

**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)	

NOTICE OF INTENTION TO PROHIBIT FURTHER PARTICIPATION

Take notice that on a date to be determined by the Administrative Law Judge, a hearing will commence in the Western District of North Carolina unless Respondent consents to another place, pursuant to 12 U.S.C. § 1818(e), concerning the charges set forth herein to determine whether an Order should be issued against Lamond A. Parker (“Respondent”), former Senior Collector at MBNA Marketing Systems, Inc. (“MMSI”), a subsidiary of FIA Card Services, N.A., Wilmington, Delaware (“Bank”) (succeeded in interest by Bank of America, N.A., Charlotte, North Carolina), by the Comptroller of the Currency of the United States of America (“Comptroller” or “OCC”), prohibiting Respondent from 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 12 U.S.C. § 1818(e).

The hearing afforded Respondent shall be open to the public unless the Comptroller, in his discretion, determines that holding an open hearing would be contrary to the public interest.

In support of this Notice of Intention to Prohibit Further Participation (“Notice”), the Comptroller charges the following:

ARTICLE I

JURISDICTION

At all times relevant to the charges set forth below:

- (1) MMSI was a subsidiary of the Bank.
- (2) The Bank was a national banking association, chartered and examined by the Comptroller, pursuant to the National Bank Act of 1864, as amended, 12 U.S.C. § 1 *et seq.*
- (3) The Bank was an “insured depository institution” as defined in 12 U.S.C. § 1813(c)(2).
- (4) Respondent is a former Senior Collector at MMSI and is an “institution-affiliated party” of the Bank as that term is defined in 12 U.S.C. § 1813(u), having served in such capacity within six (6) years from the date of this Order (*see* 12 U.S.C. § 1813(i)(3)).
- (5) Pursuant to 12 U.S.C. § 1813(q), the Comptroller is the “appropriate Federal banking agency” to maintain an enforcement proceeding against institution-affiliated parties of the Bank. Therefore, Respondent is subject to the authority of the Comptroller to initiate and maintain a prohibition action against him pursuant to 12 U.S.C. § 1818(e).

ARTICLE II

BACKGROUND

- (6) This Article repeats and realleges all previous Articles in this Notice.
- (7) From December 2008 until March 2010, Respondent was employed by Bank-subsidary MMSI as a Senior Collector on the Bank’s Customer Assistance Team.
- (8) As a Senior Collector on the Bank’s Customer Assistance Team, Respondent had access to the Bank’s customer information system. Respondent’s user identification number appeared on the customer information system as KTAL6P.

(9) At all times relevant here, Respondent and Co-Applicant held a credit card account bearing a number ending in 2771 (“Account 2771”) that was issued and administered by the Bank. The account’s credit limit was \$26,500.00.

(10) At all times relevant here, Respondent held a credit card account bearing a number ending in 4368 (“Account 4368”) that was issued and administered by the Bank. The account’s credit limit was \$3,500.00.

ARTICLE III

RESPONDENT VIOLATED THE LAW AND ENGAGED IN UNSAFE OR UNSOUND PRACTICES WITH REGARD TO ACCOUNT 2771 AND ACCOUNT 4368

(11) This Article repeats and realleges all previous Articles in this Notice.

(12) As described herein, Respondent violated the law and engaged in unsafe or unsound practices with regard to Account 2771 and Account 4368.

(13) Respondent abused his employee access to the Bank’s customer information system by improperly processing manual overrides to temporarily increase the credit limits on Account 2771 and Account 4368.

(14) Respondent also engaged in what has been characterized as a “bust-out scheme” with respect to Account 2771 and Account 4368. More specifically, Respondent temporarily and artificially increased his available credit by making payments on the outstanding balances in Account 2771 and Account 4368 with “bad checks” or other bogus means and then incurring additional charges to those accounts before the payments were returned unpaid and the significantly over-limit account balances would have become evident to the Bank. Respondent’s manual overrides on the Bank’s customer information system, described in Paragraph (13), helped to further this scheme. Respondent thereafter stopped making payments to Account 2771 and Account 4368 and later filed for bankruptcy.

Account 2771

(15) On or about February 25, 2010, Respondent or Co-Applicant made a payment of \$25,758.78 to Account 2771. This payment was posted to the account on or about February 25, 2010.

(16) Between about February 25, 2010 and March 1, 2010, Respondent or Co-Applicant made approximately nineteen charges to Account 2771, totaling approximately \$6,334.35.

