financial Services Professional.” To receive the Five Star Financial Services award, a professional must satisfy ten objective eligibility and evaluation criteria, including client retention

rate, number of client households served, education and professional designations, and pro bono and community work. Cindy is a multi-year Five Star winner. She was previously selected as a Five Star Estate Planning Attorney in 2014 and a Five Star Wealth Manager in 2011.

***Congratulations, Cindy, on this well-deserved honor!***



Cindy Ackerman

## Six New Attorneys Have Joined the Team



Bradley Armstrong



Michael Bondi



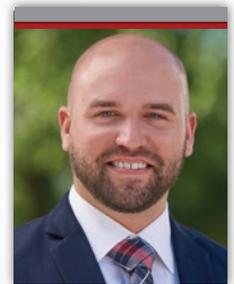
Nick Kaster



Kelly McGinty



Brittney Miller



Jeremy Nauman

**Bradley R. Armstrong** has joined the firm's creditors' remedies and bankruptcy team. Bradley counsels creditors, debt buyers, attorneys, and businesses on compliance with state and federal credit and collection laws. He has significant experience defending clients in consumer financial services litigation, including claims brought under the Fair Debt Collection Practices Act and the Fair Credit Reporting Act, as well as state consumer protection statutes – against both individual claims and class actions. He received his J.D. from William Mitchell College of Law and his B.A. from Gustavus Adolphus College.

**Michael A. Bondi** has joined the firm's intellectual property team. Michael focuses his practice on the preparation and prosecution of U.S. and foreign patent and trademark applications. Michael enjoys the variety of working with large companies who have complex multi-national trademark and patent portfolios, as well as smaller companies and individuals who are selecting their first trademarks or filing their first

patent applications. Michael received his J.D. from John Marshall Law School and his B.S. from the University of Illinois at Champaign-Urbana.

**Nicholas J. Kaster** has joined the firm's wealth preservation and estate planning and business law teams. As counsel to individuals, business owners, and their families, Nick relies on his experience in multiple disciplines to assist clients with their family, business, and philanthropic concerns. Nick received his J.D., *cum laude*, from William Mitchell College of Law and his B.A. from DePauw University.

**Kelly C. McGinty** has joined the firm's litigation and accountant law teams. Kelly assists businesses and individuals with their litigation needs, including commercial and business disputes, contractor-side construction industry disputes, professional liability claims, personal torts, and a variety of other areas. She received her J.D., *summa cum laude*, from William Mitchell College of Law and her B.S. from Cornell University.

**Brittney M. Miller** has joined the firm's family law team. Brittney assists clients in all matters about their family, including support, parenting, third-party and grandparent visitation, division of assets, and a variety of other issues that confront modern families. Brittney received her J.D., *magna cum laude*, from the University of Minnesota Law School and her B.A., *magna cum laude*, from Drake University.

**Jeremy J. Nauman** has joined the firm's real estate team representing lenders in real estate financing and refinancing transactions. Jeremy focuses his practice in the firm's national multifamily agency lending practice group, which closes and delivers loans secured by multifamily projects to secondary market investors such as the Federal Home Loan Mortgage Corporation (Freddie Mac). He received his J.D., *cum laude*, from Northern Illinois University College of Law and his B.A., *cum laude*, from Winona State University.

## Are You a Debt Collector? Three Scenarios

By Patrick D. Newman | 612.877.5264 | [Patrick.Newman@lawmoss.com](mailto:Patrick.Newman@lawmoss.com)

Sophisticated business people — particularly attorneys — tend to bristle when it is even *suggested* they might be “debt collectors.” The term carries pejorative connotations, conjuring images of folks with headsets, crammed into a sea of cubicles within a call center, “dialing for dollars.”

But the truth is that Congress enacted the Fair Debt Collection Practices Act (“FDCPA”) to regulate the collection of consumer debt quite broadly — even beyond the archetypal call center collector. The FDCPA defines a debt collector as “any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due . . . another.” Notably, the FDCPA covers only *consumer* debt: debts incurred for “personal, family, or household purposes.” It does not regulate the collection of commercial debt.

An individual making calls and sending demand letters from a collection agency is clearly a “debt collector.” It is not always clear with others engaged in efforts to recover money from consumers. Consider the following scenarios.

