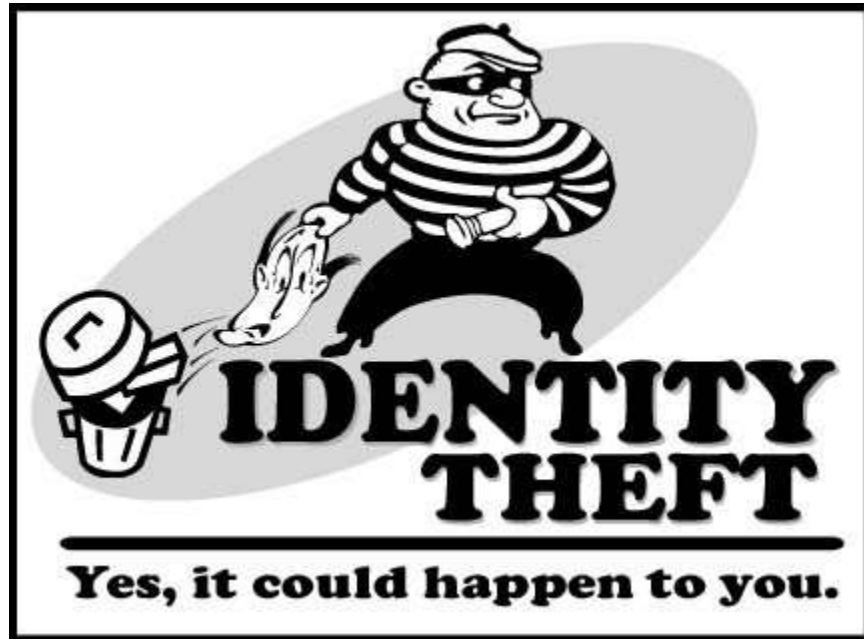


Riggins Law Firm, PA
Riggins Law Firm, PA



May 21, 2009

10:30am

Dunnellon Public Library

Speaker: Danialle Riggins, Esq.

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Welcome and thank you for participating in the Riggins Law Firm Identity Theft seminar.

Identity theft can occur anywhere and at anytime. Victims of this crime have been attacked in their homes, workplaces, banks, and public places. Where can a person be safe? Safety comes from your actions not from locks or locations. Do not become a “horror story” from identity theft. Be wise, be careful, and be informed.

BASIC DEFINITIONS

What is identity theft? The short answer is that identity theft is a crime. Identity theft and identity fraud are terms used to refer to all types of crime in which someone wrongfully obtains and uses another person's personal data in some way that involves fraud or deception, typically for economic gain. Unlike your fingerprints, which are unique to you and cannot be given to someone else for their use, your personal data especially your Social Security number, your bank account or credit card number, your telephone calling card number, and other valuable identifying data can be used, if they fall into the wrong hands, to personally profit at your expense.

The **short answer:** “This crime varies widely, and can include:

- check fraud,
- credit card fraud,
- financial identity theft,
- criminal identity theft,
- governmental identity theft,
- and identity fraud.”

What do the acronyms or terms means?

- **FCRA** – Fair Credit Reporting Act
- **FACTA or FACT Act** – Fair and Accurate Credit Transaction Act
- **FDCPA** – Fair Debt Collections Practices Act:
- **SSN** – Social Security Number
- **CRAs** – These are the 3 major Credit Reporting Agencies – Equifax, Experian, and TransUnion
- **Fraud Alert** – Federal law instructs credit issuers to contact you prior to approving an application. However, it is not widely enforced and not 100% reliable. ITRC has found fraud alerts to be about 65-70% effective. They

don't affect your credit score but might slow down the credit issuing process for a thief!

- **Security or Credit Freeze** – With a freeze, a company may not look at your credit report for the purposes of establishing new lines of credit. Companies you already have an existing relationship with (example: a credit card, loan or utility service) may view your reports but only to review your credit-worthiness. Placing a freeze is a strong step to take and will affect your ability to get instant credit since it can take up to 3 days to thaw a report. However, it also locks out thieves, and that is the purpose. In those states with freezes, most laws state that victims with a police report get this service for free. Some states also allow the consumer to buy a freeze. You may thaw your freeze anytime you wish to apply for credit but you will need to plan ahead. **Florida Law-** A \$10 fee is charged each time the individual activates, removes, or temporarily lifts the freeze -- although this fee does not apply to victims of identity theft. Also citizens 65 years of age can place one for free.
- **Passwords** – Your mother's maiden name should never be used as a password or a word that is easily known to you such as a pet's name. Use an unusual or made-up word such as "banapple." Place passwords on all bank accounts and credit cards as a proactive prevention action against account takeover.
- **FTC – Federal Trade Commission:** the governmental agency that oversees identity theft issues. All victims should report their case when they have time to 877-IDTHEFT or to the website: www.consumer.gov/idtheft .
- **EPTA – Electronic Transfer Act:** provides consumer protection for all transactions using a debit card or electronic means to debit or credit an account. It also limits a consumer's liability for unauthorized electronic fund transfers. Under the EPTA, if an error occurs you must contact the financial institution within 60 days of the error to commence an investigation. The bank will replace the questioned amount after the investigation. If the check or debit is lost or stolen, your loss is limited to \$50 if you notify the financial institution within two business days after learning of loss or theft of your card or code. But you could lose as much as \$500 if you do not tell the card issuer within two business days after learning of loss or theft. But you **must act before 60 days.**

