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From: Small Business Owner

Sent: Saturday, September 16, 2006 11:15 PM

To: Comments

Subject: CORRECTION: Identity Theft Red Flags and Address Discrepancies Under FACTA - 12 CFR Parts 334 and 364

September 16, 2006

To Whom It May Concern:

I am a small business owner. My confidential, identifying personal and business banking information were compromised and money was stolen between 2/1/2004 and 5/22/2005.

I agree with the proposed rules -- "The regulations that the agencies are jointly proposing would require each financial institution and creditor to develop and implement an identity theft prevention program that includes policies and procedures for detecting, preventing, and mitigating identity theft in connection with account openings and existing accounts."

To add insult to injury, I was forced to call the CEO's office at the bank for answers and to obtain a full refund of my money. I subsequently filed a complaint against the bank with the OCC in July 2005. The OCC did not resolve the matter. I was unable to obtain affordable legal counsel to help me, therefore I filed a lawsuit (currently pending in U.S. District Court) against the bank, pro se. I am NOT an attorney.

As of this writing, my business is shut down and must be dissolved as a direct result of identity and bank data theft; I have suffered severe emotional and physical trauma; my finances/credit and reputation are ruined for up to 15 years and I have been unable to resume full-time work since June 2005. Representing myself in U.S. District Court has been overwhelmingly stressful.

Identity theft has far reaching implications. Credit card fraud is the tip of the iceberg. ID thieves have secured employment in numerous states, filed a fraudulent tax return, obtained identification from DMV and shockingly committed bank and insurance fraud at the same bank branch(es) where they stole my money (from my business checking account).

The discovery process has revealed shocking details, which supports my case. Trial against the bank is scheduled to begin October 2006 if I survive a motion

for summary judgment.

Following is relevant information for your consideration.

Thank you.

Signed: Small Business Owner

Former Bank Employees Are Charged In Data Heist  
<http://www.informationweek.com/shared/printableArticle.jhtml?articleID=163700396>

"Police say the accused were responsible for a scheme in which they obtained customer data from Bank of America, Wachovia, Commerce Bancorp, and PNC Financial Services Group and sold it to law firms and debt-collection agencies."

"Account numbers and balances on 670,000 accounts were found on 13 computers seized..."

Reference: Robert A. Jones v. Commerce Bancorp, Inc.  
(NJ Federal Court)

New Jersey Lawyers File Identity Theft Class Action  
Against Wachovia  
<http://www.pralaw.com/ourfirm/news.asp?article=56>

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Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>