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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 TACOMA DIVISION

9 CRAIG SMALLS, individually and on behalf
10 of all others similarly situated,

11 *Plaintiff,*

12 v.

13 TRUEBLUE, INC., a Washington
14 corporation; LABOR READY MID-
15 ATLANTIC, INC., a Washington corporation;
16 and FIRST ADVANTAGE BACKGROUND
17 SERVICES CORP., a Florida corporation,

18 *Defendants.*

No. C15-5126

COMPLAINT – CLASS ACTION

DEMAND FOR JURY TRIAL

19
20 Plaintiff Craig Smalls brings this case against Defendants TrueBlue, Inc. (“TrueBlue”),
21 Labor Ready Mid-Atlantic, Inc. (“Labor Ready”), and First Advantage Background Services
22 Corp. (“First Advantage”) to obtain redress for, and put an end to, Defendants’ violations of the
23 Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (“FCRA” or “Act”), specifically their failure
24 to provide proper notices, disclosures, and requested documents that they are required to provide
25 under the FCRA. Plaintiff alleges upon personal knowledge as to himself and his own acts and
26 experiences and, as to all other matters, upon information and belief including investigation
27 conducted by his attorneys, as follows.

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NATURE OF THE ACTION

1. The FCRA, enacted to promote the accuracy, fairness, and privacy of consumer information contained in the files of consumer reporting agencies, protects both applicants for employment and existing employees from adverse employment action taken as the result of potentially inaccurate or immaterial information. To that end, employers who obtain and use consumer reports regarding their applicants and employees are required to provide express disclosures, copies of the reports obtained, and a summary of rights prior to taking any adverse employment action against applicants or employees based on information contained in those reports.

TrueBlue and Labor Ready

2. TrueBlue and/or Labor Ready willfully violated the FCRA by: (1) failing to provide a standalone up-front notice that TrueBlue and/or Labor Ready may procure consumer reports about their applicants and employees, and (2) failing to provide proper pre-adverse action notices.

3. TrueBlue and/or Labor Ready fail to provide their applicants or employees with standalone notice that TrueBlue and/or LaborReady may obtain a consumer report about them for employment purposes. Section 1681b(b)(2) establishes that such notice must be made “in a document that consists solely of the disclosure.” TrueBlue and/or Labor Ready provide a disclosure that contains unnecessary and extraneous information and fails to stand alone. That is, the disclosure and authorization is combined with unrelated and extraneous information, including without limitation statements (1) requiring that the applicant or employee acknowledge receipt of a summary of FCRA rights and certify that the applicant has read and understands the summary of rights and the disclosure, (2) requiring the applicant to agree that a fax, electronic, or photographic copy of the authorization is valid as the original, (3) that “If you will be requesting driving records, we recommend that you have this form notarized”, (4) regarding only Minnesota, Oklahoma, and California applicants (Plaintiff is not a resident of any of these states) who check a “YES” box, and (5) that “First Advantage expressly disclaims any warranties or

responsibility or damages associated with or arising out of information provided herein.” This violates the FCRA, 15 U.S.C. § 1681b(b)(2)(A)(i), which unambiguously requires that the disclosure must be made “in a document that consists solely of the disclosure.”

4. TrueBlue and/or Labor Ready also willfully violated the FCRA by failing to provide applicants and employees proper pre-adverse action notices. The pre-adverse notices sent do not invite applicants and employees to discuss the report directly with TrueBlue/Labor Ready and do not state how many days TrueBlue/Labor Ready will wait before taking adverse action. This is despite FTC guidance that such procedures are required. As such, Defendants violate 15 U.S.C. § 1681b(b)(3).

5. Moreover, TrueBlue and/or Labor Ready willfully violate the FCRA by providing eligibility criteria to consumer reporting agencies and accepting as true, without further inquiry, the consumer reporting agency’s decision made based on the provided criteria. In other words, TrueBlue and/or Labor Ready defer to consumer reporting agencies the responsibility for making a determination based on the provided criteria, and then accept that determination without question. As a result, adverse action is actually taken at the time the report is completed and the eligibility determination is made by the consumer reporting agency before the report is provided to the consumer. Thus, TrueBlue and/or Labor Ready fail to timely send a copy of the report and a summary of FCRA rights to applicants and employees before taking adverse action.

First Advantage

6. First Advantage willfully violated the FCRA by failing to respond (either at all or incompletely) to requests made under FCRA, 15 U.S.C. § 1681g.

7. Specifically, 1681g(a) allows applicants or employees to ask that consumer reporting agencies like First Advantage do the following (among other thing): (1) disclose the sources of information in their file, (2) provide a clear and accurate disclosure of all information in their file, (3) truncate the first five digits of their social security numbers from the documents requested, and (4) identify each person (including each end-user identified) that procured a consumer report for employment purposes during the 2-year period preceding the date of the

1 request.

2 8. First Advantage serially fails to respond to such requests, and its policies and
3 procedures are inadequate to ensure compliance with 1681g.

4 Relief

5 9. As a result of Defendants' willful violations of the Act, applicants and employees
6 such as Plaintiff Smalls and other job seekers are deprived of rights, including privacy rights
7 guaranteed to them by federal law, and are thus entitled to statutory damages of at least \$100 and
8 not more than \$1,000 for each violation, and other relief. *See, e.g.*, 15 U.S.C. § 1681n.

9 **PARTIES**

10 10. Plaintiff Craig Smalls is a natural person and citizen of the state of North
11 Carolina.

12 11. Defendant TrueBlue is a Washington corporation with its corporate headquarters
13 located at 1015 A Street, Tacoma, WA 98401.

14 12. Defendant Labor Ready is a Washington corporation with its corporate
15 headquarters located at 1015 A Street, Tacoma, WA 98401. Labor Ready is a wholly-owned
16 subsidiary of TrueBlue and is billed as "A TrueBlue Company."

17 13. Defendant First Advantage is a Florida corporation with its corporate
18 headquarters located at 1 Concourse Pkwy NE #200, Atlanta, GA 30328.

19 **JURISDICTION AND VENUE**

20 14. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 because this
21 action arises under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, which is a federal
22 statute.

23 15. This Court has personal jurisdiction over TrueBlue and Labor Ready because
24 these Defendants are headquartered in Washington and they systematically and continuously
25 (1) engage in evaluating and hiring employees and applicants in Washington, (2) conduct
26 business activities in Washington, and (3) enter into consumer contracts and engage in
27 contractual business relationships in Washington.

28 COMPLAINT

No. C15-5126

1 16. This Court has personal jurisdiction over First Advantage because First
2 Advantage compiles consumer reports on employees and applicants in this state, conducts
3 business activities within this state, and engages in contractual business relationships within this
4 state. First Advantage contracted with TrueBlue/Labor Ready—corporations headquartered in
5 Washington—to complete a consumer report on Plaintiff.

6 17. Venue is proper in this District under 28 U.S.C. § 1391(a) because the injuries of
7 which Plaintiff complains arose here. Plaintiff applied for work with TrueBlue/Labor Ready and
8 the FCRA disclosure and pre-adverse action notices challenged in this lawsuit were drafted
9 and/or emanated from this District. Moreover, First Advantage compiled a consumer report
10 about Plaintiff at the request of and for payment from TrueBlue/Labor Ready, which are
11 headquartered in this District. Venue is also proper because Defendants transact significant
12 business in this District.

13 **COMMON FACTUAL ALLEGATIONS**

14 **Facts Related to TrueBlue/Labor Ready**

15 18. TrueBlue is a publicly-traded corporation that is a provider of temporary staffing
16 services. The Company provides “blue-collar” staffing services to industries that include
17 construction, manufacturing, transportation, aviation, waste, hospitality, retail, and energy.

18 19. TrueBlue has a network of 757 branches in all 50 states and Puerto Rico.
19 TrueBlue’s service lines include providing blue-collar temporary labor services, serving
20 customers who have a need for temporary staff to perform blue-collar tasks which do not require
21 a permanent employee, building a temporary workforce through recruiting, screening, and on-
22 boarding.

23 20. Labor Ready is one of TrueBlue’s service lines and serves more than 130,000
24 companies each year. Labor Ready serves customers in various industries, including
25 construction, waste restoration, manufacturing, and logistics.

26 21. Labor Ready was founded in 1989 and since 2007 has been a wholly-owned
27 subsidiary of TrueBlue. It has 600 locations in all 50 states.

22. In or around October 2014, Plaintiff Smalls applied for work with Labor Ready at its Charlotte, North Carolina location. The job that Smalls sought was not one regulated by the Department of Transportation.

23. Shortly after Smalls applied, TrueBlue/Labor Ready procured a consumer report about Smalls from the consumer reporting agency First Advantage. Smalls signed a disclosure-and-authorization form on October 15, 2014 and the report was completed by First Advantage on or around October 24, 2014. (*See* Disclosure and Authorization, attached as Exhibit A.)

24. The disclosure and authorization form signed by Smalls—which is labeled at the top “Labor Ready – a TrueBlue Company”—contains information extraneous to the disclosure and authorization itself. It therefore violates the FCRA because it does not stand alone. On information and belief, every applicant and employee of TrueBlue and Labor Ready are presented with the same unlawful disclosure-and-authorization form.

25. On October 24, 2014, TrueBlue/Labor Ready sent Smalls a pre-adverse action notice along with a copy of the report procured about him and a summary of his FCRA rights. (*See* Pre-Adverse Action Notice, attached as Exhibit B.)

26. The pre-adverse action notice does not invite applicants and employees to discuss their consumer report directly with TrueBlue/Labor Ready. It does not even provide TrueBlue/Labor Ready’s contact information. Instead, the notice deflects entirely to First Advantage. Thus, TrueBlue/Labor Ready completely disregards its duty to devise policies and procedures “that are appropriate, keeping in mind the clear purpose of the [FCRA] provisions to allow consumers to discuss the report with employers before adverse action is taken.” (*See, e.g.*, FTC Advisory Letters to Lewis, Coffey, and Hawkey, available at <http://www.ftc.gov/policy/advisory-opinions/>.)

27. As the FTC has made clear, the purpose of the FCRA section at issue is for job seekers to have the opportunity to review the consumer report and discuss it with their prospective employer before losing out on a job because of information contained in the report. The FTC has made clear that in general an employer must wait at least five (5) business days

1 following the notice to the applicant or employee of the anticipated adverse action before
2 actually taking the adverse action. (*See, e.g.*, FTC Advisory Opinion to Weisberg, available at
3 <http://www.ftc.gov/policy/advisory-opinions/advisory-opinion-weisberg-06-27-97>.)

4 28. TrueBlue makes no mention in its pre-adverse action notices that it will wait at
5 least five (5) business days before taking adverse action—in fact it mentions no amount of time
6 at all. This is despite the availability of clear FTC guidance and despite the fact that countless
7 other companies tell applicants in their pre-adverse action notices that there will be a five day
8 period to discuss the report directly with the company before adverse action is taken.

