

"Mr B Caldwell" <bcaldwell251@att.net> on 07/29/2008 10:45:05 AM

**Subject:** Regulation AA

Dear Sir or Madam:

I must state at this moment in time Bank of America is **Terrorizing** me, my company, my wife, and my family as well as possibly many other families and businesses out there.

They have recently turned my account over to a collection agency in spite of the fact that I have never been late in making payments for several years until recently when I had to deal with the sudden and totally unexpected heart attack death of my 22 year old son. Because this tragedy completely occupied my time and thoughts for several days, I called your company to let you know that I would be late on my payment for this card and for my business line of credit, but that I would get current within a few days and I was told they would make note and understood!

It was a total shock to me to find out that when I signed on to my online banking website the very next time, the personal credit card and my business credit line account had been removed from the internet online. And within days after complaining my ability to sign on was taken away completely!

It was in disbelief that I found out by calling you, that Bank of America, a creditor that I had paid more than \$52,000 during the prior year, and from whom I had just recently reducing my debt successfully from 67,000 to \$44,000 in one year in spite of a 32% interests rate and had paid off a second mortgage with you on my home, now felt that I was not credit worthy, even though I had called to let you know I would be late for the first time in the history of our relationship.

The dubious excuse you gave was that you really did not have to provide me with a reason and I had too many credit requests on my personal credit report and that this somehow suggested to you that I would be unable to meet my credit obligations, **in the opinion of your credit evaluators**. Also was told that I had \$44,000 in revolving credit card outstanding, but even though this was \$25,000 less than when you issued the card I was not credit worthy?

I informed the lady who was evaluating my account that this was a fraud alert on the amount of request for credit and she should take that into consideration, and that I was getting the account inquiries sorted out. I also told her my business always paid these account and I had made over \$300,000 in revenues last year. So she went thru a question and answer session asking how much profit my business made last year. I informed her as she asked that I had lost \$366.62 but informed her that we had paid down several credit cards with over \$62,000 in payments last year.

She got very abrupt with me and said my account will be cancelled, without any regard for my request for reconsideration. I reminded her that both accounts were paperless accounts and that I needed a statement, which I was now no longer able to obtain online. The last comment made by the Bank of America representative was that she would see that one was mailed to me promptly. I am still waiting for the statements on my personal card cancelled so I can gauge my payments and where I am at with these credit cards.

After several unanswered letters to Bank of America in came 4 months statements of my business line of credit which by now was full of over limit charges, penalties and higher fees than my normal interest rate.

I wrote several letters attempting to resolve the issue, and I have post office receipts to document these mailings. After 180 days I finally got a call about my business credit line from a lady named Jamie Smith. We set up a way to resolve the credit line by making payments and she assured me this would stop the calls. She also waved the interest and the penalties and assured me that this will be a complete resolution to the problem!

I made my payments in accordance to what we agreed but the calls regarding this account from Bank of America, and a creditor, and FIA service other division I assume, never ceased. After paying the account off as I had agreed with Ms. Smith, I continued to receive calls and letters asking me for payment. To this day they have not stopped letter attached to this letter as well as payments made on time.

You've made a request to also resolve the account # ending in xxxx and I wish to do so. The claim was the debt was now up to \$17,360 yet the balance in November was \$14,000 and current. But on the very day I got the offer by phone from Bank of America, I got 17 calls from FIA services about this account. Eight (8) of these calls were to my cell phone, four (4) to my wife's phone number at her work, and two (2) to my wife's cell phone, and three (3) at my place of business. I was very sick from the attack and needed a few days to calm down so I could reply with a clear mind.

Nobody waited 2 days after getting the fedex I started getting call from CCI or CVI they will not provide me their address to reply. And have on several phone calls they hung up on me when telling them I am recording the call. Then a barrage of calls from 7 different numbers and 4 blocked calls appeared on my business phone daily all hang ups when I answer. A total of 16 to 18 calls daily for a week. I must assume the agency is logging calls to prove they did their job in trying to contact me?

Some never allowing me to talk, many scolding me for not paying my debt and many belittling me when I explain I have not had enough time or a proper address to respond.

I was told I was going to lose my home, and that my wages would be garnished. I would be served at work and be embarrassed in front of my employees. I also got three faxes from FIA services at my business which informed my employees that I had a bad dept.

I returned every call and was treated with very little respect. I finally just said please mail me an offer.

The very next day I got another offer completely different from the one made by Bank of America on the phone. Delivered by Fedex, the offer was a pay-out of \$6,000 for this account with payments of \$1500 monthly. I could not accept this offer especially since the one made by Bank of America on the very same day was for a lesser amount and provided easier payout terms. Other terms we discussed are not on the offer. Now, not only am I confused, but I was not given adequate time to reply before Bank of America turned the account over to a collection agency called CCI. CCV is very rude and unpleasant to deal with because they will not give any consideration to my attempts to get this resolved and absolutely refuse to make any effort to reach a settlement.