HOW TO PREVENT IDENTITY THEFT OR IDENTITY FRAUD

Just remember the word:

SCAM

First, there are not 100% guarantees to prevent any type of scams or fraud. However, you can change you and your behavior to prevent becoming a victim of identity theft.



Stinky -- be stingy with your sensitive and personal information.

1. Making contact with financial institutions, service providers, governmental agencies typically require you disclosing some key and highly sensitive information. If you commenced the communications, called the agency on the telephone then you are more certain that you are actually releasing your personal information to a proper agent.
2. If someone contacts you, by phone, email, or mail, you should be less certain that it is actually the bank seeking your information. So adopt a "need to know" approach to your personal data. Banks may need your mother's maiden name, and the Social Security Administration could want you to provide the city that you were born in.
3. If someone you don't know calls you on the telephone and offers you the chance to receive a "major" credit card, a prize, or other valuable item, but asks you for personal data -- such as your Social Security number, credit card number or expiration date, or mother's maiden name -- **ask them to send you a written application form.**

Check on your personal information- regularly.

1. Check your monthly bank, savings, credits and/ or checking accounts for any questionable or irregular postings.

2. Check your driver's record from your local DMV. You can visit your local courthouse for a printout or you can check out your Florida driver's license on the Internet at <https://www6.hsmv.state.fl.us/DLCheck/main.jsp>.
3. If you locate any irregularities, contact the proper institution or agency immediately to report the error.

Ask periodically for a copy of your credit report.

1. Get your free copy of your credit report from the three major credit bureaus yearly. These credit bureaus are Transunion, Equifax, and Experian. Under the FACT Act amendments to the Fair Credit Reporting Act (FCRA) you are entitled to one free credit file disclosure in a 12 month period. You can receive your reports from all three of the credit bureau websites at www.annualcreditreport.com. They can also be contacted by phone at 1-877-322-8228 and by mail at:

Annual Credit Report Request Service

P.O. Box 105281

Atlanta, GA 30348-5281

2. Ask for a copy around your birthday which is when you have to renew driver's license, vehicle tags, etc.

Maintain careful records of your financial, banking, and personal accounts.

1. Even though financial institutions are required to maintain copies of your checks, debit transactions, and similar transactions for five years, you should retain your monthly statements and checks for at least one year, if not more. If you need to dispute a particular check or transaction especially if they purport to bear your signatures your original records will be more immediately accessible and useful to the institutions that you have contacted.
2. Even if you take all of these steps, however, it's still possible that you can become a victim of identity theft. Records containing your personal data -- credit-card receipts or car-rental agreements, for example -- may be found by or shared with someone who decides to use your data for fraudulent purposes.

REMEMBER- Stingy- Check – Ask- Maintain

WHAT SHOULD A VICTIM OF IDENTITY THEFT DO?

- A. Remember identity theft is a crime. So the first thing you should do is **contact your local law enforcement agency** and generate a report of the theft. Be prepared to explain who, what, when, & where. Several times the officer will ask you who you may suspect gained access to your personal information. Unfortunately, close family and friends are the thieves.
- B. If you have not already, **contact the agencies or institutions** where the fraud took place and put them on notice of the irregular transaction or occurrences. Some banks and laws have a deadline (ie 60 days) to report irregularities so that you would not be responsible.
- C. Contact the **Federal Trade Commission**- at 1-877-ID THEFT (877-438-4338) or TDD at 202-326-2502.
- D. Contact all **three credit bureaus** if it has been financial fraud.- Equifax: Call (800) 525-6285. TransUnion: Call (800) 680-7289. Experian: Call (888) 397-3742.
- E. Contact your local **Postal Inspection Service**, if you suspect that mail in your name is being forwarded to a different address.
- F. Contact the **Social Security Administration**, if you suspect that your social security number is being fraudulently used- contact the fraud office at 800-269-0271.
- G. Contact the **Internal Revenue Service** if you suspect tax violations with your personal information- contact them at 1-800-829-0433.
- H. Victims can choose to place a credit freeze on their accounts and credit.