9 29. Moreover adverse action is actually taken by TrueBlue/Labor Ready at the time
10 that First Advantage (or another consumer reporting agency) completes the consumer report.
11 That is, TrueBlue/Labor Ready instructs the consumer reporting agency it hires to procure
12 consumer reports with eligibility criteria. The consumer reporting agency then grades the reports
13 based on that criteria and deems someone “eligible” or “ineligible” when it completes the report.
14 TrueBlue/Labor Ready then, on information and belief, takes that determination at face value
15 and does no further investigation. Thus, adverse action is actually taken before any pre-adverse
16 action notices, copies of the report, and summary of rights are sent.

17 30. On page four of Smalls’ consumer report is a section entitled “**Score Result**” that
18 states “**BASED ON YOUR CRITERIA, THE OVERALL CASE SCORE IS INELIGIBLE.**”
19 This indicates that adverse action was in fact taken on the date of the report (in Smalls’ case,
20 October 24, 2014). This means that no pre-adverse action notices, copies of the report, or
21 summaries of FCRA rights are timely sent and each person whom TrueBlue has procured a
22 consumer report about and subsequently taken adverse action against has had their FCRA rights
23 under Section 1681b(b)(3) violated.

24 31. Because of the unlawful disclosure provided to applicants and employees
25 including Plaintiff, as well as TrueBlue/Labor Ready’s failure to send pre-adverse action notices
26 that follow FTC guidance (and its total failure to send pre-adverse notices along with a copy of
27 the consumer report and a summary of FCRA rights), TrueBlue/Labor Ready has willfully

1 denied Plaintiff the rights guaranteed to him by the FCRA. Such a denial entitles him to statutory
2 damages of not less than \$100 and not more than \$1,000.

3 **Facts Related to First Advantage**

4 32. First Advantage is a consumer reporting agency that bills itself as “the world’s
5 leader in background screening.”

6 33. First Advantage has compiled one or more consumer reports on Plaintiff Smalls,
7 including one for TrueBlue/Labor Ready.

8 34. On January 12, 2015, Plaintiff Smalls—through his counsel, Woodrow & Peluso,
9 LLC—sent a letter to First Advantage requesting (1) all documents and information sent to First
10 Advantage by TrueBlue, Labor Ready, and/or Labor Ready Mid-Atlantic mentioning or
11 regarding Craig Smalls or by First Advantage to TrueBlue, Labor Ready, and/or Labor Ready
12 Mid-Atlantic mentioning or regarding Mr. Smalls, (2) confirmation that the pre-adverse action
13 letter received by Mr. Smalls is a form letter drafted by First Advantage and provided to
14 TrueBlue, Labor Ready, and/or Labor Ready Mid-Atlantic, (3) information sufficient to
15 determine the number of persons who were sent the same or substantially the same letter sent to
16 Mr. Smalls, (4) First Advantage’s contract and/or “service agreement” with TrueBlue, Labor
17 Ready, and/or Labor Ready Mid-Atlantic, and (5) a description of TrueBlue, Labor Ready,
18 and/or Labor Ready Mid-Atlantic’s role, if any, in the drafting of the letter(s) provided to Mr.
19 Smalls. (*See* January 12, 2015 Letter to First Advantage, attached as Exhibit C.)

20 35. The next day, on January 13, 2015, Plaintiff Smalls—through his counsel,
21 Woodrow & Peluso, LLC—sent a letter to First Advantage under FCRA section 1681g
22 requesting: (1) a disclosure of the sources of information in Mr. Smalls’ file, (2) a clear and
23 accurate disclosure of all information in Mr. Smalls’ file at the time of the request, (3) a request
24 that the first five digits of Smalls’ social security number be truncated from all documents
25 produced pursuant to the 1681g request, (4) identification of each person (including each end-
26 user identified) that procured a consumer report for employment purposes during the 2-year
27 period preceding the date of the request, or for any other purpose during the 1-year period

preceding the date of the request, (5) that the requested identifications should include the name of the person, or if applicable, the trade name (written in full) under which such persons conduct business, and (6) that the identifications include the address and telephone number of all such person identified. Mr. Smalls requested that all information requested be provided by January 29, 2015. (See January 13, 2015 FCRA 1681g Request, attached as Exhibit D.)

36. On January 20, 2015, Plaintiff's counsel received a phone call and follow-up email from an attorney who indicated he represented First Advantage. His email stated:

As a follow-up to our telephone conversation, First Advantage will provide you with a copy of Mr. Smalls' file upon receipt of written notice from Mr. Smalls in which he authorizes our client to disclose his file to you. You may send the authorization to me.

(See January 20, 2015 email from First Advantage's counsel, attached as Exhibit E.)

37. On January 22, 2015, Plaintiff's counsel received an email from First Advantage's Consumer Disclosure Team that stated:

We have received your *Request for Copy of Consumer Report* however, request form was not completed. If you would please complete the request form in its entirety. You can either mail these documents to us or fax them to the following fax number: 888-985-2544. You may also scan and email them to Consumer.documents@fadv.com. I have attached a copy of the form. Thank you for your cooperation.

(See First Advantage Email of January 22, 2015 and Form, attached as Group Exhibit F.)

38. The form that First Advantage sent to Plaintiff Smalls in response to his 1681g request does not cover Plaintiff's requests. Smalls was presented with two boxes to choose: (1) a box requesting his entire file and (2) a box requesting a copy of any report sent to any end-user for the past 60 days. (See First Advantage Form, Ex. F-2.) The form contained no space for Smalls to request that the first five digits of his social security number be truncated or space to request the other information he is entitled to under FCRA section 1681g. On information and belief, First Advantage does not have a policy or procedure specifically related to 1681g and

1 lacks formal controls to ensure that it properly responds to 1681g requests.

2 39. Nevertheless, Plaintiff and his counsel began to compile the documents requested
3 both by First Advantage's counsel and by First Advantage's Consumer Disclosure Team. On
4 January 26, 2015, Plaintiff sent First Advantage's counsel (1) a signed authorization from Mr.
5 Smalls to disclose his file to Woodrow & Peluso, LLC, (2) a scanned copy of Mr. Smalls'
6 driver's license as requested in the Form sent by the Consumer Disclosure Team, (3) a copy of
7 the email from the Consumer Disclosure Team dated January 22, 2015, (4) the completed Form
8 sent by the Consumer Disclosure Team, and (5) a copy of the FCRA section 1681g request letter
9 dated January 13, 2015. (*See* Documents sent to First Advantage's counsel on January 26, 2015,
10 attached as Exhibit G.)

11 40. As requested by First Advantage's counsel that the authorization form could be
12 sent directly to him, Plaintiff Smalls sent the materials to First Advantage's counsel.

13 41. As of the filing of this Complaint, First Advantage—despite the fact that Plaintiff
14 complied with every one of its requests—has not provided any further response (either through
15 counsel or otherwise) and no documents have been provided as requested.

16 42. Thus, First Advantage has violated Plaintiff's FCRA rights under section 1681g
17 by not providing the requested information and documents he is entitled to under the statute.

18 43. Because of its failure to provide the information and documents requested under
19 FCRA section 1681g (and because of its apparently failure to implement policies and procedures
20 to ensure it properly responds to 1681g requests), First Advantage has willfully denied Plaintiff
21 the rights guaranteed to him by the FCRA. Such a denial entitles him to statutory damages of not
22 less than \$100 and not more than \$1,000.

23 CLASS ACTION ALLEGATIONS

24 44. Plaintiff bring this action pursuant to Federal Rules of Civil Procedure 23(b)(2)
25 and 23(b)(3) on behalf of himself and three Classes and a Subclass defined as follows:

26 **Disclosure Class:** All persons in the United States from March 2, 2013 to the
27 present (1) who applied for employment TrueBlue and/or Labor Ready; (2) about

whom TrueBlue and/or Labor Ready procured a consumer report; and (3) who were provided substantially the same disclosure and authorization regarding the possibility that a consumer report may be procured about them that was provided to Plaintiff.

Pre-Adverse Action Notice Class: All persons in the United States who (1) were subject to adverse employment action on or after March 2, 2013 based in whole or in part on any consumer report procured by TrueBlue and/or Labor Ready; and (2) who did not receive a pre-adverse action notice advising them to discuss their consumer report directly with TrueBlue and/or Labor Ready and/or that did not state that TrueBlue and/or Labor Ready would wait five (5) business days before taking adverse action.

Adverse Action SubClass: All persons in the United States who (1) were subject to adverse employment action on or after March 2, 2013 based in whole or in part on any consumer report procured by TrueBlue and/or Labor Ready; and (2) who did not receive a copy of the report and a summary of FCRA rights before TrueBlue and/or Labor Ready took adverse action by accepting the eligibility determination made by First Advantage or another consumer reporting agency without any further inquiry.

1681g Class: All individuals in the United States (1) who made a request to First Advantage for information and documents they were entitled to under FCRA section 1681g(a); and (2) who did not receive all of the information and documents requested.

45. Excluded from the Classes and Subclass are (1) Defendants, Defendants' agents, subsidiaries, parents, successors, predecessors, and any entity in which the Defendants or their parents have a controlling interest and their current and former employees, officers, and directors, (2) the Judge or Magistrate Judge to whom this case is assigned and the Judge's or Magistrate Judge's immediate family, (3) the legal representatives, successors, or assigns of any such excluded person; and (4) Plaintiff's counsel and Defendants' counsel.

46. **Numerosity:** The exact number of the members of the Classes and Subclass is unknown to Plaintiff at this time, but it is apparent based on uniform practices and form documents at issue and Defendants' size and nationwide business that individual joinder is

1 impracticable. TrueBlue/Labor Ready has hundreds or perhaps thousands of employees and a
2 potentially even greater number of job applicants, located throughout the United States.
3 Moreover, First Advantage is a large consumer reporting agency that receives perhaps hundreds
4 of requests for information and documents pursuant to FCRA 1681g. The Class and Subclass
5 members should be readily ascertainable through Defendants' records.