(17) On or about March 2, 2010, Respondent processed a manual override on the Bank's customer information system to temporarily increase the credit limit on Account 2771 by \$10,000 for the period of March 2, 2010 to March 6, 2010. The manual override reflects Respondent's user identification number on the customer information system, KTAL6P.

(18) On or about March 2, 2010, Respondent or Co-Applicant made approximately five additional charges to Account 2771, totaling approximately \$21,056.87.

(19) On or about March 4, 2010, Respondent or Co-Applicant made a payment of \$27,000.00 to Account 2771. This payment was posted to the account on or about March 5, 2010.

(20) Between about March 4, 2010 and March 5, 2010, Respondent or Co-Applicant made approximately eight additional charges to Account 2771, totaling approximately \$1,701.15.

(21) On or about March 5, 2010, the \$25,758.78 payment to Account 2771 made on or about February 25, 2010, described in Paragraph (15), was returned unpaid for nonsufficient funds.

(22) On or about March 6, 2010, Respondent or Co-Applicant made approximately six additional charges to Account 2771, totaling approximately \$8,025.14.

(23) On or about March 7, 2010, Respondent or Co-Applicant made a payment of \$35,000.00 to Account 2771. This payment was posted to the account on or about March 9, 2010.

(24) On or about March 8, 2010, Respondent processed another manual override on the Bank's customer information system to temporarily increase the credit limit on Account 2771 by \$10,000 for the period of March 8, 2010 to March 12, 2010. The manual override reflects Respondent's user identification number on the customer information system, KTAL6P.

(25) Between about March 10, 2010 and March 11, 2010, Respondent or Co-Applicant made approximately four additional charges to Account 2771, totaling approximately \$5,345.59.

(26) On or about March 11, 2010, the \$27,000.00 payment to Account 2771 made on or about March 4, 2010, described in Paragraph (19), was returned unpaid as unable to locate.

(27) On or about March 12, 2010, Respondent or Co-Applicant made approximately two additional charges to Account 2771, totaling approximately \$3,652.46.

(28) On or about March 13, 2010, Respondent processed another manual override on the Bank's customer information system to temporarily increase the credit limit on Account 2771 by \$10,000 for the period of March 13, 2010 to March 17, 2010. The manual override reflects Respondent's user identification number on the customer information system, KTAL6P.

(29) Between about March 13, 2010 and March 16, 2010, Respondent or Co-Applicant made or attempted to make approximately ten additional charges to Account 2771, totaling \$4,742.53.

(30) On or about March 17, 2010, the \$35,000.00 payment to Account 2771 made on or about March 7, 2010, described in Paragraph (23), was returned unpaid for nonsufficient funds.

(31) By making bogus payments and improperly processing manual overrides on the Bank's customer information system, as described in Paragraphs (15) to (30), Respondent and Co-Applicant temporarily and artificially increased the total available credit on Account 2771.

(32) The temporarily and artificially increased available credit on Account 2771, described in Paragraph (31), enabled Respondent and Co-Applicant to make over-limit charges to Account 2771 and hide Account 2771's significantly over-limit balance from the Bank. The outstanding balance in Account 2771 as of March 18, 2010 was \$70,911.03, which exceeded the account's actual credit limit of \$26,500 by \$44,411.03. Thereafter, Respondent and Co-Applicant stopped making payments to Account 2771.

(33) On or about September 30, 2010, the Bank charged off the outstanding balance in Account 2771 of \$77,762.43.

(34) Respondent and Co-Applicant jointly filed for bankruptcy in the Northern District of Georgia on or about January 2, 2014, at which time the outstanding balance in Account 2771 was approximately \$77,762.43. Respondent and Co-Applicant listed this debt in the Statement of Financial Affairs they filed in connection with their bankruptcy petition.

Account 4368

(35) On or about March 1, 2010, Respondent made a payment of \$1,811.21 to Account 4368. This payment was posted to the account on or about March 2, 2010.

(36) On or about March 1, 2010, Respondent processed a manual override on the Bank's customer information system to temporarily increase the credit limit on Account 4368 by \$10,000 for the period of March 1, 2010 to March 5, 2010. The manual override reflects Respondent's user identification number on the customer information system, KTAL6P.

(37) On or about March 2, 2010, Respondent deleted the \$10,000 manual override described in Paragraph (36). The deleted override reflects Respondent's user identification number on the customer information system, KTAL6P.

