

BANK OF AMERICA, N.A.

v.

GARRY W. JANDREAU

Submitted on Briefs January 23, 2020  
Decided January 30, 2020

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

#### MEMORANDUM OF DECISION

Garry W. Jandreau appeals from a judgment in a credit card debt collection action, 32 M.R.S. § 11002(1-A) (2018), entered by the District Court (Lincoln, *Stitham, J.*) awarding Bank of America, N.A., the sum of \$10,160.37, plus costs, after a bench trial.<sup>1</sup>

Contrary to Jandreau's argument on appeal, the trial court did not err in determining that a sufficient factual foundation had been laid for the admission of Jandreau's bank account records under the business records

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<sup>1</sup> Title 32 M.R.S. § 11019 (2018) contains a number of specific pleading and other requirements applicable to debt collection actions brought by debt buyers. A debt buyer is "a person that is regularly engaged in the business of purchasing charged-off consumer debt for collection purposes, whether the person collects the debt or hires a 3rd party, which may include an attorney-at-law, in order to collect the debt." *Id.* § 11002(5-A) (2018). Supervised financial organizations, as defined in 9-A M.R.S. § 1-301(38-A) (2018), are not debt buyers. *See* 32 M.R.S. § 11002(5-A). Bank of America, N.A., is a supervised financial organization and is therefore not a debt buyer. *Id.* Moreover, the debt in this case originated with Bank of America, N.A.

exception to the hearsay rule, *see* M.R. Evid. 803(6), and the court did not abuse its discretion in admitting those records in evidence. *Cf. KeyBank Nat'l Ass'n v. Estate of Quint*, 2017 ME 237, ¶¶ 15-16, 176 A.3d 717; *Am. Express Bank FSB v. Deering*, 2016 ME 117, ¶¶ 5-14, 145 A.3d 551.

After careful review of the testimony and exhibits presented at trial, we conclude that the court did not err in determining that the Bank met its burden of establishing the amount owed by Jandreau.

The entry is:

Judgment affirmed.

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