6 47. **Commonality:** Common questions of law and fact exist as to all members of the
7 Classes and Subclass for which this proceeding will provide common answers in a single stroke
8 based upon common evidence, including:

- 9 (a) Whether Defendants' conduct described herein violated the FCRA;
- 10 (b) Whether TrueBlue/Labor Ready's disclosure that it will procure consumer reports
11 violates the FCRA's requirement that the pre-report disclosure stand alone;
- 12 (c) Whether TrueBlue/Labor Ready has failed to provide a pre-adverse action notice,
13 copy of the consumer report, and a summary of FCRA rights to applicants and
14 employees *prior* to taking adverse action and, if so, whether such policies and
15 procedures violate the FCRA;
- 16 (d) Whether TrueBlue/Labor Ready has violated the FCRA by failing to include in its
17 pre-adverse action notices an invitation to discuss consumer reports directly with
18 it and by failing to state how long it will wait before taking adverse action;
- 19 (e) Whether TrueBlue/Labor Ready has acted willfully in these respects;
- 20 (f) Whether First Advantage has failed to comply with § 1681g(a) requests;
- 21 (g) Whether First Advantage has adopted policies or procedures to ensure compliance
22 with § 1681g(a) requests;
- 23 (h) Whether First Advantage has acted willfully in these respects; and
- 24 (i) The proper measure of statutory damages and the availability and appropriateness
25 of declaratory and injunctive relief.

26 48. **Typicality:** As a result of Defendants' uniform disclosures, notices, procedures,
27 and conduct, Plaintiff and the Class and Subclass members suffered the same injury and similar

1 damages. Thus, Plaintiff's claims are typical of the claims of the other Class members.

2 49. **Adequate Representation:** Plaintiff is a member of the Classes and Subclass and
3 both he and his counsel will fairly and adequately represent and protect the interests of the Class,
4 as neither has interests adverse to those of the Class or Subclass members and Defendants have
5 no defenses unique to Plaintiff. In addition, Plaintiff has retained counsel competent and
6 experienced in complex litigation and class actions. Further, Plaintiff and his counsel are
7 committed to vigorously prosecuting this action on behalf of the members of the Classes and
8 Subclass, and they have the financial resources to do so.

9 50. **Injunctive and Declaratory Relief:** In using uniform disclosures that violate the
10 FCRA and by uniformly failing to provide proper pre-adverse action notices as required,
11 TrueBlue/Labor Ready has acted or refused to act on grounds generally applicable to the Classes
12 and Subclass as respective wholes so as to render injunctive and declaratory relief appropriate.
13 Likewise, First Advantage has acted or refused to act on grounds generally applicable to the
14 1681g Class so as to render injunctive and declaratory relief appropriate. Defendants' uniform
15 conduct requires the Court's imposition of uniform relief to ensure compatible standards of
16 conduct toward the Classes and Subclass members, thus making final injunctive and/or
17 declaratory relief appropriate with respect to the Classes and Subclass as a whole. Further,
18 because Defendants' uniform practices result in similar, if not identical, injuries for all Class and
19 Subclass members, Plaintiff's challenge of those practices hinges on Defendants' conduct with
20 respect to the Classes and Subclass, not on facts or law applicable only to Plaintiff.

21 51. **Predominance:** The common questions of law and fact set forth above go to the
22 very heart of the controversy and predominate over any supposed individualized questions.
23 Irrespective of any given Class or Subclass member's situation, the answer to whether
24 Defendants' conduct is unlawful is the same for everyone—"yes"—and they will be proven
25 using common evidence.

26 52. **Superiority and Manageability:** A class action is superior to all other methods
27 of adjudicating the controversy. Joinder of all members of the classes and subclass is impractical,

1 and the damages suffered by/available to the individual Class and Subclass members will likely
2 be small relative to the cost associated with prosecuting an action. Thus, the expense of litigating
3 an individual action will likely prohibit the Class and Subclass members from obtaining effective
4 relief for Defendants' misconduct. In addition, there are numerous common factual and legal
5 questions that could result in inconsistent verdicts should there be several successive trials. In
6 contract, a class action will present far fewer management difficulties, as it will increase
7 efficiency and decrease expense. Further, class-wide adjudication will also ensure a uniform
8 decision for the Class and Subclass members.

9 53. Plaintiff reserves the right to revise the definition of the Class as necessary based
10 upon information learned in discovery.

11 **COUNT I**

12 **Violation of 15 U.S.C. § 1681b(b)(2)(A)(i)**
13 **(on behalf of Plaintiff and the Disclosure Class**
14 **against Defendants TrueBlue and Labor Ready)**

15 54. Plaintiff incorporates by reference the foregoing allegations as if fully set forth
16 herein.

17 55. The FCRA declares that:

18 Except as provided in subparagraph (B), a person may not procure a consumer
19 report, or cause a consumer report to be procured, for employment purposes with
20 respect to any consumer, unless—

21 (i) a clear and conspicuous disclosure has been made in writing to the
22 consumer at any time before the report is procured or caused to be
23 procured, in a document that consists solely of the disclosure, that a
24 consumer report may be obtained for employment purposes . . .

25 15 U.S.C. § 1681b(b)(2)(A) (emphasis added).

26 56. The FCRA defines a consumer report as:

27 . . . any written, oral, or other communication of any information by a consumer

reporting agency bearing on a consumers' credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or excepted to be used or collected in whole or in part for the purpose of serving as a factor establishing the consumer's eligibility for . . .

(B) employment purposes . . .

15 U.S.C. § 1681a(d)(1).

57. The Disclosure and Authorization that TrueBlue/Labor Ready provided to Plaintiff and the putative Disclosure Class members as part of the application process willfully violates the FCRA by including extraneous information such that the disclosure cannot be said to "stand alone." The Disclosure and Authorization requires the applicant to authorize his or her understanding of several matters that are extraneous to any authorization related to the procurement of a consumer report and therefore the disclosure does not standalone or consist solely of the disclosure that Defendants may obtain a consumer report and accompanying authorization. For example, the disclosure requires that the applicant or employee:

- a. Acknowledge receipt of a summary of FCRA rights and certify that he or she has read and understands the summary of rights and the disclosure;
- b. Agree that a fax, electronic, or photographic copy of the authorization shall be valid as the original;
- c. Consider the advice that "If you will be requesting driving records, we recommend that you have this form notarized";
- d. Be presented with a notice to employers, apparently from First Advantage, regarding Minnesota, Oklahoma, and California applicants who check a "YES" box.
- e. Review a confusing statement that "Nothing contained herein should be construed as legal advice or guidance. Employers should consult their own counsel about their compliance responsibility under the FCRA and applicable state law. First

Advantage expressly disclaims any warranties or responsibility or damages associated with or arising out of information provided herein”; and

f. Other extraneous information.

58. TrueBlue/Labor Ready procured consumer reports with respect to Plaintiff and the Disclosure Class Members. The Disclosure and Authorization uniformly violated each of their rights in the same way by including such extraneous information.

59. Defendants’ violations are willful for at least the following reasons:

(i) The rule that FRCA disclosures be “clear and conspicuous” and part of a document consisting “solely” of that disclosure has been the law established for well over a decade.

(ii) Defendants are large corporations with in-house counsel who regularly engage outside counsel and had ample means and opportunity to seek legal advice regarding their FCRA responsibilities. As such, any violations were made in conscious disregard of the rights of others;

(iii) Clear judicial and administrative guidance—dating back to at least the 1990s—regarding a corporation’s FCRA responsibilities exists and is readily available explaining that such disclosures must stand-alone. This readily available guidance means Defendants were either aware of their responsibilities or plainly should have been aware of their responsibilities but ignored them and violated the FCRA anyway.

60. Plaintiff and the Disclosure Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each of Defendants’ willful violations pursuant to 15 U.S.C. § 1681n(a)(1)(A).

61. Plaintiff and the Disclosure Class seek statutory damages, reasonable costs and attorneys’ fees, an injunction against further violations, and a declaration that this conduct of Defendants TrueBlue and Labor Ready is unlawful.

1 **COUNT II**

2 **Violation of 15 U.S.C. § 1681b *et seq.***

3 **(on behalf of Plaintiff and the Pre-Adverse Action Notice Class**

4 **against Defendants TrueBlue and Labor Ready)**

5 62. Plaintiff incorporates by reference the foregoing allegations as if fully set forth
6 herein.

7 63. TrueBlue's pre-adverse action notice does not invite applicants/employees to
8 explain negative items in their reports directly with TrueBlue. Instead, the pre-adverse action
9 notice provides only First Advantage's contact information and does not give any indication that
10 the applicant may discuss the report with TrueBlue directly.

11 64. As the FTC has made clear, however, employers are to devise policies "that are
12 appropriate, keeping in mind the clear purpose of the provisions to allow consumers to discuss
13 the report with employers before adverse action is taken." *See* FTC advisory letters, to Coffey,
14 Lewis, and Hawkey (*available at* <http://www.ftc.gov/policy/advisory-opinions/>). By directing
15 applicants and employees only to First Advantage, applicants and employees are denied the
16 ability to explain negative items to TrueBlue before adverse action is taken.

17 65. Moreover, as the FTC has made clear, the purpose of the FCRA section at issue is
18 for job seekers to have the opportunity to review the consumer report and discuss it with their
19 prospective employer before losing out on a job because of information contained in the report.
20 The FTC has made clear that in general an employer must wait at least five (5) business days
21 following the notice to the applicant or employee of the anticipated adverse action before
22 actually taking the adverse action.. (*See, e.g.,* FTC Advisory Opinion to Weisberg, *available at*
23 <http://www.ftc.gov/policy/advisory-opinions/advisory-opinion-weisberg-06-27-97.>)

24 66. TrueBlue/Labor Ready has also violated the FCRA by failing to notify applicants
25 and employees of the amount of time it will wait before taking adverse action.

26 67. TrueBlue/Labor Ready's violations are willful for at least the following reasons:
27

(i) The rule that employers are to devise policies “that are appropriate, keeping in mind the clear purpose of the provisions to allow consumers to discuss the report with employers before adverse action is taken” has been established and articulated on numerous occasions by the FTC since at least the 1990s; and

(ii) TrueBlue/Labor Ready are large corporations with in-house counsel who regularly engage outside counsel and had ample means and opportunity to seek legal advice regarding their FCRA responsibilities. As such, any violations were made in conscious disregard of the rights of others.

68. Plaintiff and the Pre-Adverse Action Notice Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each of Defendants’ willful violations pursuant to 15 U.S.C. § 1681n(a)(1)(A).

69. Plaintiff and the Pre-Adverse Action Notice Class seek statutory damages, reasonable cost and attorneys’ fees, an injunction against further violations, and a declaration that this conduct of Defendants TrueBlue and Labor Ready is unlawful.

COUNT III

Violation of 15 U.S.C. § 1681b(b)(3)

(on behalf of Plaintiff and the Adverse Action Subclass against Defendants TrueBlue and Labor Ready)

70. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

71. The FCRA provides that:

(3) Conditions on use for adverse actions.

(A) In General. Except as provided in subparagraph (b), in using a consumer report for employment purposes, *before* taking any adverse action based in whole or in part on the report, the person intending to take such adverse action shall provide to the consumer to whom the report relates—

(i) a copy of the report; and

(ii) a description in writing of the rights of the consumer under this subchapter, as prescribed by the Bureau under section 1681g(c)(3) of this title.

See 15 U.S.C. 1681b(b)(3) (Emphasis added).