Because I didn't just accept whatever they wanted me to have, they labeled me combative, and then proceeded to call all phone numbers related to me that they had on a list, I also got a letter from bank of America well I did not get it was sent made out to me but addressed to my wife's employers address. The employer, not knowing who Bruce Caldwell was, opened the letter alerting him to my financial dilemma. This certainly did not have a positive effect on how my wife was viewed by her employer, and represents a very intrusive act that if not illegal, certainly should be. Now my financial conflict with Bank of America has been revealed to a third party and to my employees who are probably wondering if they are going to continue to have jobs. Which I believe is illegal!

The stress of being tied up on the phone by Bank of America for many hours attempting to deal with this matter has distanced me from doing what I do daily to earn an income. Harassing me till I am sick with high blood pressure is not only keeping me on pins and needles, but has caused me to spend valuable hour's sick at home trying to recover my health. This has also hindered my ability to do my job and earn an income that could be used to pay this loan back.

It is difficult to resolve this at the rate of \$1500 monthly. I mean think about it I was paying \$500 monthly towards the account. SO I replied with an offer of \$450 monthly for 12 months, and I got no reply! Letter attached! I have made every attempt to resolve these accounts from the very beginning, and in fact I have never been late on any of the payments due over the 10 years that I have had the account

So why did they pull my account and then settle for less money? So far everything I have done to attempt to pay the debt has been scrutinized and hindered or thrown back in my face in attempt to keep me from paying it. **It does not make sense!!!** I was willing to pay more than you were even willing to accept, I must assume you must get a better deal from a write off than being paid the full price?

I had assumed as per our written agreement that as long as it is paid as agreed no one will harass me on the matter at work or on the phone. With this promise and agreement broken by Bank of America how can I trust that any new agreement will be withheld? What motivation do I have even try?

I WELL AM DAMNED IF I DO and DAMNED IF I DON'T AT THIS POINT! What you

have affectively done has undermined the success of my business. If any one could be interested in supporting my business it would be Bank of America because we provide athlete equipment to Olympians, an institution you claim to support and derive much advertising from as a USA OLYMPIC SPONSOR?

One person informed me from FIA services that my agreement was cancelled? Even though I had paid as per the terms, there seems to be loop holes in the agreement!

1. First, the agreement was cancelled because you sent payments to Bank of America not FIA services. I was told I was dealing with Bank of America on this. IN fact the agreement which was faxed to me originated from a Bank of America fax phone number and is printed clearly on the edge and FIA services as the letter head?
2. Charges appeared on the account and this voided the agreement. The only new charges were interest payments and penalties, which in fact I had been told would not be assessed as part of the settlement agreement.

My offer was that once the agreed amount is paid, I will accept a 1099 to be made out to my business where the card was used solely for the unpaid amount not to exceed \$14,000 less the pay off amount. While I am making payments, and until after payment is paid in full as agreed to, no one from Bank of America or its associates, FIA services or collection agencies will impose a derogatory on my personal credit report or my business credit report. They lied because now other creditors are sending me early warning letters to reduce my credit line as I pay them down! Other credit card accounts that have never been late!

So based on my experience in an effort to pay Bank of America back on the debt, I must resolve that this is a scam of the most egregious sort, and that the collection process and assessment process is illegal and should not be happening. I will be lobbying for the US government to please step in provide consumer protection measure labeled "The CREDIT CARD BILL OF RIGHTS"

Based on several opinion of several lawyers that I have consulted, Bank of America and its representatives have violated ever rule of the "**FDCPA 805 Debtors rules.**"

If this does not stop I will be forced to file on Bank of America for unlawful harassment and violation under the fair credit laws of the United States of America.

Bank of America has caused loss in sales using my company's toll free number to call me and tying up my company phone from incoming sale orders. I can estimate that my sales are down by 30% and at least two thirds of this is due to this harassment which is much more money than the debt itself.

The harassment has seemed to have escalated to **terrorism, terror to intimidate me** and set Bank of America in a position to write the account off no matter my attempts to pay it!

My demand is that some one must be accountable for these actions and I impose the Sarbanes Oxley Act that those seated in Officer positions to be obligors of any

violations of the law that their company is engaged in or guilty of!  
I demand that Bank of America, FIA Services, its associates, its third party illegal  
collection agencies and OBLIGORS cease the use of unfair tactics immediately and  
resolve this manor professionally and fairly!!  
I will not discuss this by phone only by letter so I can have everything in writing!

Sincerely,

Bruce Caldwell