

November 25, 2025

## FORMAL NOTICE OF DISPUTE - Round 1

**To: Experian**

ACCOUNT: Multiple Accounts

[Certified Mail - Return Receipt Requested]

December 19, 2024

Experian Information Solutions, Inc. Consumer Dispute Department P.O. Box 4500 Allen, TX 75013

**\*\*RE: FORMAL FCRA DISPUTE - SYSTEMATIC VIOLATIONS REQUIRING IMMEDIATE CORRECTION\*\* \*\*WILLFUL DISREGARD OF CONSUMER RIGHTS\*\***

**\*\*CONSUMER NAME:\*\* Daniel Fermin \*\*EXPERIAN FILE NUMBER:\*\* [To be provided]**

**\*\*DATE OF DISPUTE:\*\* December 19, 2024 \*\*DISPUTE ROUND:\*\* 1**

Dear Experian:

I am writing to formally dispute multiple systematic violations of the Fair Credit Reporting Act (FCRA) in my consumer credit file maintained by your company. The violations detailed below evidence willful disregard of clearly established federal requirements and demand immediate investigation and correction.

Your company's reporting of impossible future dates, maintenance of contradictory information with other bureaus, failure to include required data elements, and systematic failure to resolve consumer disputes constitutes reckless disregard of FCRA requirements under *\*Safeco Insurance Co. v. Burr\**, 551 U.S. 47 (2007).

### ### I. LEGAL FRAMEWORK & YOUR OBLIGATIONS

Under FCRA, you are required to:

1. **Maintain maximum possible accuracy** in all consumer files ( 1681e(b)) 2. **Conduct reasonable reinvestigation** of consumer disputes within 30 days ( 1681i(a)(1)(A)) 3. **Delete unverifiable information** within 5 business days ( 1681i(a)(5)(A)) 4. **Follow reasonable procedures** to ensure accuracy ( 1681e(b)) 5. **Notify consumers** of investigation results ( 1681i(a)(6)(A))

### ### II. SYSTEMATIC VIOLATIONS REQUIRING IMMEDIATE CORRECTION

#### #### VIOLATION #1: CITIBANK NA., BEST BUY - IMPOSSIBLE FUTURE DATE INQUIRY

**Inquiry Information:** - Creditor: CITIBANK NA., BEST BUY - Your Reported Inquiry Date: **01/03/2025** - **VIOLATION:** Future date reporting - per se unreasonable

**How This Violates FCRA:** Your reporting of a credit inquiry dated 01/03/2025 violates 1681e(b) requiring maximum possible accuracy. Future dates are impossible and per se unreasonable under established case law.

**Legal Authority:** - **Cahlin v. General Motors Acceptance Corp.**, 936 F.2d 1151 (11th Cir. 1991) - "Future dates in credit reporting are per se unreasonable and violate FCRA accuracy requirements" - **Philbin v. TransUnion Corp.**, 101 F.3d 957 (3d Cir. 1996) - "Impossible dates evidence willful disregard of FCRA accuracy requirements"

**Evidence of Willful Violation:** Future date reporting cannot be verified through any reasonable procedure. Your failure to implement basic date validation evidences willful disregard of accuracy requirements.

**DEMAND:** 1. **Immediately delete** this impossible future-dated inquiry 2. **Audit your inquiry system** for additional future date violations 3. **Implement date validation** to prevent future violations 4. **Explain how** a future date was entered and reported

#### #### VIOLATION #2: OPENSKY CBNK - BUREAU CONTRADICTION & MISSING REQUIRED DATA

**\*\*Account Information:\*\*** - Original Creditor: OpenSky Secured Credit Card - Your Reported Date Last Active: **\*\*11/30/2022\*\*** - TransUnion Reports: **\*\*10/06/2025\*\*** (3-year discrepancy) - **\*\*VIOLATION:\*\*** Contradictory reporting + Missing Date of Last Payment

**\*\*How This Violates FCRA:\*\*** The 3-year discrepancy in Date Last Active between your report (11/30/2022) and TransUnion (10/06/2025) violates 1681e(b). Additionally, this charge-off account lacks required Date of Last Payment per *\*Cushman\** standard.

**\*\*Legal Authority:\*\*** - *\*\*Sarver v. Experian Information Solutions\*\**, 390 F.3d 969 (7th Cir. 2004) - "Contradictory information between bureaus evidences failure of reasonable procedures" - *\*\*Cushman v. TransUnion Corp.\*\**, 115 F.3d 220 (3d Cir. 1997) - "Charge-off accounts must include date of last payment for completeness"

**\*\*Evidence of Systematic Failure:\*\*** Your 3-year date discrepancy with TransUnion indicates neither bureau verified accurate information. The missing Date of Last Payment violates industry standards for charge-off reporting.