72. The FCRA defines adverse action as “a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.” 15 U.S.C. § 1681a(k)(1)(B)(ii).

73. TrueBlue/Labor Ready violated § 1681b(b)(3) of the FCRA by failing to provide Plaintiff and members of the Adverse Action Subclass with a copy of their consumer reports and/or summaries of their rights under the FCRA before taking adverse employment actions against them.

74. Instead, TrueBlue/Labor Ready took adverse against them the moment the consumer reporting agency made an eligibility determination based on factors provided to it by TrueBlue/Labor Ready.

75. When TrueBlue/Labor Ready procures a consumer report about a job applicant or employee, it tells the consumer reporting agency it hires what types of information on a consumer report would make an applicant ineligible for hire.

76. The consumer reporting agency then takes that information and makes an eligibility score at the time it completes the report. TrueBlue/Labor Ready then accepts the third party’s determination at face value and makes no further inquiry into the applicants’ eligibility to be hired. Thus, applicants like Plaintiff Smalls—who was received a score on his consumer report of “INELIGIBLE”—have adverse action taken against them at the time the report is completed by the consumer reporting agency and sent to TrueBlue/Labor Ready.

77. As a result, any applicants and employees who TrueBlue/Labor Ready took the eligibility determination from the consumer reporting agency at face value and make no further inquiry into the matter had their FCRA rights violated because any attempt by TrueBlue/Labor Ready to the send pre-adverse action documents required (a copy of the report and a summary of

rights) was untimely (being sent after the determination had already been made).

78. TrueBlue/Labor Ready's violations of 15 U.S.C. § 1681b(b)(3) were willful. The rule that a copy of the report relied upon and a summary of FCRA rights must be sent to a person against whom an employer intends to take adverse action before such adverse action is taken is well established. TrueBlue/Labor Ready is a large corporation that regularly engages counsel—it had ample means and opportunity to seek legal advice regarding their FCRA responsibilities. Further, there is a glut of judicial and administrative guidance—dating back to the 1990's—regarding a corporation's FCRA responsibilities. This readily-available guidance means TrueBlue/Labor Ready either was aware of its responsibilities or should have been aware of its responsibilities, but violated the FCRA anyway.

79. Plaintiff and the Adverse Action Subclass are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each of Defendants' willful violations pursuant to 15 U.S.C. § 1681n(a)(1)(A).

80. Plaintiff and the Adverse Action Subclass seek statutory damages, reasonable cost and attorneys' fees, an injunction against further violations, and a declaration that this conduct of Defendants TrueBlue and Labor Ready is unlawful.

COUNT IV

Violation of 15 U.S.C. § 1681g(a)

(on behalf of Plaintiff and the 1681g Class

against Defendant First Advantage)

81. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

82. The FCRA, section 1681g(a), provides that:

Every consumer reporting agency shall, upon request, and subject to section 1681h(a)(1) of this title, clearly and accurately disclose to the consumer:

(1) All information in the consumer's file at the time of the request, except that—

1 (A) if the consumer to whom the file relates that the first 5 digits of
2 the social security number (or similar identification number) of the
3 consumer not be included in the disclosure and the consumer
4 reporting agency has received appropriate proof of the identity of
5 the requester, the consumer reporting agency shall so truncate such
6 number in such disclosure; and

7 (B) nothing in this paragraph shall be construed to require a
8 consumer reporting agency to disclose to a consumer any
9 information concerning credit scores or any other risk scores or
10 predictors relating to the consumer.

11 (2) The sources of the information; except that the sources of information
12 acquired solely for use in preparing an investigative consumer report and
13 actually used for no other purpose need not be disclosed: Provided, That in
14 the event an action is brought under this subchapter, such sources shall be
15 available to the plaintiff under appropriate discovery procedures in the
16 court in which the action is brought.

17 (3)

18 (A) Identification of each person (including each end-user
19 identified under section 1681e(e)(1) of this title) that procured a
20 consumer report—

21 (i) for employment purposes, during the 2-year period
22 preceding the date on which the request is made; or

23 (ii) for any other purpose, during the 1-year period
24 preceding the date on which the request is made.

25 (B) An identification of a person under subparagraph (A) shall
26 include—

27 (i) the name of the person or, if applicable, the trade name
28 (written in full) under which such person conducts
business; and

(ii) upon request of the consumer, the address and
telephone number of the person.

83. Plaintiff Smalls made a request for information he is entitled to under section 1681g. He also included a request that the first five digits of his social security number be truncated.

84. Despite complying with all of First Advantage's requests pertaining to the 1681g request, Smalls has not received the information. First Advantage has thus violated the FCRA.

85. Moreover, First Advantage does not have policies or procedures in place to properly handle FCRA 1681g requests. First Advantage sent Smalls a form in response to his 1681g request that lacks a mechanisms for Smalls to actually request the information he is entitled to under 1681g.

86. On information and belief, First Advantage does not provide all information requested and owed to any consumer who makes a 1681g request.

87. First Advantage's violations of 15 U.S.C. § 1681g(a) were willful. This rule has been established for decades. First Advantage is a large corporation that regularly engages counsel—it had ample means and opportunity to seek legal advice regarding their FCRA responsibilities. Further, First Advantage is a consumer reporting agency and thus has a peculiarly-strong responsibility to become intimately-familiar with requests that consumers can make of it under the FCRA.

88. Plaintiff and the 1681g Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each of Defendants' willful violations pursuant to 15 U.S.C. § 1681n(a)(1)(A).

89. Plaintiff and the 1681g Class seek statutory damages, reasonable cost and attorneys' fees, an injunction against further violations, and a declaration that this conduct of Defendant First Advantage is unlawful.

JURY DEMAND

Plaintiffs request a trial by jury of all claims that can be so tried.

Dated: March 2, 2015

COMPLAINT

No. C15-5126

Respectfully submitted,

s/ *Cliff Cantor*

By: Cliff Cantor, WSBA # 17893

Law Offices of Clifford A. Cantor, P.C.

627 208th Ave. SE

Sammamish, WA 98074

Tel: (425) 868-7813

Fax: (425) 732-3752

Email: cliff.cantor@outlook.com

Steven L. Woodrow*

Patrick H. Peluso*

Woodrow & Peluso, LLC

3900 East Mexico Ave., Suite 300

Denver, Colorado 80210

Tel: (720) 213-0675

Fax: (303) 927-0809

Email: swoodrow@woodrowpeluso.com

ppeluso@woodrowpeluso.com

Attorneys for Plaintiff Craig Smalls
and the Classes and Subclass

**Pro hac vice* application to be filed

EXHIBIT A

DISCLOSURE AND AUTHORIZATION

(IMPORTANT - PLEASE READ CAREFULLY BEFORE SIGNING AUTHORIZATION)

LABOR READY

a TRUEBLUE company

Disclosure Regarding Background Investigation Tier #2 54294134

TrueBlue, Inc ("the Company") may obtain information about you for employment purposes from a third party consumer reporting agency. Thus, you may be the subject of a "consumer report" and/or an "investigative consumer report" which may include information about your character, general reputation, personal characteristics, and/or mode of living, and which can involve personal interviews with sources such as your neighbors, friends, or associates. These reports may contain information regarding your credit history, criminal history, social security verification, motor vehicle records ("driving records"), verification of your education or employment history, or other background checks. Credit history will only be requested where such information is related to the duties and responsibilities of the position for which you are applying. You have the right, upon written request made within a reasonable time after receipt of this notice, to request disclosure of the nature and scope of any investigative consumer report and a copy of any report about you. Please be advised that the nature and scope of the most common form of investigative consumer report obtained with regard to applicants for employment is an investigation into your education and/or employment history conducted by First Advantage P.O. Box 105292, Atlanta, GA 30348, 1-800-8456004. The scope of this notice and authorization is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of consumer reports and investigative consumer reports now and throughout the course of your employment to the extent permitted by law. As a result, you should carefully consider whether to exercise your right to request disclosure of the nature and scope of any investigative consumer report.

ACKNOWLEDGMENT AND AUTHORIZATION

I acknowledge receipt of the DISCLOSURE REGARDING BACKGROUND INVESTIGATION and A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by the Company at any time after receipt of this authorization and throughout my employment, if applicable. To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by First Advantage P.O. Box 105292 Atlanta, GA 30348, 1-800-845-6004, another outside organization acting on behalf of the Company, and/or the Company itself. Their Privacy Policy can be reviewed at <http://www.fadv.com/privacy-policy/>. I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

New York applicants or employees only: By signing below, you also acknowledge receipt of Article 23-A of the New York Correction Law.

Minnesota and Oklahoma applicants or employees only: Please check this box if you would like to receive a copy of a consumer report at no charge if one is obtained by the Company. ☐ Yes

California applicants or employees only: By signing below, you also acknowledge receipt of the NOTICE REGARDING BACKGROUND INVESTIGATION PURSUANT TO CALIFORNIA LAW. Please check this box if you would like to receive a copy of an investigative consumer report or consumer credit report at no charge if one is obtained by the Company whenever you have a right to receive such a copy under California law. ☐ Yes

Washington state applicants or employees only: You also have the right to request from the consumer reporting agency a written summary of your rights and remedies under the Washington Fair Credit Reporting Act.

Oregon applicants or employees only: Information describing your rights under federal and Oregon law regarding consumer identity theft protection, the storage and disposal of your credit information, and remedies available should you suspect or find that the Company has not maintained secured records is available to you upon request.

New York and Maine applicant or employees only: You have the right to inspect and receive a copy of any investigative consumer report requested by the Company by contacting the consumer reporting agency identified above directly. You may also contact the Company to request the name, address and telephone number of the nearest unit of the consumer reporting agency designated to handle inquiries, which the Company shall provide within 5 days.

Last Name: SMALLS First: CRAY Middle: _____

Signature: Cray Smalls Date: 10/15/14

** If you will be requesting driving records, we recommend that you have this form notarized.

Employer please note: If a Minnesota or Oklahoma consumer checks "YES" regarding the consumer report, or if a California consumer checks "YES" regarding the credit report (and you do request a credit report), please fax this form to your First Advantage service center. If consumer checks "YES" regarding the full consumer report, and consumer resides in California, you will need to provide the individual with a copy of their consumer report, unless you have made prior arrangements for First Advantage to do so on your behalf. Account Number: _____

Consumer Information

Last Name: SMALLS First: CRAIG Middle: _____
Other Names/Alias: _____
Social Security* #: [REDACTED] Date of Birth*: [REDACTED]
Driver's License #: [REDACTED] State of Driver's License*: NC
Present Address: 7111 E VILLAGE GREEN DR Phone Number: [REDACTED]
City/State/Zip: CHARLOTTE NC 28215
Former Employer: IGM RESINS Position: INDUSTRIAL
Dates of Employment: 5/13 - 7/14

*This information will be used for background screening purposes only and will not be used as hiring criteria

Please note: Nothing contained herein should be construed as legal advice or guidance. Employers should consult their own counsel about their compliance responsibilities under the FCRA and applicable state law. First Advantage expressly disclaims any warranties or responsibility or damages associated with or arising out of information provided herein.

