

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TINA CARR and YVETTE COLON,

Plaintiffs,

- against -

ELISABETH DEVOS, in her official capacity as
Secretary of the United States Department of
Education,

Defendant.

19 Civ. 6597 (PKC)

DECLARATION OF CRISTIN BULMAN

Cristin Bulman declares as follows pursuant to 28 U.S.C. § 1746:

1. I am employed as a Loan Analyst by the Department of Education (the “Department”), in the Processing Group, Operation Services, Business Operations, Office of Federal Student Aid.
2. As a Loan Analyst, my responsibilities are to assist United States Attorney Offices with both Federal District and Bankruptcy Court litigation involving student loans. The litigation support provided includes, but is not limited to, the following: providing information on the individual’s loan history (including repayment history and forbearance/deferment history) and loan programs, preparing responses to discovery requests, providing responses to interrogatories and requests for production of documents, providing information regarding repayment options available to borrowers, providing testimony either in person or by submission of a declaration/affidavit, and facilitating settlement.
3. In order to fulfill my responsibilities, I have become familiar with the various types of loans authorized by Title IV of the Higher Education Act (“HEA”) of 1965, as amended,

and made by banks, by institutions of higher education, and by the Department, and now held and collected by the Department. I am familiar with (a) how the Department receives information and creates and maintains records related to those loans, (b) the various repayment plans and deferment/forbearance options available to Title IV borrowers, and (c) the administrative discharge options offered pursuant to the HEA.

4. I have access to electronic records maintained in the Department's Debt Management and Collection System ("DMCS"),¹ a computer database which contains information on all defaulted student loan accounts held by the Department. The Department's DMCS database contains records of payment transactions, collection actions, and telephonic and written contacts between borrowers and the Department's staff or the staff of the Department's contractors. These records are created pursuant to the Department's procedures by the Department's staff and by staff of contractors retained by the Department to collect these loans, in the regular course of their duties at the time of the transaction or event recorded. The records contained in DMCS are made at or near the time of the transaction recorded, by or from information transmitted by a person with knowledge of the transaction, and are kept in the course of the Department's regularly conducted business of administration of the several loan programs under which these loans are made, pursuant to the Department's regular practice of making and keeping such records.

5. I also have access to the National Student Loan Database System ("NSLDS"), a larger computer database that includes information on all outstanding loans made pursuant to Title IV of the HEA, as well as a large body of loans made and paid off before inception of the

¹ DMCS underwent a major upgrade in September 2011; the records from the DMCS system prior to conversion are called Legacy records. Records from both systems are available and referenced herein.

NSLDS in 1994. The NSLDS includes a limited amount of information on loans not held by the Department, including loans not in repayment status. This information is derived from regular reports to the Department from the holders of the loans, including the Department itself, based on the holder's regularly maintained records on these loans. The most accurate information regarding a loan, however, comes from the current holder of the loan.

6. As a Loan Analyst, I am also familiar with, and have access to, various other loan records maintained by the Department and created by the Department and prior holders regarding defaulted, federally financed student loans that the Department holds. In addition to the electronic records already described, these loan records include documents such as the application and promissory notes, guaranty claims, correspondence, payment records, and other records that evidence transactions between the borrower and the holders of his or her loan, including the Department and the original lender, and, for guaranteed loans, the loan guarantor, servicer, and secondary market.

7. The information contained in this declaration is based upon my review of the computer records contained in the COD system, DMCS system, NSLDS, and of imaged and hard copy records kept by the Department and any prior holder of the loan(s), taken out by Plaintiff Tina Carr (a/k/a Anthony J. Tricarichi) (SSN XXX-XX-9779) ("Carr") and Plaintiff Yvette Colon (SSN XXX-XX-5792) ("Colon"), and documents submitted by Plaintiffs in this lawsuit, as well as on my knowledge of the student financial assistance programs authorized pursuant to Title IV of the HEA, and the laws and regulations governing those programs, including laws related to the collection of student loan debts.

8. Plaintiff Carr has taken out a total of seven (7) loans made pursuant to the William D. Ford Federal Direct Loan Program. These loans are described below.

