



FEDERAL TRADE COMMISSION PROTECTING AMERICA'S CONSUMERS

FTC Urges Consumers to Cash Restitution Checks Mailed by Wachovia Bank

January 13, 2009

Checks Sent to More Than 740,000 Telemarketing Fraud Victims

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Wachovia Bank, N.A., has mailed out over \$150 million in restitution checks to more than 740,000 consumers who were victims of telemarketing fraud.

On December 11, 2008, the Office of the Comptroller of the Currency (OCC) announced that it had entered into an amended settlement agreement with Wachovia that directed the bank to issue these checks directly to victims. The checks reimburse consumers for funds deducted from their accounts by three payment processors that maintained accounts at Wachovia. See <http://www.occ.treas.gov/ftp/release/2008-143.htm> and <http://www.usdoj.gov/usao/pae/News/Pr/2008/dec/wachoviapayoutrelease.pdf>. In addition to the checks, consumers are receiving a claim form they may use to recover bank fees incurred as a result of the allegedly unauthorized debits to their accounts. See <http://www.langergrogan.com/WachoviaRestitution.htm>. The Wachovia restitution checks are legitimate, and the Federal Trade Commission urges consumers to cash them.

The OCC/Wachovia settlement addresses the use by the payment processors of remotely created checks, or "demand drafts," processed through Wachovia on behalf of allegedly fraudulent telemarketers. The FTC previously sued two of the three payment processors (Your Money Access, LLC, and FTN Promotions, Inc., dba Suntasia Marketing, Inc. (Suntasia)), and the U.S. Department of Justice sued the third (Payment Processing Center, LLC). The FTC also has sued many of the telemarketers who worked with the three processors, including the following cases: 1) FTC v. Universal Premium Services, Civ. No. CV06-0849 (C.D. Cal.); 2) FTC v. Sun Spectrum Communications Organization, Inc., Civ. No. 03-81105 (S.D. Fla.); 3) FTC v. Xtel Marketing, Inc., Civ. No. 04C7238 (N.D. Ill.); 4) FTC v. 120194 Canada, Ltd., Civ. No. 1:04-cv-07204 (N.D. Ill.); 5) FTC v. Oleg Oks, Civ. No. 05C5389 (N.D. Ill.); and 6) FTC v. Frankly Speaking, Inc., Civ. No. 1:05-cv-60 (M.D. Ga.). The FTC's press release on the Your Money Access complaint can be found at <http://www.ftc.gov/opa/2007/12/yma.shtm>, and the release on the Suntasia complaint can be found at <http://www.ftc.gov/opa/2007/07/suntasia.shtm>.

Wachovia mailed restitution checks to consumers whose accounts the processors debited with Wachovia's assistance. The OCC/Wachovia agreement does not cover consumers whose accounts the processors debited using banks other

than Wachovia. Consumers whose accounts Suntasia debited through other banks, however, will receive restitution as part of the FTC's settlement with Suntasia (see press release at <http://www.ftc.gov/opa/2009/01/suntasia.shtm>).

The DOJ, OCC, and private class action counsel have set up a Web site and toll-free phone number to address any concerns and questions consumers may have, including questions regarding the validity of the checks they receive from Wachovia Bank. The Web site address is: <http://www.restitutionpayment.com> and the toll-free number is 1-866-680-6659. Consumers seeking more information can contact the Claims Administrator at: U.S. Court Settlement Administrator, P.O. Box 37765, Philadelphia, PA 19101-7765.

The Federal Trade Commission works for consumers to prevent fraudulent, deceptive, and unfair business practices and to provide information to help spot, stop, and avoid them. To file a complaint in English or Spanish, visit the FTC's online [Complaint Assistant](#) or call 1-877-FTC-HELP (1-877-382-4357). The FTC enters complaints into Consumer Sentinel, a secure, online database available to more than 1,500 civil and criminal law enforcement agencies in the U.S. and abroad. The FTC's Web site provides free information on a variety of [consumer topics](#).

(Wachovia.final.wpd)

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