EXHIBIT B

LABOR READY
1222-A WEST CRAIGHEAD RD
CHARLOTTE, NC 28206



10/24/2014

CRAIG SMALLS
7111 VILLAGE GREEN DR APT E
CHARLOTTE, NC 28215

Dear CRAIG SMALLS:

We have recently requested a criminal background report on you. Information contained in this report (enclosed herewith, including a summary of your rights under the Federal Fair Credit Reporting Act and relevant state laws) may adversely affect your employment status.

The background report was prepared by:

First Advantage, Consumer Disclosure Center
PO Box 105292
Atlanta, GA 30348
1-800-845-6004

You have the right to obtain a free disclosure of your file from First Advantage (First Advantage Background Services Corp), within 60 days of the date of this letter. You also have the right to dispute directly with First Advantage Background Services Corp Consumer Dispute line at 1-800-845-6004 the accuracy or completeness of any of the information provided by First Advantage Background Services Corp. First Advantage Background Services Corp did not participate in any employment decision and will be unable to provide any specific reasons as to why we may choose to take an adverse employment action.

Sincerely,

LABOR READY MID-ATLANTIC 1298

EXHIBIT C



January 12, 2015

Via U.S. mail and electronic mail to:

First Advantage Corporation
Attn: Bret Jardine, Executive Vice President, General Counsel
1 Concourse Parkway Northeast
Atlanta, Georgia 30328
bjardine@fadv.com

Re: Craig Smalls – Background Check for Labor Ready

Dear Counsel:

Our law firm represents Mr. Craig Smalls, who applied for employment for a position with Labor Ready in Charlotte, North Carolina. Mr. Smalls had a background check procured about him that, according to some paperwork our client has received, was prepared by First Advantage on October 24, 2014. That same day, a letter was sent to Mr. Smalls and signed by “Labor Ready Mid-Atlantic 1298.” (See October 24, 2014 Letter, attached as Exhibit A.) We believe this is a form letter drafted by First Advantage and provided to or sent on behalf of Labor Ready and/or its parent company, TrueBlue, for purported use as a pre-adverse action letter.

In part, the letter advised Mr. Smalls of his right to obtain a disclosure of his file from First Advantage within 60 days and of his right to dispute the accuracy or completeness of the report directly with First Advantage. However, the letter is silent with respect to (1) any right that Smalls had to discuss and/or dispute information contained in the report directly with Labor Ready, (2) how to contact Labor Ready to discuss and/or dispute the report, and (3) the amount of time Labor Ready would wait before taking adverse action.

The FTC has repeatedly admonished that employers should maintain procedures that allow for job applicants to explain negative information contained within a background check “that are appropriate, keeping in mind the purpose of the provisions to allow consumers to discuss the report with employers before adverse action is taken.” (See, e.g., FTC Advisory Letters to Lewis, Coffey, and Hawkey, *available at* <http://www.ftc.gov/policy/advisory-opinions/>). In derogation of this rule—and in marked contrast to form pre-adverse action letters used by other background check service providers in the industry—the pre-adverse action letter provided to our client is silent with respect to any right that Mr. Smalls had to explain the derogatory items directly to Labor Ready. Rather, the letter that First Advantage appears to have prepared for Labor Ready makes no mention of any ability to contact Labor Ready about the background check and instead indicates only that Smalls had sixty (60) days to dispute any information directly with First Advantage.



Within fourteen (14) days from the date of this letter, please provide:

- All documents and information sent to First Advantage by TrueBlue, Labor Ready, and/or Labor Ready Mid-Atlantic mentioning or regarding Craig Smalls or by First Advantage to True Blue, Labor Ready, and/or Labor Ready Mid-Atlantic mentioning or regarding Mr. Smalls;
- Confirmation that the letter received by Mr. Smalls is a form letter drafted by First Advantage and provided to TrueBlue, Labor Ready, and/or Labor Ready Mid-Atlantic;
- Information sufficient to determine the number of persons who were sent the same or substantially the same letter sent to Mr. Smalls;
- First Advantage's contract and/or "service agreement" with TrueBlue, Labor Ready, and/or Labor Ready Mid-Atlantic; and
- A Description of TrueBlue, Labor Ready, and/or Labor Ready Mid-Atlantic's role, if any, in the drafting of the letter(s) provided to Mr. Smalls.

For the sake of transparency, our goal is to determine whether the omission of a statement directing Smalls to contact Labor Ready or TrueBlue directly is a one-off or if this required information is absent from all of the letters First Advantage prepares for Labor Ready/TrueBlue. If such a statement is omitted more generally, then we invite First Advantage to engage us in a discussion on how such letters may be corrected.

Please respond by January 26, 2015. I'm available to discuss this further at the contact information below.

Best regards,

/s/ Steven L. Woodrow

Steven L. Woodrow
swoodrow@woodrowpeluso.com
720.213.0675

EXHIBIT A

LABOR READY
1222-A WEST CRAIGHEAD RD
CHARLOTTE, NC 28206



10/24/2014

CRAIG SMALLS
7111 VILLAGE GREEN DR APT E
CHARLOTTE, NC 28215

Dear CRAIG SMALLS:

We have recently requested a criminal background report on you. Information contained in this report (enclosed herewith, including a summary of your rights under the Federal Fair Credit Reporting Act and relevant state laws) may adversely affect your employment status.

The background report was prepared by:

First Advantage, Consumer Disclosure Center
PO Box 105292
Atlanta, GA 30348
1-800-845-6004

You have the right to obtain a free disclosure of your file from First Advantage (First Advantage Background Services Corp), within 60 days of the date of this letter. You also have the right to dispute directly with First Advantage Background Services Corp Consumer Dispute line at 1-800-845-6004 the accuracy or completeness of any of the information provided by First Advantage Background Services Corp. First Advantage Background Services Corp did not participate in any employment decision and will be unable to provide any specific reasons as to why we may choose to take an adverse employment action.

Sincerely,

LABOR READY MID-ATLANTIC 1298

EXHIBIT D



January 13, 2015

Via U.S. mail to:

First Advantage, Consumer Disclosure Center
PO Box 105292
Atlanta, GA 30348

Re: Craig Smalls – FCRA § 1681g Disclosure Request

To Whom It May Concern:

Our law firm represents Mr. Craig Smalls, who First Advantage has prepared one or more consumer reports about for employment purposes and perhaps other purposes. Mr. Smalls' latest address in First Advantage's file appears to be 7111 Village Green Drive, Apartment E, Charlotte, NC 28215. His date of birth is [REDACTED] and the first three digits of his social security number is [REDACTED].

In accordance with § 1681g(a) of the Fair Credit Reporting Act ("FCRA"), Please disclose the sources of the information in Mr. Smalls' file. Sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed. Please also clearly and accurately disclose all information in Mr. Smalls' file at the time of this request. Mr. Smalls hereby requests that the first five digits of his social security number not be included in the disclosure, so please truncate such number in the requested disclosure. Please also identify each person (including each end-user identified) that procured a consumer report for employment purposes during the 2-year period preceding the date on which this request is made or for any other purpose, during the 1-year period preceding the date on which this request is made. The requested identifications should include the name of the person or, if applicable, the trade name (written in full) under which such persons conduct business. Mr. Smalls hereby requests that the identifications include the address and telephone number of all such person identified.

Please respond by January 29, 2015 and send all requests to my attention at the address below.

Best regards,

/s/ Patrick H. Peluso

Patrick H. Peluso
ppeluso@woodrowpeluso.com

EXHIBIT E

attachments) is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

Steven:

As a follow-up to our telephone conversation, First Advantage will provide you with a copy of Mr. Smalls' file upon receipt of written notice from Mr. Smalls in which he authorizes our client to disclose his file to you. You may send the authorization to me.

Please let me know if you have any questions.

Fritz

Frederick "Fritz" T. Smith

SEYFARTH SHAW LLP

1075 Peachtree Street, N.E.

Suite 2500

Atlanta, Georgia 30309-3962

6000 Fairview Road

Suite 1200

Charlotte, North Carolina 28210

Direct Dial: [\(404\) 888-1021](tel:(404)888-1021)

Facsimile: [\(404\) 892-7056](tel:(404)892-7056)

GROUP EXHIBIT F

EXHIBIT F-1



Patrick Peluso <ppeluso@woodrowpeluso.com>

First Advantage Consumer Report

Consumer Documents <Consumer.Documents@fadv.com>

Thu, Jan 22, 2015 at 2:13 PM

To: "ppeluso@woodrowpeluso.com" <ppeluso@woodrowpeluso.com>

January 22, 2015

RE: Copy of Consumer Report

Dear Patrick Peluso,

We received your *Request for Copy of Consumer Report* however, request form was not completed. If you would please complete the request form in its entirety. You can either mail these documents to us or fax them to the following fax number: [888-985-2544](tel:888-985-2544). You may also scan and email them to Consumer.documents@fadv.com. I have attached a copy of the form. Thank you for your cooperation.

Sincerely,

Consumer Disclosure Team

Disclosure Team

Fax [888.985.2544](tel:888.985.2544)

Consumer.documents@fadv.com



Full Consumer Report Request Packet.pdf

904K

EXHIBIT F-2



First Advantage

A Symphony Technology Group Company

Request for Copy of Consumer Report Instructions

Overview: In order to process your request for a copy of your consumer report please complete form 122.96.9 – Request for a Copy of Consumer Report. In order to reduce any possible delays, please print legibly with black or blue ink.

We have enclosed a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act". If you are a California resident, we have also included a copy of "A Summary of Your Rights Under California Law". If you have any questions concerning this matter, please contact the Consumer Relations Department at (800) 321-4473.

1) Complete form 122.96.9 – Request for a Copy of Consumer

Report. a. Complete Section A – Your Information.

The copy of your employment background check report will be mailed to the address you provide. All of the information requested must be provided. When attaching a photocopy of your government issued photo identification document, if possible, we ask that you enlarge the copy of your photo identification document as it enhances its legibility. In order to protect you from Identity theft, The address on your ID must match the address on the request form.

b. Complete Section B – Acknowledgement

After reviewing the information you have provided, sign and date the form.

c. Complete Section C - Delivery

Choose how you wish to receive the copy of your Consumer Disclosure. if more than one is selected the reports will be sent Via US Mail only.