Identity Theft IQ Test

Are You at Risk for Identity Theft? Test Your "Identity Quotient"

- ___ I receive several offers of pre-approved credit every week. **(5 points)**
___ **Add 5 points** if you do not shred them (cross-cut shredder preferred) before putting them in the trash.
- ___ I carry my Social Security card in my wallet. **(10 points)**
___ My state driver's license has my SSN printed on it, and I have not contacted the Department of Motor Vehicles to request a different number. **(10 points)**
___ I do not believe someone would break into my house to steal my personal information. **(10 points)**
- ___ I do not use a firewall on my personal computer. **(10 points)**
- ___ I have not ordered a copy of my credit reports for at least 2 years. **(20 points)**
___ I use an unlocked, open box at work or at my home to drop off my outgoing mail. **(10 points)**
- ___ I do not have a P.O. Box or a locked, secured mailbox. **(5 points)**
- ___ I carry my military ID in my wallet at all times. (It displays my SSN.) **(10 points)**
___ I do not shred (cross-cut shredder preferred) my banking and credit information when I throw it in the trash. **(10 points)**
___ I throw away old credit and debit cards without shredding or cutting them up. **(10 points)**
- ___ I provide my Social Security number (SSN) whenever asked, without asking why it is needed and how it will be safeguarded. **(10 points)**
___ **Add 5 points** if you provide it orally without checking to see who might be listening nearby.
- ___ I leave my purse or wallet in my car. **(10 points)**
- ___ I am required to use my SSN at work as an employee ID or at college as a student ID number. **(5 points)**
___ My SSN is printed on my employee badge that I wear at work or in public. Or it is posted on my time card in full view of others, or is on other documents frequently seen by many others at work. **(10 points)**
- ___ I have my SSN and/or driver's license number printed on my personal checks. **(10 points)**
- ___ I am listed in a "Who's Who" guide. **(5 points)**
- ___ I carry my insurance card (including Medicare) in my wallet **and** either my SSN or that of my spouse is the ID number. **(10 points)**
___ I do not believe that people would root around in my trash looking for credit or financial information or for documents containing my SSN. **(10 points)**
- ___ I do not verify that all financial (credit card, checking) statements are accurate monthly. **(10 points)**

Sample Letters
CONFIRMATION OF CONVERSATION- LETTER OF CLEARANCE

Date: _____

Sent certified, return receipt mail: Number _____

TO: _____ [Credit Issuer] _____ FAX _____

ACCOUNT NO. _____ REFERENCE NO. _____

FROM: _____ [Your Name] _____

During a discussion on ___/___/___ with _____ who holds the title of _____ with your company, the following items were discussed:

- My initial documents were received on ___/___/___
- An investigation proved that the case was indeed identity theft
- That the application and transaction records would be sent to me and to my designated law enforcement investigator
- That a clearance letter would be sent to me within 30 days
- That the company did not intend to file charges with law enforcement at this time as one of the victimized parties

Since I did not receive a letter of clearance, I am sending this confirmation of conversation. It is assumed that if you do not dispute this correspondence within 10 days that the above information is true and accurate and that my records have been cleared. You are to send any corrections to me via certified mail so that you may show that I received the correspondence or it will be concluded that it was not delivered or sent.

Please notify all collection agencies that you may have sent this account to. Be advised that reporting these items to the credit bureaus as collection items or continuing to pursue these debts from me would be considered a violation of the state and federal level Fair Debt Collection Practices Act and the Fair Credit Reporting Act.

Victim Name _____ Social Security Number _____

Victim Address _____

City/State/Zip _____

Victim Phone _____ Fax _____

Email _____

Signed: _____

Date _____

Request the Removal of a Fraudulent Inquiry

Date:

Company's Information

Dear (Company)

My name is: _____

I have been a victim of an imposter attempting making fraudulent inquires to my credit report. I require you to remove these inquiries from my credit report with your company as outlined in the Fair and Accurate Credit Transactions Act, Sec. 152. I am enclosing a copy of my police report to support my statement.

My former name was (if applies): _____

My current address is: _____

My address has changed in the past 5 yrs. My former address was:

My Social Security Number is: _____

My date of birth is: _____

A phone number I can be reached at is _____

The following are the inquiries that I require you to remove from my credit report.

Attached is the required documentation. *[documents vary according to state and agency]*

- A copy of my Driver's License / State ID [circle one]
- Proof of my address: a bill / a bank statement / a pay stub [circle one]
- A copy of my social security card
- A copy of my police report

Please send me a copy of my updated credit report once the items have been removed.

Regards,

(Note: Always send items Certified Mail Return Receipt.)

Equifax - PO Box 740241 , Atlanta , GA 30374-0241

Trans Union - PO Box 6790 , Fullerton , CA 92834-6790

Experian - PO Box 9701 , Allen , TX 75013