- a. Plaintiff Carr initiated a William D. Ford Federal Direct Stafford (“Direct Stafford”) Loan Master Promissory Note and signed on February 3, 2011.
- b. On or about September 20, 2011, Plaintiff Carr received a Direct Stafford subsidized loan in the amount of \$3,008.00 for her attendance at the SBI Campus-An Affiliate of Sanford-Brown.
- c. On or about June 02, 2011, Plaintiff Carr received a Direct Stafford subsidized loan in the amount of \$3,500.00 for her attendance at the SBI Campus-An Affiliate of Sanford-Brown.
- d. On or about March 26, 2012, Plaintiff Carr received a Direct Stafford subsidized loan in the amount of \$3,500.00 for her attendance at the SBI Campus-An Affiliate of Sanford-Brown.
- e. On or about January 17, 2012, Plaintiff Carr received a Direct Stafford unsubsidized loan in the amount of \$2,206.00 for her attendance at the SBI Campus-An Affiliate of Sanford-Brown.
- f. On or about March 26, 2012, Plaintiff Carr received a Direct Stafford subsidized loan in the amount of \$1,000.00 for her attendance at the SBI Campus-An Affiliate of Sanford-Brown.
- g. On or about September 05, 2012, Plaintiff Carr received a Direct Stafford subsidized loan in the amount of \$1,362.00 for her attendance at the SBI Campus-An Affiliate of Sanford-Brown.
- h. The Department’s records indicate that Plaintiff Carr graduated from the school on October 19, 2012. Plaintiff Carr’s loans entered repayment status on or about April 20, 2013.

- i. Plaintiff Carr defaulted on these obligations, which were assigned to the Department's defaulted loan portfolio on July 14, 2014. The Department obtained no involuntary payments from Plaintiff Carr (*e.g.*, treasury offsets, wage garnishments).
 - j. During the pendency of this action, Plaintiff Carr's loans were modified by the Secretary pursuant to 20 U.S.C. § 1082(a)(4), resulting in balances of \$0.00 and thus no money owed by Plaintiff Carr.
 - k. As of the date of this declaration, the total amount owed on Plaintiff Carr's loans is \$0.00, which includes \$0.00 in principal and \$0.00 in interest.
9. Plaintiff Colon has taken out a total of five (4) loans made pursuant to the Federal Family Education Loan Program. These loans are described below.
- a. Plaintiff Colon initiated a Federal Family Education Loan ("FFEL") Program Master Promissory Note and signed on July 08, 2006.
 - b. On or about April 20, 2007, Plaintiff Colon received a FFEL Stafford subsidized loan in the amount of \$2,625.00 for her attendance at the Sanford-Brown College.
 - c. On or about April 20, 2007, Plaintiff Colon received a FFEL Stafford unsubsidized loan in the amount of \$2,000.00 for her attendance at the Sanford-Brown College.
 - d. On or about May 19, 2008, Plaintiff Colon received a FFEL Stafford unsubsidized loan in the amount of \$3,865.00 for her attendance at the Sanford-Brown College.
 - e. On or about May 19, 2008, Plaintiff Colon received a FFEL Stafford subsidized loan in the amount of \$4,348.00 for her attendance at the Sanford-Brown College.

- f. The Department's records indicate that Plaintiff Colon graduated from the school on April 28, 2008. Colon's loans entered repayment status on or about October 30, 2008.
 - g. Plaintiff Colon's loans were guaranteed by Educational Credit Management Corporation ("ECMC"). During the pendency of this action, ECMC modified the loans at the request of the Secretary, resulting in balances of \$0.00 and thus no money owed by Plaintiff Colon.
 - h. As of the date of this declaration, the total amount owed on Plaintiff Colon's loans is \$0.00, which includes \$0.00 in principal and \$0.00 in interest.
10. The Department does not consider modification of the Loans to be an "identifiable event" under 26 C.F.R. § 1.6050P-1(b)(2)(i).
11. Within 60 days of this declaration, the Department shall request that the Credit Bureaus delete all credit history associated with the Loans.
12. The Secretary will take no further action with respect to the \$0.00 balances of the Loans.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: San Francisco, CA
October 2, 2019



CRISTIN CAITLIN BULMAN