2) Mail fax, or E-mail the completed and signed forms along with a government issued photo ID and any other necessary supporting documentation to:

First Advantage
Consumer Relations
P.O. Box 3367
Seminole, FL 33775
Fax: (800) 868-6247

Compliancedept@fadv.com



First Advantage

A Symphony Technology Group Company

Obtaining Your Credit File

Your credit bureau file is not maintained by First Advantage Background Services. To obtain a copy of your credit bureau report, or for information regarding your credit file, including trade-line accounts such as credit cards, utility bills and bankruptcy information, please contact the national credit reporting agencies (CRAs) listed below.

If a copy of your credit report was obtained through First Advantage Background Services in conjunction with your application for employment we will provide you with a copy of the report that was obtained if your request is received within 60 days from the date it is obtained by us. If your credit report was obtained more than 60 days prior to your request, please contact the credit bureau(s) to obtain a current copy of your credit report.

To dispute information contained in your Equifax, Experian, or TransUnion credit reports including your credit score, please contact the credit bureau(s) directly. In accordance with the FCRA, if your credit file was obtained through First Advantage Background Services, you may forward your reinvestigation request to the First Advantage Consumer Relations Department, which will in turn be forwarded to the appropriate credit bureau(s) for reinvestigation. Please do not submit credit bureau disputes to First Advantage Background Services which have already been initiated through the credit bureau(s). We cannot assist you with a credit dispute if we did not access your credit file on behalf of our clients.

To receive your credit file from a national CRA, you may do one of the following:

- 1) Request a copy through the CRA's automated system via the toll free numbers below.
- 2) Submit your request in writing to the CRA via the addresses below. Prior to submitting your request contact the CRA via the toll free phone numbers below to obtain specific information that you should include with your written request.
- 3) Request a copy through the agency's web site.
- 4) Request a copy through www.annualcreditreport.com or by calling (877) 322-8228.

CRA:	Equifax	TransUnion	Experian
Website:	www.equifax.com	www.transunion.com	www.experian.com
Phone:	(800) 685-1111	(800) 888-4213	(888) 397-3742
Address:	P.O. Box 740241 Atlanta, GA 30374	P.O. Box 2000 Chester, PA 19022	P.O. Box 2104 Allen, TX 75013



First Advantage

A Symphony Technology Group Company

Request for a Copy of Consumer Report (Form 122.96.9)

Please Select One

Copy of your First Advantage Consumer File ☐

Copy of Consumer Reports provided to any end-users during the last 60 days ☐

Please read the instructions prior to beginning.

Section A - Your Information

Full Name: _____
Last First M.I.

Maiden

Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Home Phone: () Alternate Phone: ()

Social Security Number: _____ Date of Birth: / /
mm / dd / yyyy

☐ Photo ID attached (e.g. copy of valid Driver's License) as proof of my identity.

Section B - Acknowledgement

By signing below I PRINT NAME, am requesting a copy of my Consumer File. I have reviewed the information I provided in this form and I affirm that to the best of my knowledge the information is true and accurate.

Section C - Delivery of Reports

Please choose only one

☐ I request the reports be sent via US Mail at the address indicated above. (California residents please see Waiver)

☐ I request the reports be e-mailed to me at _____@_____

☐ I request the report to be faxed to me @ () _____ I confirm that this is a secure fax line. I understand that only one attempt to fax will be made, and that a copy will be mailed to me at the address indicated above*. FADV is not responsible for any fees associated with me receiving the fax reports. (Fax option Not applicable for California residents).

Signature: _____

Date: _____



First Advantage

A Symphony Technology Group Company

Waiver to Receive Investigative Consumer Report via Certified Mail

Under California law, the reports First Advantage provides for employment purposes within the State of California are considered investigative consumer reports. These reports may contain information on your character, general reputation, personal characteristics and mode of living. Under section 1786.22 of the California Civil Code, you may view the file maintained on you by FIRST ADVANTAGE during normal business hours. You may also obtain a copy of this file upon submitting proper identification and paying the costs of duplication services.

You have requested to receive a copy of your consumer file. We would like to offer you the option of receiving such information, at no cost by E-mail. If you would like to receive your report by email instead of certified mail, please fill out the following information, and return to First Advantage.

Name _____

Address _____

City _____ Zip _____

Email address: _____@_____

Signature _____

PIN # _____ (Last 4 of SSN) this will unlock your document.

If you choose not to receive your report by email, First Advantage will provide you with the requested information upon receipt of a Money Order made payable to First Advantage in the amount of \$ 7.50 along with the completed Consumer Disclosure Form, and mail to:

First Advantage Consumer Relations Department
100 Carillon Parkway
St. Petersburg, FL 33716

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C. 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau 1700 G Street N.W., Washington, D.C. 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates b. Such affiliates which are not banks, savings associations, or credit unions also should list, in addition to the CFBP	a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552 b. Federal Trade Commission Consumer Response Center-FCRA Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above: a. National banks, federal savings associations, and federal branches/agencies of foreign banks b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act c. Nonmember insured banks, insured state branches of foreign banks, and insured state savings associations d. Federal Credit Unions	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010 9050 b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480 c. FDIC Consumer Response Center 1100 Walnut Street Box #11 Kansas City, MO 64106 d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590
4. Creditors subject to Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street S.W. Washington, DC 20423
5. Creditors subject to Packers and Stockyards Act	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, SW 8 th Floor Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street NE Washington, DC 20549
8. Federal Land Banks, Federal land bank associations, Federal intermediate credit banks, and Production credit associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and all other creditors not listed above	FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center-FCRA Washington, DC 20580 (877) 382-4357

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C. 20552.

Un Resumen de Sus Derechos Bajo el Fair Credit Reporting Act

La Federal Fair Credit Reporting Act (FCRA) promueve la exactitud, justicia y privacidad de la información en los archivos de las agencias de informe del consumidor. Hay muchos tipos de agencias de informe del consumidor, incluyendo las agencias de crédito y agencias especializadas (como agencias que venden información sobre historial de escritura, registros médicos, e historial de alquiler). He aquí un resumen de sus principales derechos en virtud de la FCRA. **Para obtener más información, incluyendo información sobre derechos adicionales, visite www.consumerfinance.gov/learnmore o escribe a Consumer Financial Protection Bureau 1700 G Street NW, Washington, DC 20552.**

- Se le debe informar si la información en su expediente se ha utilizado en su contra. Cualquier persona que utilice un reporte de crédito u otro tipo de informe de consumidor para denegar su solicitud de crédito, seguro o empleo – o para tomar otra acción adversa contra usted – debe informarle y debe darle el nombre, dirección y número de teléfono de la agencia que suministro la información.
- **Usted tiene el derecho de saber lo que está en su expediente.** Puede solicitar y obtener toda la información acerca de usted en los archivos de una agencia de informes del consumidor (su “divulgación de archivos”). Usted tendrá que proporcionar identificación, que puede incluir su número de Seguro Social. En muchos casos, la divulgación será libre. Usted tiene derecho a una divulgación gratuita si :
 - una persona ha emprendido una acción adversa contra usted debido a información en su informe de crédito;
 - usted ha sido víctima de robo de identidad y hacer una alerta de fraude en su expediente;
 - su expediente contiene información no exacta como resultado de fraude;
 - usted recibe asistencia pública;
 - no está empleado, pero anticipa solicitar empleo en 60 días

En adición, todos los consumidores tienen derecho a una divulgación cada 12 meses si así lo solicitan a cada agencia de crédito nacional y de las agencias nacionales de informe del consumidor. Visite www.consumerfinance.gov/learnmore para obtener información adicional.

- **Usted tiene derecho a pedir su puntuación de crédito.** Las puntuaciones de crédito son resúmenes numéricos de su valía de crédito basados en información de las agencias de crédito. Usted puede solicitar una puntuación de crédito de agencias de informe del consumidor que crean puntuaciones o distribuyen las puntuaciones utilizadas en préstamos de bienes raíces residenciales, pero tendrá que pagar por ello. En algunas transacciones hipotecarias, recibirá información de puntuación de crédito de forma gratuita desde el prestamista hipotecario.
- **Usted tiene el derecho de confrontar información incompleta o inexacta.** Si identifica información en su expediente que es incompleta o inexacta, y la reporta a la agencia de informes del consumidor, la agencia debe investigar a menos que su confrontación sea frívola. Visite www.consumerfinance.gov/learnmore para una explicación de los procedimientos de solución.

- **Agencias de informe del consumidor deben corregir o eliminar información inexacta, incompleta o no verificable.** La información inexacta, incompleta o no verificable debe ser retirada o corregida, generalmente dentro de 30 días. Sin embargo, una agencia de informe del consumidor puede seguir reportando información si ha verificado su exactitud.
- **Agencias de informe del consumidor no pueden reportar información negativa atrasada.** En la mayoría de los casos, una agencia de informe del consumidor no pueden reportar información negativa ocurrida hace mas de 7 años, no quiebras ocurridas hace mas de 10 años de edad.
- **El acceso a su expediente es limitado.** Una agencia de informe del consumidor puede proporcionar información sobre usted solamente a personas que realmente la necesiten – generalmente para considerar una solicitud con acreedor, asegurador, empleador, propietario de vivienda u otro negocio. La FCRA especifica que tienen una necesidad valida de acceso.
- **Usted debe dar su consentimiento para que los informes que se proporcionen a los empleadores.** Una agencia de informe del consumidor no puede dar información sobre usted a su empleador, o a un posible empleador, sin su consentimiento escrito previo otorgado al empleador. Consentimiento escrito generalmente no es requerido en la industria de camiones. Para obtener información, visite www.consumerfinance.gov/learnmore.
- **Usted puede limitar “preseleccionadas” ofertas de crédito y seguro que obtiene basadas en información en su informe de crédito.** No solicitadas “preseleccionadas” ofertas de crédito y seguro deben incluir un número de teléfono gratuito al que puede llamar si desea eliminar su nombre y dirección de las listas de estas ofertas se basan. Usted puede optar por las agencias de crédito llamando al 1-888-5-OPTOUT (1-888-567-8688).
- **Usted puede buscar una compensación de los acreedores.** Si una agencia de informe del consumidor, o, en algunos casos, un usuario de informes del consumidor o proveedor de información en una agencia de informe del consumidor infringe la FCRA, usted puede ser capaz de demanda en una corte estatal o federal.
- **Víctimas de robo de identidad y el personal militar activo tienen derechos adicionales impuestos.** Para obtener más información, visite www.consumerfinance.gov/learnmore.

