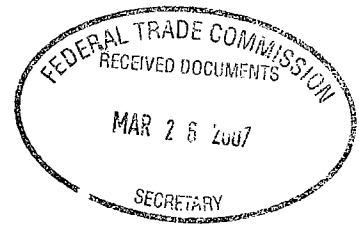


From: Steve Piermarini
Posted At: Sunday, March 25, 2007 10:04 AM
Conversation: Comment on K-Mart gift card issue
Posted To: Secretary

Subject: Comment on K-Mart gift card issue



To Whom It May Concern;

I just read Michelle Singletary's column in the Boston Globe about the K-Mart gift card settlement with the FTC. In it, she encourages consumers to contact you with comments and suggestions, which I would like to do.

Although I do not have a stake in the K-mart gift card battle, I DO have a stake in one with Simon Malls, one of the biggest shopping mall holding companies in the U.S. And the battle is over gift cards and "dormancy fees".

Simon readily sells gift cards at their malls which they advertise as being usable at any store in their malls. Like the K-mart cards, they attach dormancy fees by a schedule which they do not tell you about, either at the point of sale or in their advertising. A card holder finds out only when s/he goes to use the card and learns that the face value has diminished significantly, or disappeared altogether.

This very thing happened to me. I called Simon Malls and expressed my anger over this policy and despite my pleas and threats to bring their practice to the attention of the Massachusetts Attorney General's office, I was rebuffed.

I mention this because I understand that in the K-mart settlement, only users who still have their K-mart gift cards will be entitled to any relief, and I believe this is ultimately unfair. In my case with my Simon card, I was inclined, in the moments after my unfruitful call to them, to throw the card away in frustration. I'm sure many K-mart gift card holders who were similarly injured did throw their cards away. They should have the opportunity to obtain relief for their damages the same as the ones who still have the cards. Perhaps receipts showing the gift card number (if it was ever used) can provide adequate proof that they held the card.

In closing, I also encourage you to investigate the same issue with Simon Malls. They earn a great deal of money by essentially stealing what was entrusted to them to hold. Keeping the interest is one thing, but keeping the principal should be criminal and they should be forced to provide relief to the aggrieved consumers, just as Sears/K-mart has been.

Steven Piermarini
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