

Phoenix man says bank account wiped out by fake check scam

(3 ON YOUR SIDE) -

A Phoenix man wanted to sell his car and ended up being a victim of a scam. He says he did all he could as a consumer to protect himself and says his bank is to blame.

"It was a '97 Jeep Wrangler, manual, soft-top, loved that thing," said Anthony Proano.

Proano is talking about his first love, a Jeep Wrangler. It was a high school graduation present that he kept for years. But now that he's a college graduate, he wanted to upgrade. So, he purchased a newer Jeep.

With his new ride, Proano decided it was time to sell his other older Jeep to start paying off some student loans.

"So, I put it up for sale, on Craigslist and somebody responded to the ad, saying that they were interested in it," he said.

The buyer agreed to the \$3,500 asking price. But, the mystery buyer sent Proano a cashier's check for \$4,700 instead. The buyer said the extra money was to pay to have the Jeep transported.

"He even said, 'Go ahead cash the check, wait 'til it posts and then we can start the moving.' So that eased me a little bit," Proano said.

Proano went ahead and deposited the check into his personal Bank of America account and waited several days for it to clear. And according to Proano, it did. In fact, he says his account indicated the entire funds were available. That's when Proano says the mystery buyer contacted him, saying he didn't want the car any longer and asked for his money to be returned.

"I checked everything out. The money's still in my account. It posted. So you know what, I'm going to send you some money back," said Proano.

Now, remember, Proano says Bank of America indicated to him that the \$4,700 check had cleared and showed "available" in his account. So, he sent all the money back. That was a mistake because that check was actually a "fake" check and bounced like a rubber ball.

"I was in disbelief at first. I thought, maybe something had gone wrong with the bank," said Proano.

Proano says the fake check wiped out his account and left him in the negative. And, as for Bank of America, they were no help at all.

"Basically, they said it's the customer's responsibility to be able to determine a fraudulent check from a real check," said Proano.

3 On Your Side contacted Bank of America which told us in an email that "a person is responsible for the checks they deposit" even if they wind up being fraudulent.

But Proano maintains if the check was fraudulent, then Bank of America shouldn't have implied it had cleared by saying the funds were available. And he says how is he, as a consumer, supposed to know if a check is fraudulent if Bank of America can't immediately identify it.

"You would expect the bank would help protect their customers from people using the bank's own system to scam them," he said.

According to the Federal Trade Commission, all banks have to make funds show "available" within a few days, even if the fraudulent check hasn't been detected yet.

It's an unfortunate dilemma and as of now, it doesn't seem like banks, in general, are doing much to fix this loophole. As for Bank of America, they didn't seem interested in really talking in depth about this problem to us. We asked them a few times what protections they have in place for their customers and we never got a response back.