Los estados pueden cumplir la FCRA, y muchos estados tienen sus propias leyes de informes de los consumidores. En algunos casos, usted puede tener más derechos bajo la ley estatal. Para obtener más información, póngase en contacto con su agencia estatal o local de protección del consumidor o su Fiscal General del Estado. Agencias a nivel federal son:

TIPO DE NEGOCIO :	CONTACTO :
<p>1.</p> <p>a. Los bancos, asociaciones de ahorro y cooperativas de crédito con activos totales de más de \$10 mil millones y sus afiliados</p> <p>b. Dichas filiales que no son bancos, asociaciones de ahorro o cooperativas de crédito también debe indicar, además de la CFPB</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center-FCRA Washington, DC 20580 (877) 382-4357</p>
<p>2. Si no desea que estén comprendidos en el punto 1 anterior :</p> <p>a. Los bancos nacionales, federales, asociaciones de ahorro y sucursales / agencias federales de bancos extranjeros</p> <p>b. Los bancos estatales miembros, las sucursales y agencias de bancos extranjeros (que no sean poderes federales, agencias federales, estatales y ramas asegurados de los bancos extranjeros), las compañías de préstamos comerciales de propiedad o controladas por bancos extranjeros y las organizaciones que operan al amparo del artículo 25 o 25A de la Reserva Federal actual</p> <p>c. No miembro bancos asegurados, ramas estatales asegurados de los bancos extranjeros y asegurados asociaciones estatales de ahorro</p> <p>d. Las Cooperativas de Crédito</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010 9050</p> <p>b. De la Reserva Federal de Ayuda al Consumidor del Centro P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
3. Compañías Aéreas	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue S.E. Washington, DC 20590</p>
4. Los acreedores sujetos a la Junta de Transporte Terrestre	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street S.W. Washington, DC 20423</p>
5. Los acreedores sujetos a los Packers y Stockyards Act	Más cercano Packers y Stockyards supervisor de área Administración
6. Pequeñas Empresas de Inversión	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W. 8th Floor Washington, DC 20416</p>

7. Agentes y Concesionarios	Securities and Exchange Commission 100 F Street NE Washington, DC 20549
8. Bancos Federales de Tierras Federales, asociaciones de Bancos de Tierras, los Bancos Federales de crédito y las asociaciones intermedias de Producción crédito	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Minoristas, compañías financiera, y los restantes acreedores no mencionados anteriormente	FTC Regional Office para la region en la que opera el acreedor o la Federal Trade Commussion : Consumer Center – FCRA Washington, DC 20580 (877) 382-4357

Para informacion en espanol, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C., 20552.

Remedying the Effects of Identity Theft

You are receiving this information because you have notified a consumer reporting agency that you believe that you are a victim of identity theft. Identity theft occurs when someone uses your name, Social Security number, date of birth, or other identifying information, without authority, to commit fraud. For example, someone may have committed identity theft by using your personal information to open a credit card account or get a loan in your name. For more information, visit www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street, N.W. Washington, D.C., 20552.

The Fair Credit Reporting Act (FCRA) gives you specific rights when you are, or believe that you are, the victim of identity theft. Here is a brief summary of the rights designed to help you recover from identity theft.

- 1. You have the right to ask that nationwide consumer reporting agencies place “fraud alerts” in your file to let potential creditors and others know that you may be a victim of identity theft.** A fraud alert can make it more difficult for someone to get credit in your name because it tells creditors to follow certain procedures to protect you. It also may delay your ability to obtain credit. You may place a fraud alert in your file by calling just one of the three nationwide consumer reporting agencies. As soon as that agency processes your fraud alert, it will notify the other two, which then also must place fraud alerts in your file.

- Equifax: 1-800-525-6285; www.equifax.com
- Experian: 1-800-EXPERIAN (397-3742); www.experian.com
- TransUnion: 1-800-680-7289; www.transunion.com

An initial fraud alert stays in your file for at least 90 days. An extended alert stays in your file for seven years. To place either of these alerts, a consumer reporting agency will require you to provide appropriate proof of your identity, which may include your Social Security number. If you ask for an extended alert, you will have to provide an *identity theft report*. An *identity theft report* includes a copy of a report you have filed with a federal, state, or local law enforcement agency, and additional information a consumer reporting agency may require you to submit. For more detailed information about the *identity theft report*, visit www.consumerfinance.gov/learnmore.

- 2. You have the right to free copies of the information in your file (your “file disclosure”).** An initial fraud alert entitles you to a copy of all the information in your file at each of the three nationwide agencies, and an extended alert entitles you to two free file disclosures in a 12-month period following the placing of the alert. These additional disclosures may help you detect signs of fraud, for example, whether fraudulent accounts have been opened in your name or whether someone has reported a change in your address. Once a year, you also have the right to a free copy of the

information in your file at any consumer reporting agency, if you believe it has inaccurate information due to fraud, such as identity theft. You also have the ability to obtain additional free file disclosures under other provisions of the FCRA. See www.consumerfinance.gov/learnmore.

3. **You have the right to obtain documents relating to fraudulent transactions made or accounts opened using your personal information.** A creditor or other business must give you copies of applications and other business records relating to transactions and accounts that resulted from the theft of your identity, if you ask for them in writing. A business may ask you for proof of your identity, a police report, and an affidavit before giving you the documents. It also may specify an address for you to send your request. Under certain circumstances, a business can refuse to provide you with these documents. See www.consumerfinance.gov/learnmore.
4. **You have the right to obtain information from a debt collector.** If you ask, a debt collector must provide you with certain information about the debt you believe was incurred in your name by an identity thief – like the name of the creditor and the amount of the debt.
5. **If you believe information in your file results from identity theft, you have the right to ask that a consumer reporting agency block that information from your file.** An identity thief may run up bills in your name and not pay them. Information about the unpaid bills may appear on your consumer report. Should you decide to ask a consumer reporting agency to block the reporting of this information, you must identify the information to block, and provide the consumer reporting agency with proof of your identity and a copy of your *identity theft report*. The consumer reporting agency can refuse or cancel your request for a block if, for example, you don't provide the necessary documentation, or where the block results from an error or a material misrepresentation of fact made by you. If the agency declines or rescinds the block, it must notify you. Once a debt resulting from identity theft has been blocked, a person or business with notice of the block may not sell, transfer, or place the debt for collection.
6. **You also may prevent businesses from reporting information about you to consumer reporting agencies if you believe the information is a result of identity theft.** To do so, you must send your request to the address specified by the business that reports the information to the consumer reporting agency. The business will expect you to identify what information you do not want reported and to provide an *identity theft report*.

To learn more about identity theft and how to deal with its consequences, visit www.consumerfinance.gov/learnmore, or write to the Consumer Financial Protection Bureau. You may have additional rights under state law. For more information, contact your local consumer protection agency or your state attorney general.

In addition to the new rights and procedures to help consumers deal with the effects of identity theft, the FCRA has many other important consumer protections. They are described in more detail at www.consumerfinance.gov/learnmore.

Para información en español, visite www.consumerfinance.gov/learnmore o escriba a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C., 20552.

Remediando los Efectos del Robo de Identidad

Le enviamos esta información porque ha notificado a una agencia de reporte del consumidor que cree ser víctima de un robo de identidad. Un robo de identidad se produce cuando alguien utiliza su nombre, número de Seguro Social, fecha de nacimiento u otra información de identificación sin autoridad, para cometer fraude. Por ejemplo, alguien puede haber cometido un robo de identidad utilizando su información personal para abrir una cuenta de tarjeta de crédito u obtener un préstamo en su nombre. Para más información, visite www.consumerfinance.gov/learnmore o escriba a: la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C., 20552.

La Ley de Informe Justo de Crédito (*Fair Credit Reporting Act*, FCRA) le concede derechos específicos cuando sea o crea ser víctima de un robo de identidad. A continuación tiene un breve resumen de los derechos que le pueden ayudar a recuperarse de un robo de identidad.

1. Tiene derecho a pedir que las agencias de informe del consumidor a nivel nacional coloquen “alertas de fraude” en su expediente para hacer saber a posibles acreedores y otros que usted puede ser una víctima de robo de identidad. Una alerta de fraude le puede hacer difícil a alguien obtener crédito en su nombre porque le indica a los acreedores que deben seguir ciertos procedimientos para protegerlo a usted. También puede demorar su capacidad de obtener crédito. Puede colocar una alerta de fraude en su expediente llamando a una de las tres agencias nacionales de informe del consumidor. En cuanto la agencia procese su alerta de fraude, notificará a las otras dos, que también deben poner alertas de fraude en su expediente.

- Equifax: 1-800-525-6285; <http://www.equifax.com>
- Experian: 1-888-EXPERIAN (397-3742); <http://www.experian.com>
- TransUnion: 1-800-680-7289; <http://www.transunion.com>

Una alerta de fraude inicial permanecerá en su expediente por al menos 90 días. Una alerta de fraude extendida permanecerá en su expediente por siete años. Para colocar una de estas alertas, una agencia de informe del consumidor necesitará que usted proporcione evidencia adecuada de su identidad, que puede incluir su número de Seguro Social. Si pide una alerta extendida, tendrá que proporcionar un *informe de robo de identidad*. Este informe incluye una copia de un informe presentado a una agencia policial federal, estatal o local, así como información adicional que puede requerir una agencia de información del consumidor. Para información más detallada sobre el *informe de robo de identidad*, visite www.consumerfinance.gov/learnmore.

2. Tiene derecho a obtener copias gratuitas de la información en su expediente. Una alerta de fraude inicial le da derecho a una copia de toda la información en su expediente en cada una de las tres agencias nacionales, y una alerta extendida le da derecho a obtener la información dos veces en el período de 12 meses después de haber solicitado la alerta. Esta información adicional puede ayudarle a detectar indicios de fraude, por ejemplo, si

se han abierto cuentas fraudulentas en su nombre o si alguien a reportado un cambio de su dirección. Una vez al año, también tiene derecho a una copia gratuita de la información en su expediente en cualquiera de las agencias de informe del consumidor si cree que tiene información incorrecta debido a fraude, como por ejemplo, un robo de identidad. También puede obtener información adicional de su expediente en virtud de otras disposiciones de la FCRA. Visite www.consumerfinance.gov/learnmore.

3. Tiene derecho a obtener documentos referentes a transacciones fraudulentas realizadas o cuentas abiertas utilizando su información personal. Un acreedor u otro negocio debe darle copias de solicitudes y otros documentos de negocios relacionados con transacciones y cuentas resultantes del robo de su identidad, si los solicita por escrito. Una compañía puede pedirle evidencia de su identidad, un informe policial y una declaración jurada escrita antes de darle los documentos. También puede especificar una dirección a la cual usted debe enviar su solicitud. En ciertas circunstancias, una compañía puede negarse a entregarle tales documentos. Visite www.consumerfinance.gov/learnmore.

4. Tiene derecho a obtener información de un cobrador de deuda. Si lo solicita, un recaudador debe proporcionarle cierta información sobre la deuda que usted crea que se ha cometido en su nombre debido a un robo de identidad (como por ejemplo, el nombre del acreedor y la cantidad de la deuda).

