

July 9, 2003

Richard E. Denby
Office of Thrift Supervision
10 Exchange Place, 18th Floor
Jersey City, NJ 07302

Re: OTS Case Number
0106502003

Dear Mr. Denby:

I, Phillip W. Weiss, hereafter referred to as complainant, wish to file a complaint against Macy's/Federated, a.k.a. FDS Bank/Macy's, hereafter referred to as Macy's. The grounds for this complaint are as follows:

1. Macy's, 9111 Duke Boulevard, Mason, Ohio, 45040-8999, or 9111 Duke Boulevard, Suite 100, Mason, Ohio 45040-8909, or P. O. Box 8053, Mason, Ohio, 45040-8909, claims that complainant owes an alleged debt of \$4,803.91 (reference Macy's account number 47002678698). Their claim is false.
2. Macy's has failed to produce documentary evidence with complainant's alleged signature as proof of said claim noted in item 1, thereby failing to substantiate said claim and confirming the untruthfulness of said claim.
3. Nevertheless, in an attempt to collect said alleged debt from complainant, Macy's, which knew or should have known that said claim noted in item 1 was false, reported said claim to Equifax LLC (Equifax), a credit reporting agency, and Omni Credit Services of Florida, Inc. (Omni), a debt collection agency.
4. Said communications from Macy's to Equifax and Macy's to Omni, noted in item 3, violated 15 U.S.C. 1692(e)(8,10).
5. Further, said false claim, noted and referred to in items 1 through 3, and communicated by Macy's, as noted in items 3 and 4, impugned complainant's creditworthiness, ruined complainant's excellent credit rating, caused damage to complainant's personal reputation, and has caused complainant to have to expend time, effort and money to contest this matter and undo the damage.

Remedies requested are as follows: that

1. pursuant to 15 U.S.C. 1692(k)(a)(1)(2)(A), Macy's be liable to complainant in an amount equal to the sum of any actual damage sustained by complainant as a result of Macy's failure to comply with any provision of 15 U.S.C. 1692, and such additional damages, but not exceeding \$1,000;

2. pursuant to 12 U.S.C. 1818(b)(1), the Office of Thrift Supervision (OTS) issue and serve upon Macy's an order to cease and desist from all unsafe or unsound violations or practices and, further, to take affirmative action to correct the conditions resulting from such violations or practices;
3. pursuant to 12 U.S.C. 1818(b)(6), OTS require Macy's to take affirmative action to correct or remedy any conditions resulting from any violations or practices with respect to which such order is issued; and
4. pursuant to 12 U.S.C 1818(b)(6)(A)(ii), OTS require Macy's to make restitution or provide reimbursement, indemnification, or guarantee against loss if the violations or practices involved a reckless disregard for the law or any applicable regulations or prior order of OTS.

Thank you for taking this matter under your consideration.

Sincerely,

Phillip W. Weiss
Complainant

Attachments: copy, letter from FACS Group, Inc., dated May 5, 2003;
copies, statements from Macy's, for the period 8/9/97 – 7/8/98
(24 pages);
copy, letter from Equifax LLC, dated June 15, 2003;
copy, letter from Omni Credit Services of Florida, Inc,
dated June 25, 2003; and
copy, letter from Equifax LLC, dated July 1, 2003.

This is to certify that copies of the complaint with attachments were mailed, by first class mail, return receipt requested, to the following parties:

**Joan L. Beranbaum, Esq.,
Chief Counsel
DC 37, MELS
125 Barclay Street, Room 1004
New York, NY 10007-2179**

**Lisa P. Bitner
FDS Bank
9111 Duke Boulevard, Suite 100
Mason, OH 45040-8909**

**Misty Creech
FACS Group, Inc.
P. O. Box 8053
Mason, OH 45040-8909**

**Equifax LLC
P. O. Box 740256
Atlanta, GA 303474-0256**

**Omni Credit Services of Florida, Inc.
P. O. Box 23381
Tampa, FL 33623**

**Phillip W. Weiss
Complainant
July 9, 2003**