

From: Mike Maxwell
Subject: Electronic Fund Transfers

Comments:

Board of Governors of Federal Reserve System
20th Street and Constitution Avenue, NW
Washington, DC 20551

Dear Federal Reserve Board Director:

I support the proposed requirement that would require financial institutions to obtain consumers' affirmative consent (or opt-in) before any overdraft fees or charges may be imposed on consumers' accounts.

Banks should get explicit permission before enrolling customers in the most expensive overdraft system, automatically covering overdrafts and charging high fees, and should be stopped from using unfair practices to increase their overdraft fees.

Very recently I stopped at my bank and withdrew a small sum from the ATM terminal at 5PM on a Thursday evening. This was done after verifying my balance at 2PM the same day. I had apparently forgotten to document a transaction because the next day I found a substantial discrepancy in my balance.

The forgotten transaction had reduced my balance to only a few dollars by 5PM that Thursday evening. However, when I requested funds from the ATM which clearly overdrafted the account ... I did NOT receive any message, or warning, whatsoever that the transaction would be overdrafting the account. Instead I received the cash and receipt that promptly showed the negative balance of my account. At this point I could do NOTHING to reverse the error. Even if every cent of dispensed cash were immediately deposited at the drive-up window ... the fact of the overdraft had already been recorded with the resulting fee soon to follow.

I had made these considerations and also took into account that any deposit I made that evening would not be posted to my account until the next banking day. That next banking day also coincided with the regularly scheduled direct deposit of my salary. I was uncertain as to how my bank would handle the timing of these transactions and did not know what to do about this unexpected circumstance.

Through the entire course of my life EVERY time I requested a transaction on a debit card where funds were not available, the transaction has been denied with the courtesy of an insufficient funds notification. On this occasion the machine immediately dispensed unavailable funds with no warning whatsoever and promptly provided a receipt documenting what was now a negative balance. Though I was frustrated by this incident, I chose to wait and observe the transaction sequences that posted on my account through the online information system of my bank.

I watched a more than sufficient deposit post to my account

immediately on Friday morning. Later in the day I then observed an overdraft fee of \$28 post to my account as well. Since I felt this was unfair, I visited my bank Saturday morning to ask that this fee to be returned. I was surprised to be met with gentle resistance to my request with quite a few hints of gentle scolding for my behavior. I questioned whether anyone of the human tellers would allow me at that moment to overdraft my account by one cent in person. Not one of them would. I asked why it was that the ATM machines allow this. I was told that's how they were set up and for that to change the bank would need to change all of the machines, which they simply could not do. Really? Are we really all that foolish. Are we really all that apathic? Should we really all be taken advantage of in such a manner? It is called the consent of the victim. Banks ... my own bank included ... is asking for our consent to charge these fees. The wicked filthy thing is that they are not even directly asking for our volitional direct consent to pick our pockets ... they are sneaking it in the back door by taking the money without our direct consent. Anyone who simply doesn't notice this theft is then robbed. Anyone who notices but does not even gently their raise their voice against these bank authorities are looted victims. I do not give my consent to victimized in this way. Yet I have no reasonable means to bring such a thing to an abrupt and just end without help. Please do something to stop these overdraft proection programs from stealing from me without my direct consent.

Sincerely,

Mike Maxwell