### In-House Collection Efforts

*Do the efforts of a small business specializing in the sale of consumer products to collect its own accounts receivable fall within the ambit of the FDCPA?*

As a general rule, the FDCPA does not apply to businesses, or their employees, attempting to collect their own debts. However, if the business uses a name other than its actual business name during collection efforts, the exception is lost.

To retain this exemption, the business must make very clear that the consumer owes money *directly* to it. The business must

avoid even an inadvertent conveyance that a third party is involved in collection efforts. Demand letters should bear no name other than the true business name, and employees making collection calls must clearly state their status as employees of the business and that the call concerns a debt owed directly to the business.

### Attorneys

*Are attorneys subject to the FDCPA?*

Originally, the FDCPA specifically exempted attorneys from its scope, though that exemption has since been repealed, and the U.S. Supreme Court has found the FDCPA applicable to attorneys.

To qualify as a debt collector, an attorney generally must engage *regularly* in efforts to collect consumer debt. If an attorney takes a collection file or two on a one-off basis during a calendar year, does not employ any legal support staff specifically assigned collection duties (such as making collection calls), or does not utilize a collection file database or software, and there is no discernible historical pattern in her representation of a particular creditor in collection matters, then the attorney *might not* “regularly” attempt to collect and therefore might not be a debt collector subject to FDCPA regulation.

However, the “regularity” bar is set rather low. Indeed, courts have held that debt collection need not be a primary or principal part of an attorney’s practice for the attorney to be considered a “debt collector.” In fact, an attorney accepting only ten collection files per year has been found to qualify as a debt collector.

Because the cost of litigation to prove that an attorney is not regularly engaged as a debt collector is expensive and outcomes are uncertain, the cautious approach is best. Attorneys handling consumer collection of any volume or frequency should simply

assume compliance with the FDCPA is required.

### Assignees

*Does the FDCPA apply to assignees?*

The FDCPA specifically excludes from its coverage a “person collecting or attempting to collect any debt owed . . . or due another to the extent such activity . . . concerns a debt *which was not in default* at the time it was obtained by such person . . . .”

For example, if a car dealership enters into a retail installment contract with a consumer for the sale of a car under which the right to receive payment and enforce the contract is immediately transferred to a financing company, any subsequent efforts of the financing company to collect from the consumer are *not* covered by the FDCPA because the debt was not “in default” at the time it was transferred by the car dealership.

This exclusion would also apply where an entity takes assignment of a business’s accounts receivable pursuant to a factoring agreement, so long as the accounts receivable were not “in default” at the time of assignment.

To ensure this exemption applies, a business receiving the assignment must perform its due diligence in examining the accounts and the underlying contractual agreements with the consumer to determine what events constitute “default.” Additionally, the prudent assignee will also obtain warranties from the assignor in the assignment agreement that none of the accounts are in default at the time of assignment.

### Err on the Side of Caution

The courts consider the FDCPA to have been designed to correct historically-impermissible practices and, to that end, construe the statute liberally in favor of the consumer. The courts have also made clear that a debt collector’s mistaken understanding of the

## Moss & Barnett's New Certified Paralegal

**Loralee A. Berle**, a paralegal with our family law team, was recently certified as a Minnesota Certified Paralegal (MnCP). In June 2014, the Minnesota Paralegal Association announced its voluntary certification program to establish a standard of competency for paralegals in Minnesota. The program is an opportunity for Minnesota paralegals to validate their qualifications

and offers a credential to paralegals that meet certain education and experience requirements. Loralee joins the ranks of our other new MnCPs, **Shelly Doerr**, **Stacie Iverson**, and **Mara Gollin-Garrett**. Paralegals are key elements of the firm's practice teams, assisting the firm's attorneys in providing efficient, cost-effective solutions to our clients.



Loralee Berle

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financing from another source. The loan extension should be made pursuant to the terms of a forbearance agreement in which the borrower acknowledges its default and the validity of its loan documentation with the lender.

#### Loan Documentation

The workout provides the lender with an opportunity to fix any real or perceived problems with loan documentation. In exchange for the forbearance, the borrower will often agree to execute new or amend existing loan documents to address any ambiguities or other drafting issues, or to provide for additional security.

#### Equity Infusion

As part of a loan extension, the lender may request that the borrower or a third party invest equity in the business to enable the borrower to meet ongoing obligations.

