#2016-127

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of:	)	
Lamond A. Parker	)	
Former Senior Collector	)	
MBNA Marketing Systems, Inc., a subsidiary of	)	AA-EC-2014-94
FIA Card Services, N.A., Wilmington, DE	)	
	)	
Succeeded in interest by:	)	
Bank of America, N.A., Charlotte, NC	)	

DECISION AND ORDER ON ENTRY OF DEFAULT

This matter is before the Comptroller of the Currency ("Comptroller" or "OCC") on the Recommended Decision of the Administrative Law Judge ("ALJ") for entry of default against Lamond A. Parker ("Respondent"), a former employee of MBNA Marketing Systems, Inc. ("MMSI"), a subsidiary of FIA Card Services, N.A. ("Bank"). A Notice of Intention to Prohibit Further Participation ("Notice"), issued by the OCC pursuant to section 8(e) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(e), seeks an order prohibiting Respondent from further participating, in any manner, in the conduct of the affairs of any federally insured depository institution or any other institution, credit union, agency, or entity referred to in section 8(e) of the Act. 12 U.S.C. § 1818(e). Upon consideration of the pleadings, the ALJ's Recommended Decision, and the entire record, the Comptroller concludes that Respondent is in default and orders that Respondent is prohibited from any further participation in the conduct of the affairs of any institution or entity set forth in section 8(e) of the Act. 12 U.S.C. § 1818(e).

I. FACTUAL SUMMARY AND PROCEDURAL HISTORY

The ALJ's Recommended Decision details the uncontested facts giving rise to this decision. Respondent was employed as a Senior Collector at MMSI. In this position, Respondent

was a member of the Bank's Customer Assistance Team and had access to the Bank's customer information system. Respondent used his access to the Bank's customer information system to manipulate two credit card accounts he held at the Bank in order to allow him to incur charges in excess of the limits on the accounts. Specifically, in February and March of 2010, Respondent used his access to the Bank's customer information system to process manual overrides to temporarily increase the credit limits on his two accounts. Respondent also engaged in what the Recommended Decision characterized as a "bust-out scheme." Respondent gave the appearance of making payments toward the two outstanding credit card balances using checks or other means of payment that he knew would be returned for insufficient funds. This allowed him a short window of time to incur additional charges on the cards before the purported payments were returned unpaid for insufficient funds. Taken together, these actions allowed Respondent to incur charges far in excess of the limits on the accounts. When Respondent ended the scheme, the combined balances on both credit cards exceeded their actual credit limits by approximately $60,000. Ultimately, Respondent stopped making payments on both credit cards and declared bankruptcy. The Bank eventually charged off more than $95,000 on Respondent's credit card accounts.

The OCC served its Notice initiating this proceeding on Respondent on February 26, 2015. The Notice was sent to Respondent's last known address via UPS overnight mail and first-class mail. Respondent was required to file an Answer by March 18, 2015. *See* 12 C.F.R. §§ 19.12(c) and 19.19(a). Respondent did not file an Answer to the Notice. On May 4, 2015, OCC Enforcement Counsel moved for an Order of Default pursuant to 12 C.F.R. § 19.19(c)(1). That same day, the ALJ issued an Order to Show Cause requiring Respondent to appear by May 26, 2015, and show good cause why he never filed an Answer and why a default judgment should

not be granted. The Order to Show Cause was served on Respondent at the same address via UPS overnight mail. Respondent did not reply to the motion or the Order to Show Cause. The ALJ granted Enforcement Counsel's motion on June 1, 2015, finding that, by failing to appear, the Respondent waived his right to appear and contest the allegations in the Notice and consented to the entry of a final order of prohibition.

II. DECISION

The ALJ's finding that Respondent is in default based upon his failure to appear is appropriate. Respondent has been provided with adequate notice of this proceeding and several opportunities to appear and respond. Based on the record of this proceeding, the Comptroller agrees with the ALJ that Respondent was properly served, *see* 12 C.F.R. § 19.11(b), has failed to file any Answer, *see* 12 C.F.R. § 19.19, and is in default, *see* 12 C.F.R. § 19.19(c)(1).

Moreover, the Comptroller agrees that the uncontested allegations set forth in the Notice meet the standards for prohibition under section 8(e) of the Act. 12 U.S.C. § 1818(e). Respondent's unauthorized manipulation of his personal credit limits on his two credit card accounts and use of a scheme to artificially increase his available credit while an employee of the bank constituted unsafe and unsound banking practices and violations of law,[1] notably 18 U.S.C. §§ 1344(1) and (2). As a result of the foregoing conduct, the Bank suffered a "financial loss or other damage"; the Bank eventually charged off more than $95,000 on Respondent's credit card accounts.[2] Respondent also received a "financial gain or other benefit"[3] as a result of this scheme, *i.e.*, an unauthorized increase in his credit card limits, which he exploited via purchases in excess of $60,000 over his approved credit limit. Finally, Respondent's conduct involved

[1] *See* 12 U.S.C. § 1818(e)(1)(A)(ii).
[2] *See* 12 U.S.C. § 1818(e)(1)(B)(i).
[3] *See* 12 U.S.C. § 1818(e)(1)(B)(iii).

personal dishonesty;[4] he illegally used his position at the Bank to manipulate the two personal credit card accounts he held at the Bank in a way that allowed him to incur unauthorized charges in excess of his credit limits. Respondent also made payments on the accounts that he knew would be returned for insufficient funds, a ploy that allowed him to incur additional charges on the cards before the payments were returned. These personally dishonest actions allowed Respondent to incur charges far in excess of the limits on the accounts. Accordingly, I find that the requirements for entry of an order prohibiting Respondent from participating, in any manner, in the affairs of any insured depository institution have been met.

III. ORDER

1. Respondent, Lamond A. Parker, is hereby prohibited, without the prior written approval of the OCC and the appropriate Federal financial institutions regulatory agency, as that term is defined in section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D), from:

   a. Participating in the conduct of the affairs of any insured depository institution, agency, or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);

   b. Soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any financial institution enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);

   c. Violating any voting agreement previously approved by the appropriate Federal banking agency; or

[4] *See* 12 U.S.C. § 1818(e)(1)(C).

d. Voting for a director, or serving or acting as an officer, director, or employee, of any financial institution enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A).

2. The provisions of this Order will remain effective and enforceable except to the extent that, and until such time as, any provisions have been modified, terminated, suspended, or set aside by the OCC.

SO ORDERED.

Date: 9/7/16

/s/_____
THOMAS J. CURRY
COMPTROLLER OF THE CURRENCY