

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**WASHINGTON, D.C.**

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| In the Matter of              | ) |                     |
|                               | ) |                     |
| BARCLAYS BANK DELAWARE        | ) |                     |
| WILMINGTON, DELAWARE          | ) | ORDER TO PAY        |
|                               | ) | CIVIL MONEY PENALTY |
|                               | ) |                     |
|                               | ) |                     |
|                               | ) | FDIC-11-171K        |
| (INSURED STATE NONMEMBER BANK | ) |                     |

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Barclays Bank Delaware, Wilmington, Delaware ("Bank"), has been advised of its right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY AND NOTICE OF HEARING ("NOTICE") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations of law and regulation for which a civil money penalty may be assessed against the Bank pursuant to section 8(i)(2) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(i)(2), and has been further advised of the right to a hearing with respect to the foregoing, under section 8(i) of the Act, 12 U.S.C. § 1818(i), and the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308, and having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY ("CONSENT AGREEMENT") with counsel for the FDIC dated August 2, 2011, whereby, solely for the purpose of this proceeding and without admitting or denying the alleged violations of law or regulation, the Bank consented to the issuance of this ORDER TO PAY ("ORDER") by the FDIC.

The FDIC considered the matter and determined that it has reason to believe that the Bank committed violations of law and regulation, including section 5 of the Federal Trade Commission Act (“Section 5”), 15 U.S.C. § 45(a)(1); section 701(d) of the Equal Credit Opportunity Act (“ECOA”), 15 U.S.C. § 1691(d), and its implementing regulations, section 202.9 of Regulation B of the Board of Governors of the Federal Reserve System (“Regulation B”), 12 C.F.R. § 202.9; section 615(a)(2) of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681m; and section 207(a)(1) of the Servicemembers Civil Relief Act (“SCRA”), 50 App. U.S.C. § 527(a).

The FDIC has reason to believe that the Bank violated Section 5 by engaging in unfair and deceptive practices in connection with its convenience check program and by engaging in unfair practices through its credit line decrease activities. The FDIC believes the Bank also violated Regulation B and the FCRA by changing account terms without providing adverse action notices to the affected cardholders, and the SCRA by applying interest rates that exceeded the statutory limit on certain credit card accounts covered by the SCRA.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of the Bank, the “gravity of the violations; the history of previous violations; and such other matters as justice may require,” as required by section 8(i)(2)(G) of the Act, 12 U.S.C. § 1818(i)(2)(G), the FDIC determined that a civil money penalty of four hundred twenty-five thousand dollars (\$425,000) is appropriate to be assessed against the Bank. The FDIC, therefore, accepts the CONSENT AGREEMENT and issues the following:

**ORDER TO PAY**

IT IS HEREBY ORDERED that the Bank be, and hereby is, assessed a civil money penalty in the amount of four hundred twenty-five thousand dollars (\$425,000) pursuant to section 8(i)(2) of the Act, 12 U.S.C. § 1818(i)(2), the receipt of which is hereby acknowledged.

Pursuant to delegated authority.

Dated at Washington, D.C. this 2<sup>nd</sup> day of October, 2011.

/s/  
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Sylvia H. Plunkett  
Senior Deputy Director  
Division of Depositor and Consumer  
Protection