#### Deed in Lieu of Foreclosure

When there is insufficient value in the lender's real property collateral to secure the debt, the borrower may be willing to give up its redemption rights by deeding the property directly to the lender or its designee to save the cost of a foreclosure. A deed-in-lieu of foreclosure can also be given in exchange for the lender's release of its right to pursue a deficiency judgment or to enforce a personal guaranty.

#### Release of Collateral

The lender may allow the borrower to sell or lease collateral to obtain additional financing or to apply the proceeds from the sale of the collateral to reduce existing obligations.

#### Release of Guaranty

A full or partial release of a guaranty or the waiver of any claims against the borrower or its principals, especially where the principals have the ability to meet significant obligations under the guaranty, is often sufficient incentive for officers to cooperate under a workout or orderly liquidation.

#### Third-Party Turnaround Professionals

It is not uncommon for the borrower to be caught up in financial problems beyond its ability to resolve. A third-party workout professional can provide valuable assistance. The lender may be reluctant to extend a helping hand in workout situations to avoid liability based on the lender's control of the business. The lender can avoid control by requiring the borrower to retain a third-party workout professional of the borrower's own choosing.

#### Orderly Liquidation

If there is sufficient collateral to protect the lender's security, the lender may want to act more aggressively to a default by liquidating the collateral. The borrower may react by opposing the lending party's collection efforts or filing a petition in bankruptcy. The reasonable middle ground is often an agreement for the total or partial liquidation of the collateral. In this situation, the borrower has the incentive of getting the lender paid in full and retaining any remaining equity in the business.

#### Financial Reporting

To be effective, the workout should always require the borrower to provide periodic reporting of financial information sufficient

for the lender to identify any issues going forward. In addition, the lender should pay close attention to those items that could become a prior lien or charge on the assets securing payment of the loan. Such items include federal and state tax liens, as well as various priority claims for wages and pension benefits.

#### Waiver and Release

In exchange for any accommodation, the lender should always seek to require the borrower and any guarantor to release the lender from any liability for any claims against the lender, regardless of whether the lender believes the borrower or any guarantor has any valid claims against it. The borrower will usually recognize that this is the price of compromise.

For further information about collecting business debt or loan workouts – or any other banking and finance questions – contact your attorney at Moss & Barnett.



**Christopher Ferreira's** practice is concentrated in banking and finance matters. He represents financial institutions of all sizes, including community, regional, and national markets, as well as credit unions and securitized investors. Chris represents clients in both loan originations and workouts. He advises management on commercial banking compliance, conducts due diligence and analysis, structures deals, oversees collateral securitization, and handles credit workouts and enforcement actions.

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Call: **612.877.5339**

Email: [Chris.Ferreira@lawmoss.com](mailto:Chris.Ferreira@lawmoss.com)

## Moss & Barnett Congratulates its *Best Lawyers* “Lawyer of the Year” for 2016

*Best Lawyers*® has named **Thomas J. Shroyer** as the Minneapolis Professional Malpractice Law – Defendants “Lawyer of the Year” for 2016.

*Best Lawyers* began designating “Lawyers of the Year” in the United States in high-profile legal practice areas in conjunction with its 15th edition (2009). Only a single lawyer in each practice area and designated metropolitan area is honored as the “Lawyer of the Year,” making this accolade particularly significant. Lawyers who are honored as “Lawyer of the Year” are selected based on particularly impressive voting averages received during exhaustive peer review assessments conducted with thousands of leading lawyers each year. Designation as “Lawyer of the Year” reflects the high level of respect a lawyer has earned among other leading lawyers in the same communities and in the same practice areas for his or her abilities, professionalism, and integrity.



Tom Shroyer

Tom serves as Moss & Barnett’s Chief Executive Officer and chairs Moss & Barnett’s accountant law team. He represents several national, super-regional, and regional accounting firms, national corporations, businesses in the Midwest, and professionals. Tom is a trial attorney with over 30 years of experience and has been listed multiple times in *The Best Lawyers in America and Super Lawyers*. He was also named a *Best Lawyers*’ Minneapolis Professional Malpractice Law – Defendants “Lawyer of the Year” in 2014.

