



## Markets

The US dollar  
1.1016 euro ▼  
0.0114

10-year Treasury  
4.74% ▼ 0.07

Bloomberg  
Mass. index  
197.10 ▼ 4.13

## Teradyne cuts 650 jobs

The struggling Massachusetts technology sector gets another shock, as the leading maker of microchip-testing equipment plans to spread layoffs throughout its worldwide operations. **D3**



## Fleet unit under fire

The Jamaica Plain-based Neighborhood Assistance Corporation of America, led by Bruce Marks (left), hopes to stir up a class-action suit against the bank's mortgage division less than three months after a case was filed in Minnesota. **D3**

# Critic takes Fleet to task

## Launches postcard campaign against mortgage division

By Scott Bernard Nelson  
GLOBE STAFF

FleetBoston Financial Corp. came under renewed fire yesterday for the practices of its mortgage division, less than three months after the Minnesota attorney general filed a lawsuit accusing the unit of deceiving its borrowers.

The Neighborhood Assistance Corporation of America, based in Jamaica Plain, began mailing postcards yesterday to 100,000 New England homeowners with Fleet mortgages. Bruce Marks, NACA chief executive, said the effort marked the "first wave" of mailings that will eventually go to Fleet mortgage borrowers nationwide in an effort to stir up a class-action lawsuit over the same issues that led to the Minnesota case.

"What Fleet has done can't survive the light of day," Marks said. "It's outrageous that they are profiting from having access to people's private information."

Fleet spokesman James Mahoney, though, said NACA's move is just a publicity stunt by a longtime company critic. The Minnesota attorney general, he said, has already filed a federal class-action lawsuit that would apply to the same customers NACA is contacting.

Besides, Mahoney said, Fleet has "previously stated the allegations are unwarranted and will continue to pursue that position in court."

The Boston law firm of Adkins, Kelston and Zavez looked into the Minnesota case at NACA's request and has agreed to represent Fleet mortgage borrowers in future lawsuits. Partner Jason Adkins said yesterday that any claims his firm brings against Fleet will be "different and separate" from the Minnesota case, even though they'll be over the same basic issues.

Regardless, the battle lines are drawn around Fleet's now-ended partnerships with a half-dozen telemarketing companies over the past three years.

In each case, Fleet sold lists of its home-loan borrowers to the companies, which had sales representatives call people on the lists to pitch discount programs on services ranging from car repairs to dental work, eyewear, prescription drugs, and even privacy protection. The monthly subscription fees for the programs ranged from \$4 to \$17 apiece, which were added to the Fleet customers' mortgage bills.

In the original complaint filed Dec. 28, Minnesota Attorney General Mike Hatch said Fleet broke state law by failing to tell customers that their personal information was being sold and by actively helping the telemarketers mislead people about the nature of the services in question.

Among the exhibits Hatch filed with the court at that time were results of a survey Fleet conducted of its own customer-service representatives. In virtually all of the cases, the Fleet employees reported taking calls from customers angry about the charges and denying they had ever agreed to pay them.

"They were pushing these programs and, sometimes without customers' knowledge, adding charges to peoples' mortgage statements," Marks said. "It would be a credible position to say 'If you want this product send us written authorization or give us your credit card number,' but they didn't do that."

Fleet president Chad Gifford caused speculation last month that the bank was planning to sell the mortgage division, when he told a crowd at an Arizona investment conference that he is "not particularly keen" on the business. Mahoney wouldn't confirm yesterday whether the unit is for sale, but said the legal issues have no bearing on that decision.

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