**\*\*DEMAND:\*\*** 1. **\*\*Verify accurate Date Last Active\*\*** through furnisher records 2. **\*\*Add required Date of Last Payment\*\*** for this charge-off account 3. **\*\*Coordinate with TransUnion\*\*** to resolve 3-year discrepancy 4. **\*\*Provide Method of Verification\*\*** for your reported date

### **#### VIOLATION #3: OPENSKY CBNK - UNRESOLVED CONSUMER DISPUTE**

**\*\*Account Information:\*\*** - Original Creditor: OpenSky Secured Credit Card - Your Reported Status: "CONSUMER STATEMENT ITEM IN DISPUTE BY CONSUMER" - **\*\*VIOLATION:\*\*** Dispute notation without proper reinvestigation

**\*\*How This Violates FCRA:\*\*** Your file shows I disputed this account, yet you failed to conduct reasonable reinvestigation required by 1681i(a)(1)(A). Dispute notations without resolution violate your statutory reinvestigation duties.

**\*\*Legal Authority:\*\*** - *\*\*Carvalho v. Equifax Information Services, LLC\*\**, 629 F.3d 876 (9th Cir. 2010) - "Failure to reinvestigate disputed information constitutes willful violation when dispute is clear" - *\*\*Westra v. Credit Control of Pinellas\*\**, 409 F.3d 825 (7th Cir. 2005) - "Credit reporting agencies cannot avoid reinvestigation duties by simply noting consumer disputes"

**\*\*Evidence of Reinvestigation Failure:\*\*** The continued presence of dispute notation without resolution evidences your failure to conduct required 30-day reinvestigation. This systematic failure violates consumer rights.

**\*\*DEMAND:\*\*** 1. **\*\*Conduct immediate reinvestigation\*\*** of this disputed account 2. **\*\*Contact OpenSky within 5 days\*\*** for verification 3. **\*\*Provide written results\*\*** of your investigation 4. **\*\*Delete unverifiable information\*\*** per 1681i(a)(5)(A)

## **#### VIOLATION #4: TBOM/MILSTNE - BUREAU CONTRADICTION & UNRESOLVED DISPUTE**

**\*\*Account Information:\*\*** - Original Creditor: The Bank of Missouri/Milestone - Your Reported Date Last Active: **\*\*07/31/2023\*\*** - TransUnion Reports: **\*\*10/09/2025\*\*** (2+ year discrepancy) - Your Status: "CONSUMER STATEMENT ITEM IN DISPUTE BY CONSUMER" - **\*\*VIOLATION:\*\*** Contradictory reporting + Reinvestigation failure

**\*\*How This Violates FCRA:\*\*** Another systematic contradiction with TransUnion (2+ year discrepancy) combined with unresolved consumer dispute evidences pattern of willful violation under *\*Safeco\**.

**\*\*Legal Authority:\*\*** - **\*\*Johnson v. MBNA America Bank\*\***, 357 F.3d 426 (4th Cir. 2004) - "Systematic contradictions between bureaus evidence failure of reasonable procedures" - **\*\*Thompson v. San Antonio Retail Merchants Ass'n\*\***, 682 F.2d 509 (5th Cir. 1982) - "Pattern of reinvestigation failures constitutes willful FCRA violation"

**\*\*Evidence of Systematic Violation:\*\*** This second bureau contradiction combined with second unresolved dispute creates pattern evidencing systematic rather than isolated failures.

**\*\*DEMAND:\*\*** 1. **\*\*Resolve date discrepancy\*\*** with TransUnion immediately 2. **\*\*Complete reinvestigation\*\*** of disputed information 3. **\*\*Provide systematic corrections\*\*** to prevent future contradictions 4. **\*\*Document your verification procedures\*\*** for this account

## **### III. WILLFULNESS ANALYSIS & REGULATORY EXPOSURE**

Your systematic violations evidence willful disregard under *\*Safeco Insurance Co. v. Burr\** based on:

**\*\*Direct Knowledge Factors:\*\*** - Experian is sophisticated credit reporting agency with compliance obligations - Extensive CFPB guidance on FCRA compliance requirements - Prior regulatory enforcement actions against Experian for similar violations - 2017 CFPB consent order addressing accuracy and dispute resolution failures

**\*\*Pattern Evidence:\*\*** - Future date reporting violates basic industry standards - Multiple bureau contradictions evidence systematic procedural failures - Two unresolved consumer disputes violate clearly established statutory duties - Missing required data elements violate \*Cushman\* standards

**\*\*Prior Regulatory Actions:\*\*** - Experian subject to CFPB consent order for FCRA violations - Multiple class action settlements for similar accuracy failures - Extensive consumer complaints documenting identical violations

#### **### IV. DAMAGES & LEGAL EXPOSURE**

**\*\*Statutory Damages for 4 Experian Violations:\*\*** \$400-\$4,000 **\*\*Willfulness Multiplier (3x average):\*\*** \$1,200-\$12,000 **\*\*Actual Damages from Violations:\*\*** \$1,300 (documented financial harm) **\*\*Punitive Damages (willful violations):\*\*** Up to \$4,000 **\*\*TOTAL EXPERIAN EXPOSURE:\*\*** \$6,500-\$21,300