***Congratulations, Tom, on this well-deserved recognition!***

## Moss & Barnett Named a “Best Law Firm” For 2016

*U.S. News – Best Lawyers* has released their 2016 “Best Law Firms” rankings – marking the sixth edition of this highly-anticipated annual analysis – and we are very pleased to report that Moss & Barnett has once again been named a “Best Law Firm.”

The 2016 “Best Law Firms” list reflects the high level of respect that a firm has earned among other leading lawyers and clients in the same communities and in the same practice areas for their expertise, professionalism, and integrity. The rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in their field, and a review of additional information provided by law firms as part of the formal submission process. Clients were asked to provide feedback on firm practice groups concerning expertise, responsiveness, understanding of the business and its needs, cost effectiveness, civility, and whether they would refer another client to the firm. Attorneys also voted on expertise, responsiveness, integrity,



cost effectiveness, whether they would refer a matter to the firm, and whether they consider the firm a worthy competitor.

We would like to thank our many clients and peer attorneys who took the time to participate in this survey on our behalf. The attorneys, paralegals, and administrative and support staff at Moss & Barnett are committed to providing you with effective, high quality, timely, and efficient solutions to your legal needs. It is our honor to offer you the quality service that you have every right to expect from your law firm.

**Are You a Debt Collector? Three Scenarios**  
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law is insufficient to shield him or her from FDCPA liability.

Accordingly, any entity engaging in consumer collection activity, even if it arguably falls within any of the exceptions discussed above, should still consider itself bound by the FDCPA and have procedures in place to comply with its provisions.



**Patrick D. Newman** is a member of our creditors’ remedies and bankruptcy team focusing his practice on all facets of creditors’ rights, including defense of debt buyers and collection agencies, debt collection, secured transactions, bankruptcy litigation, and judgment enforcement. He also advises clients on issues related to the Fair Debt Collection Practices Act and related consumer protection statutes.

Visit: [LawMoss.com/Patrick-D-Newman](http://LawMoss.com/Patrick-D-Newman)  
Call: **612.877.5264**  
Email: [Patrick.Newman@lawmoss.com](mailto:Patrick.Newman@lawmoss.com)

# Bold. Decisive. Results.

## Moss & Barnett Congratulates its Attorneys Included in 2016 *Best Lawyers*

Moss & Barnett is pleased to congratulate its attorneys who were included in *The Best Lawyers in America*® for 2016:

- **Cindy J. Ackerman** – Trusts and Estates
- **Yuri B. Berndt** – Tax Law and Tax Litigation & Controversy
- **Kevin M. Busch** – Banking and Finance Law, Financial Services Regulation Law, Banking & Financing Litigation, and Securitization and Structured Finance Law
- **Jana Aune Deach** – Family Law
- **Richard J. Johnson** – Administrative/Regulatory Law and Energy Law
- **Richard J. Kelber** – Corporate Law and Mergers & Acquisitions Law
- **Peter A. Koller** – Appellate Practice
- **Susan C. Rhode** – Family Law and Family Law Mediation
- **Thomas J. Shroyer** – Commercial, Intellectual Property, and Securities Litigation and Professional Malpractice Law-Defendants
- **James J. Vedder** – Family Law
- **Jeffrey L. Watson** – Real Estate Law

Each year, *Best Lawyers* bases its selection entirely upon peer-review, which is designed to capture, as accurately as possible, the consensus opinion of leading lawyers about the professional abilities of their colleagues within the same geographical and legal practice areas. *Best Lawyers* then compiles lists of outstanding attorneys and publishes an annual referral guide: *The Best Lawyers in America*®.

**To learn more about Moss & Barnett, our attorneys, and our various practice areas, please visit our website at [LawMoss.com](http://LawMoss.com).**



**Cindy J. Ackerman**



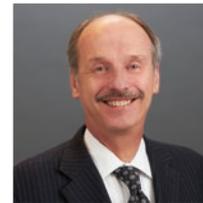
**Yuri B. Berndt**



**Kevin M. Busch**



**Jana Aune Deach**



**Richard J. Johnson**



**Richard J. Kelber**



**Peter A. Koller**



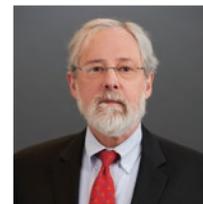
**Susan C. Rhode**



**Thomas J. Shroyer**



**James J. Vedder**



**Jeffrey L. Watson**

## Congratulations and Best Wishes to Mike Bradley and Jim Rubenstein

Two of our team members retired from the practice of law in 2015.