(38) On or about March 2, 2010 Respondent processed another manual override on the Bank's customer information system to temporarily increase the credit limit on Account 4368 by \$10,000 for the period of March 2, 2010 to March 6, 2010. The manual override reflects Respondent's user identification number on the customer information system, KTAL6P.

(39) Between about March 3, 2010 and March 7, 2010, Respondent made approximately seven charges to Account 4368, totaling \$5,771.53.

(40) On or about March 8, 2010, Respondent deleted the \$10,000 manual override described in Paragraph (38). The deleted override reflects Respondent's user identification number on the customer information system, KTAL6P.

(41) On or about March 8, 2010, Respondent processed another manual override on the Bank's customer information system to temporarily increase the credit limit on Account 4368 by \$10,000 for the period of March 8, 2010 to March 12, 2010. The manual override reflects Respondent's user identification number on the customer information system, KTAL6P.

(42) On or about March 8, 2010, the \$1,811.21 payment to Account 4368 made on or about March 1, 2010 was returned unpaid as unable to locate.

(43) Between about March 8, 2010 and March 12, 2010, Respondent made approximately eighteen charges to Account 4368, totaling approximately \$12,500.82.

(44) On or about March 13, 2010, Respondent deleted the \$10,000 manual override described in Paragraph (41). The deleted override reflects Respondent's user identification number on the customer information system, KTAL6P.

(45) By making a bogus payment and improperly processing manual overrides on the Bank's customer information system, as described in Paragraphs (35) to (44), Respondent temporarily and artificially increased the total available credit on Account 4368.

(46) The temporarily and artificially increased available credit on Account 4368, described in Paragraph (45), enabled Respondent to make over-limit charges to Account 4368 and hide Account 4368's significantly over-limit balance from the Bank. The outstanding balance in Account 4368 as of March 18, 2010 was \$20,084.40, which exceeded the account's actual credit limit of \$3,500 by \$16,584.40. Thereafter, Respondent stopped making payments to Account 4368.

(47) On or about October 30, 2010, the Bank charged off the outstanding balance in Account 4368 of \$21,707.23.

(48) At the time Respondent and Co-Applicant jointly filed for bankruptcy in the Northern District of Georgia on or about January 2, 2014, the outstanding balance in Account 4368 was approximately \$21,356.58. Respondent and Co-Applicant listed this debt in the Statement of Financial Affairs they filed in connection with their bankruptcy petition.

ARTICLE IV

LEGAL BASES FOR REQUESTED RELIEF

(49) This Article repeats and realleges all previous Articles in this Notice.

(50) By reason of Respondent's misconduct as described in Article III, the Comptroller seeks a Prohibition Order against the Respondent pursuant to 12 U.S.C. § 1818(e) on the following grounds:

- (a) Respondent violated laws, including 18 U.S.C. §§ 1344(1) and (2) (bank fraud), and engaged in unsafe or unsound practices;

- (b) The Bank has suffered financial loss and Respondent received financial gain or other benefit by reason of the violations and practices; and
- (c) The violations and practices involved personal dishonesty on Respondent's part.

Answer and Opportunity for Hearing

Respondent is directed to file a written answer to this Notice within twenty (20) days from the date of service of this Notice in accordance with 12 C.F.R. § 19.19(a) and (b). The original and one copy of any answer shall be filed with the Office of Financial Institution Adjudication, 3501 North Fairfax Drive, Suite VS-D8113, Arlington, VA 22226-3500. Respondents are encouraged to file any answer electronically with the Office of Financial Institution Adjudication at ofia@fdic.gov. A copy of any answer shall also be filed with the Hearing Clerk, Office of the Chief Counsel, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219, hearingclerk@occ.treas.gov, and with the attorney whose name appears on the accompanying certificate of service. **Failure to answer within this time period shall constitute a waiver of the right to appear and contest the allegations contained in this Notice, and shall, upon the Comptroller's motion, cause the Administrative Law Judge or the Comptroller to find the facts in this Notice to be as alleged, upon which an appropriate order may be issued.**

PRAYER FOR RELIEF

The Comptroller prays for relief in the form of the issuance of an Order of Prohibition pursuant to 12 U.S.C. § 1818(e) against Respondent Lamond A. Parker.

Witness, my hand on behalf of the Office of the Comptroller of the Currency, given at
Washington, DC this 25th day of February, 2015.

s/Steven D. Jacobs

Steven D. Jacobs
Director
Special Supervision Division