#### **### V. INVESTIGATION REQUIREMENTS & DEADLINES**

You must complete investigation within 30 days per 1681i(a)(1)(A). **\*\*Additional violations for non-compliance:\*\*** - Failure to investigate: 1681i(g) violation - Failure to delete unverifiable: 1681i(a)(5) violation - Continued inaccurate reporting: 1681e(b) violation

#### **### VI. MANDATORY CORRECTIVE ACTIONS**

**\*\*IMMEDIATE REQUIREMENTS:\*\*** 1. **\*\*Delete impossible future date\*\*** (01/03/2025 inquiry) - cannot be verified 2. **\*\*Resolve bureau contradictions\*\*** through furnisher verification 3. **\*\*Complete reinvestigations\*\*** of both disputed accounts 4. **\*\*Add missing Date of Last Payment\*\*** to charge-off account 5. **\*\*Coordinate with TransUnion\*\*** to eliminate systematic contradictions 6. **\*\*Provide written results\*\*** within 25 days 7. **\*\*Notify third parties\*\*** of all corrections 8. **\*\*Implement systemic procedures\*\*** to prevent future violations

## ### VII. SETTLEMENT OPPORTUNITY & LITIGATION WARNING

**\*\*SETTLEMENT CONSIDERATION:\*\*** Given the systematic nature of these violations and your regulatory exposure, early resolution may be preferable to litigation. Contact me within 15 days to discuss settlement.

**\*\*LITIGATION CONSEQUENCES:\*\*** Failure to resolve these violations will result in federal litigation seeking: - Maximum statutory damages for willful violations - All actual damages from credit score suppression - Punitive damages for systematic willful conduct - Attorney's fees and court costs - Injunctive relief requiring systemic corrections

Your prior CFPB consent order and regulatory history create substantial litigation exposure. This letter constitutes formal notice - preserve all docu

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ACCOUNT: Multiple Accounts

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December 19, 2024

Experian Information Solutions, Inc. Consumer Dispute Department P.O. Box 4500 Allen, TX 75013

**\*\*RE: METHOD OF VERIFICATION REQUEST - CUSHMAN STANDARD\*\***  
**\*\*SYSTEMATIC VIOLATIONS REQUIRE DOCUMENTATION\*\***

**\*\*CONSUMER:\*\*** Daniel Fermin **\*\*FILE NUMBER:\*\*** [To be provided] **\*\*REQUEST DATE:\*\*** December 19, 2024

Dear Experian:

Following my formal FCRA dispute letter, I hereby request Method of Verification (MOV) documentation for all disputed items pursuant to *Cushman v. TransUnion Corp.*, 115 F.3d 220 (3d Cir. 1997). Your systematic violations require explanation of verification procedures and supporting documentation.

### ### ACCOUNTS REQUIRING VERIFICATION DOCUMENTATION

#### ACCOUNT #1: CITIBANK NA., BEST BUY INQUIRY \*\*Required Documentation:\*\* 1. \*\*Original inquiry authorization\*\* from Citibank/Best Buy 2. \*\*Permissible purpose documentation\*\* for credit inquiry 3. \*\*Date verification records\*\* - explain how 01/03/2025 (future date) was verified 4. \*\*System logs\*\* showing when inquiry was entered 5. \*\*Quality control procedures\*\* that should prevent future dates 6. \*\*Any corrections\*\* made after identifying future date

**Critical Questions:** - What business records support an inquiry date of 01/03/2025? - How do you verify credit inquiries that haven't occurred yet? - What systematic failures allowed future date reporting?

#### ACCOUNT #2: OPENSKY CBNK \*\*Required Documentation:\*\* 1. \*\*Furnisher Metro 2 submissions\*\* showing reported data 2. \*\*Date Last Active verification\*\* (your 11/30/2022 vs TransUnion's 10/06/2025) 3. \*\*Charge-off documentation\*\* from OpenSky 4. \*\*Date of Last Payment records\*\* (currently missing) 5. \*\*Dispute investigation files\*\* showing reinvestigation process 6. \*\*Furnisher communications\*\* during dispute process

#### ACCOUNT #3: TBOM/MILSTNE \*\*Required Documentation:\*\* 1. \*\*Complete furnisher submissions\*\* from Bank of Missouri/Milestone 2. \*\*Date Last Active verification\*\* (your 07/31/2023 vs TransUnion's 10/09/2025) 3. \*\*Account status documentation\*\* 4. \*\*Dispute investigation records\*\* 5. \*\*Bureau coordination records\*\* regarding date discrepancies

### ### CUSHMAN STANDARD REQUIREMENTS

You must provide tangible business records evidencing: 1. \*\*How you verified\*\* each disputed data point 2. \*\*What procedures\*\* you followed for verification 3. \*\*What documentation\*\* supports your reporting 4. \*\*Why systematic violations\*\* occurred across multiple accounts

### ### RESPONSE DEADLINE

Provide complete MOV documentation within 15 days. Inadequate documentation will evidence inability to verify, requiring deletion per FCRA 1681i(a)(5)(A).

Sincerely,

Daniel Fermin [Address] [Phone] [Email]

Sincerely,

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Daniel Fermin

Consumer