

TESTIMONY IN SUPPORT OF Sb 201, AN ACT TO AMEND THE KANSAS CONSUMER PROTECTION ACT

My name is John Wright. I live in Wichita, Kansas.

My daughter Alene is married to Joseph Wylie, who is active duty military. They are stationed in Great Britain, so I handle their business issues here in the states. I have their power of attorney.

Joe owns property in Sedgwick County and he and Alene and their two children plan to live there when they return stateside. It is their homestead. In the meantime, it is rented.

In the spring of 2015, Joe's property management company called to say the renters were angry because a "Notice of Foreclosure" had been tacked to their door. I knew this was a mistake because I knew that Joe was paying his mortgage. The renters wanted out of their lease if the problem was not solved.

Before he left for Great Britain, Joe had arranged for a national mortgage insurance company to debit his bank account to pay his mortgage. The first month that the payment was debited, the company did not debit the correct account. Joe called and was told that the problem was "a computer glitch" and assured him that it would be fixed if he sent a deposit slip to the mortgage company.

I faxed the deposit slip and called to verify it was received. We heard nothing else from the mortgage company until the foreclosure notice. No one notified Joe or me that the mortgage was not being paid.

Through their own negligence, the mortgage company had never debited the proper bank account. Though this was frustrating and disappointing, we hoped it would be easy to fix.

The mortgage company would not fix the problem and created a nightmare for Joe and his family.

Joe's work requires him to leave home on confidential assignments for long periods of time and to work in locations where communication is spotty. He tried repeatedly to explain his problem to the mortgage company and their attorney. He was told that the foreclosure would proceed and that he could only stop it by making up the missed payments (which he was willing to do) and paying thousands of dollars in late fees and attorneys fees, which he did not think he should have to do when the problem was caused by the mortgage's company's mistake. He asked that his credit report be corrected and this was refused.

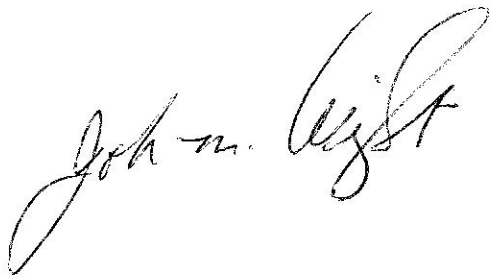
When Joe and Allie tried to buy a car overseas, they were told their credit would not be approved because of the mortgage foreclosure action on their credit report. Also, because Joe's work in the military requires him to handle travel funds, a poor credit report hurt his chances for advancement and made he and his unit have to use extra procedures in order to perform their duties. Joe was very concerned that his credit report problems would affect his security clearance as well.

Joe's work is important and this situation—none of which was his doing—put great stress on him and on his family.

Joe and I were unable to solve the problem on our own and we eventually had to hire an attorney. She helped us get the foreclosure dismissed and she also filed a claim pursuant Kansas Consumer Protection Act. After she filed the claim, she informed us that a close reading of the statute revealed that Joe was not identified as a "protected consumer" entitled to double penalties. Though "active duty military" was defined in the statute, it was left out of the definition of "protected consumer." We thought this was likely a mistake.

We eventually settled Joe's claim, but we hope the statute will be modified to include active duty service members. In our case, though Allie was a family member who would be covered by the statute, the house was only in Joe's name, so it was important that he be covered.

I want all military families to be protected from the kind of consumer fraud we suffered. I know we did all we could do to protect Joe and his interests, but we needed the extra protection of the Kansas Consumer Protection Act and it was technically not available to us.

A handwritten signature in cursive script that reads "John M. Wight". The signature is written in black ink and is positioned in the lower-left quadrant of the page.