**Mike Bradley** is retiring after 42 years of practicing law, the majority with Moss & Barnett. Mike served as a member of our regulated industries team focusing his practice on utility regulation. He was listed multiple times in *Minnesota Super Lawyers* and *The Best Lawyers in America*.

**Jim Rubenstein** was a member of our creditors' remedies and bankruptcy; banking and commercial transactions; business law; litigation; and mergers, acquisitions and corporate finance teams. Jim was designated a Business Bankruptcy Specialist from the American Bankruptcy Board of Certification in 1993. He was also listed multiple times in *Minnesota Super Lawyers* and *The Best Lawyers in America*.

**Moss & Barnett salutes Mike and Jim and wish them all of the best in their well-deserved years of retirement.**



Mike Bradley at the helm of Sapphire on Lake Superior.



Jim Rubenstein



#### IMPORTANT NOTICE

This publication is provided only as a general discussion of legal principles and ideas. Every situation is unique and must be reviewed by a licensed attorney to determine the appropriate application of the law to any particular fact scenario. If you have a legal question, consult with an attorney. The reader of this publication will not rely upon anything herein as legal advice and will not substitute anything contained herein for obtaining legal advice from an attorney. No attorney-client relationship is formed by the publication or reading of this document. Moss & Barnett, A Professional Association, assumes no liability for typographical or other errors contained herein or for changes in the law affecting anything discussed herein.



### Did You Know?

**Nancy Kiskis**, an attorney with our wealth preservation and estate planning team, is intimately familiar with Alzheimer's disease and what it does to caregivers and families. Her husband was diagnosed with Alzheimer's at the age of 56. After eight years of agonizing decline, he died at the age of 64.

But the story doesn't end there. Nancy and her children, Alisa and Ryan, have become advocates for funding to find treatment and a cure for Alzheimer's. Although Alzheimer's disease is the sixth leading cause of death in the United States, it is the only disease in the top ten that has no treatment and no cure. If nothing is done, Alzheimer's disease alone will bankrupt Medicare in just a few short years.

Her husband's death has spurred Nancy to get involved so that a cure or at least treatment to slow the disease can be found. She attends the Alzheimer's Forum in Washington, D.C. every spring to learn more about research and then lobby on Capitol Hill. She and the Minnesota delegation, as well as delegations from around the country, meet with their Senators and Representatives to educate them about Alzheimer's and impress upon

them the urgency in finding treatment and a cure. Nancy is the Alzheimer's Association ambassador to Senator Amy Klobuchar. In addition, Nancy serves on the Public Policy Committee of the Alzheimer's Association Minnesota/North Dakota Chapter which focuses on not only federal legislation, but also efforts at the state level. She also serves on the Sustaining Caregivers Committee of ACT on Alzheimer's, a statewide initiative that is educating communities on understanding and supporting persons with Alzheimer's and their families.

Nancy's daughter, Alisa, after attending the Alzheimer's Forum in D.C., was so moved that she started looking for a way to get people her age involved in the fight. Alisa is one of the co-founders of Blondes vs. Brunettes Twin Cities, which is a friendly, but competitive, flag football game pitting age-old rivals – blondes and brunettes – and raises funds for research and support for persons with Alzheimer's. To date, B vs. B has raised over \$300,000 and leads the country in funds raised in its inaugural year.

Ryan, Nancy's son, serves on the Alzheimer's Public Policy Committee and is Co-Chair



**Nancy Kiskis and her children, Alisa and Ryan, with Senator Franken at his office in Washington, D.C.**

of the Advocacy Committee of the Young Champions, a group of young professionals whose goal is to raise awareness about the disease and fight for a cure. Ryan was one of the key speakers at Rally Day held at the Minnesota Legislature last year.

In many ways, the death of Nancy's husband was not an end, but a beginning. Her experience as a caregiver has given her a unique understanding and the opportunity to help others, not only by lobbying on Capitol Hill for more funding so that a cure can be found, but in helping others who are also traveling this path, whether as caregivers or as persons struggling with Alzheimer's.

**To learn more, visit [alz.org](http://alz.org).**