5. Si cree que la información en su expediente es el resultado de un robo de identidad, tiene derecho a pedir que una agencia de informes del consumidor bloquee esa información de su expediente. Una persona que robe su identidad puede crear facturas en su nombre y no pagarlas. La información sobre facturas no pagadas puede aparecer en su informe de consumidor. Si decide pedirle a una agencia de informe del consumidor que bloquee el informe de este tipo de información, usted debe identificar la información a bloquear, y debe proporcionarle a la agencia evidencia de su identidad y una copia de su *informe de robo de identidad*. La agencia de informe del consumidor puede denegar o cancelar su solicitud de bloqueo si por ejemplo, usted no proporciona la documentación necesaria o si el bloqueo es resultado de un error o una representación incorrecta de información proporcionada por usted. Si la agencia se niega a bloquear la información, debe notificarselo a usted. Una vez que se haya bloqueado una deuda resultante de un robo de identidad, una persona o empresa con aviso del bloqueo no puede vender, transferir ni colocar la deuda a cobro.

6. Usted también puede evitar que empresas reporten información sobre usted a agencias de informes del consumidor si usted considera que la información es resultado de un robo de identidad. Para ello, debe enviar su solicitud a la dirección especificada por la empresa que reporta la información a la agencia de información del consumidor. La empresa esperará que usted identifique qué información no desea reportar y proporcione un *informe de robo de identidad*.

Para más información sobre robos de identidad y cómo tratar con sus consecuencias, visite www.consumerfinance.gov/learnmore, o *escribe a la Consumer Financial Protection Bureau*. Usted puede tener derechos adicionales en virtud de las leyes estatales. Comuníquese con su agencia local de protección del consumidor o con su fiscal general estatal.

Además de los nuevos derechos y procedimientos para ayudar a los consumidores a recuperarse de los efectos del robo de identidad, la FCRA tiene muchas protecciones importantes para los consumidores. Encontrará información mas detallada en www.consumerfinance.gov/learnmore.

EXHIBIT G



January 21, 2015

To Whom It May Concern:

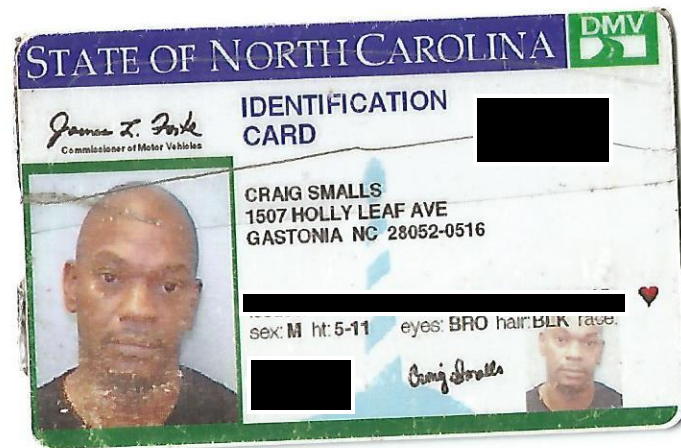
I have retained the law firm of Woodrow & Peluso, LLC to investigate matters pertaining to background checks procured about me for employment purposes. I hereby authorize any and all information (personal or otherwise) requested by Woodrow & Peluso, LLC to be released and sent directly to a Woodrow & Peluso attorney in the manner my attorneys request it and in accordance with any other directions they provide you.

Craig Smalls

Craig Smalls

01 / 23 / 2015

Date





Patrick Peluso <ppeluso@woodrowpeluso.com>

First Advantage Consumer Report

1 message

Consumer Documents <Consumer.Documents@fadv.com>

Thu, Jan 22, 2015 at 2:13 PM

To: "ppeluso@woodrowpeluso.com" <ppeluso@woodrowpeluso.com>

January 22, 2015

RE: Copy of Consumer Report

Dear Patrick Peluso,

We received your *Request for Copy of Consumer Report* however, request form was not completed. If you would please complete the request form in its entirety. You can either mail these documents to us or fax them to the following fax number: [888-985-2544](tel:888-985-2544). You may also scan and email them to Consumer.documents@fadv.com. I have attached a copy of the form. Thank you for your cooperation.

Sincerely,

Consumer Disclosure Team

Disclosure Team

Fax [888.985.2544](tel:888.985.2544)

Consumer.documents@fadv.com



Full Consumer Report Request Packet.pdf

904K



First Advantage

A Symphony Technology Group Company

Request for Copy of Consumer Report Instructions

Overview: In order to process your request for a copy of your consumer report please complete form 122.96.9 – Request for a Copy of Consumer Report. In order to reduce any possible delays, please print legibly with black or blue ink.

We have enclosed a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act". If you are a California resident, we have also included a copy of "A Summary of Your Rights Under California Law". If you have any questions concerning this matter, please contact the Consumer Relations Department at (800) 321-4473.

1) Complete form 122.96.9 – Request for a Copy of Consumer

Report. a. Complete Section A – Your Information.

The copy of your employment background check report will be mailed to the address you provide. All of the information requested must be provided. When attaching a photocopy of your government issued photo identification document, if possible, we ask that you enlarge the copy of your photo identification document as it enhances its legibility. In order to protect you from Identity theft, The address on your ID must match the address on the request form.

b. Complete Section B – Acknowledgement

After reviewing the information you have provided, sign and date the form.

c. Complete Section C - Delivery

Choose how you wish to receive the copy of your Consumer Disclosure. if more than one is selected the reports will be sent Via US Mail only.

2) Mail fax, or E-mail the completed and signed forms along with a government issued photo ID and any other necessary supporting documentation to:

First Advantage
Consumer Relations
P.O. Box 3367
Seminole, FL 33775
Fax: (800) 868-6247

Compliancedept@fadv.com



First Advantage

A Symphony Technology Group Company

Obtaining Your Credit File

Your credit bureau file is not maintained by First Advantage Background Services. To obtain a copy of your credit bureau report, or for information regarding your credit file, including trade-line accounts such as credit cards, utility bills and bankruptcy information, please contact the national credit reporting agencies (CRAs) listed below.

If a copy of your credit report was obtained through First Advantage Background Services in conjunction with your application for employment we will provide you with a copy of the report that was obtained if your request is received within 60 days from the date it is obtained by us. If your credit report was obtained more than 60 days prior to your request, please contact the credit bureau(s) to obtain a current copy of your credit report.

To dispute information contained in your Equifax, Experian, or TransUnion credit reports including your credit score, please contact the credit bureau(s) directly. In accordance with the FCRA, if your credit file was obtained through First Advantage Background Services, you may forward your reinvestigation request to the First Advantage Consumer Relations Department, which will in turn be forwarded to the appropriate credit bureau(s) for reinvestigation. Please do not submit credit bureau disputes to First Advantage Background Services which have already been initiated through the credit bureau(s). We cannot assist you with a credit dispute if we did not access your credit file on behalf of our clients.

To receive your credit file from a national CRA, you may do one of the following:

- 1) Request a copy through the CRA's automated system via the toll free numbers below.
- 2) Submit your request in writing to the CRA via the addresses below. Prior to submitting your request contact the CRA via the toll free phone numbers below to obtain specific information that you should include with your written request.
- 3) Request a copy through the agency's web site.
- 4) Request a copy through www.annualcreditreport.com or by calling (877) 322-8228.

CRA:	Equifax	TransUnion	Experian
Website:	www.equifax.com	www.transunion.com	www.experian.com
Phone:	(800) 685-1111	(800) 888-4213	(888) 397-3742
Address:	P.O. Box 740241 Atlanta, GA 30374	P.O. Box 2000 Chester, PA 19022	P.O. Box 2104 Allen, TX 75013



First Advantage

A Symphony Technology Group Company

Request for a Copy of Consumer Report (Form 122.96.9)

Please Select One

Copy of your First Advantage Consumer File ☒

Copy of Consumer Reports provided to any end-users during the last 60 days ☐
Please read the instructions prior to beginning.

Section A - Your Information

Full Name: SMALLS CRAIG
Last First M.I.

Address: 1507 Hollyleaf Ave.
Maiden Street Address City State ZIP Code
Gastonia NC 28052

Home Phone: [REDACTED] Alternate Phone: ()

Social Security Number: [REDACTED] Date of Birth: [REDACTED]

☐ Photo ID attached (e.g. copy of valid Driver's License) as proof of my identity.

Section B - Acknowledgement

By signing below I CRAIG SMALLS ^{PRINT NAME}, am requesting a copy of my Consumer File. I have reviewed the information I provided in this form and I affirm that to the best of my knowledge the information is true and accurate.

Section C - Delivery of Reports

Please choose only one

- ☐ I request the reports be sent via US Mail at the address indicated above. (California residents please see Waiver)
- ☒ I request the reports be e-mailed to me at swoodrow @ woodrowpeluso.com
- ☐ I request the report to be faxed to me @ () I confirm that this is a secure fax line. I understand that only one attempt to fax will be made, and that a copy will be mailed to me at the address indicated above*. FADV is not responsible for any fees associated with me receiving the fax reports. (Fax option Not applicable for California residents).

Signature: Craig SmallS

Date: 01 / 26 / 2015



First Advantage

A Symphony Technology Group Company

Waiver to Receive Investigative Consumer Report via Certified Mail

Under California law, the reports First Advantage provides for employment purposes within the State of California are considered investigative consumer reports. These reports may contain information on your character, general reputation, personal characteristics and mode of living. Under section 1786.22 of the California Civil Code, you may view the file maintained on you by FIRST ADVANTAGE during normal business hours. You may also obtain a copy of this file upon submitting proper identification and paying the costs of duplication services.

You have requested to receive a copy of your consumer file. We would like to offer you the option of receiving such information, at no cost by E-mail. If you would like to receive your report by email instead of certified mail, please fill out the following information, and return to First Advantage.

Name Craig Smalls

Address 1567 Holly leaf Ave.

City Gastonia Zip 28052

Email address: SWoodrow @ Woodrow peluso.com

Signature Craig Smalls

PIN # [REDACTED] (Last 4 of SSN) this will unlock your document.

If you choose not to receive your report by email, First Advantage will provide you with the requested information upon receipt of a Money Order made payable to First Advantage in the amount of \$ 7.50 along with the completed Consumer Disclosure Form, and mail to:

First Advantage Consumer Relations Department
100 Carillon Parkway
St. Petersburg, FL 33716

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C. 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau 1700 G Street N.W., Washington, D.C. 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates b. Such affiliates which are not banks, savings associations, or credit unions also should list, in addition to the CFBP	a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552 b. Federal Trade Commission Consumer Response Center-FCRA Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above: a. National banks, federal savings associations, and federal branches/agencies of foreign banks b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act c. Nonmember insured banks, insured state branches of foreign banks, and insured state savings associations d. Federal Credit Unions	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010 9050 b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480 c. FDIC Consumer Response Center 1100 Walnut Street Box #11 Kansas City, MO 64106 d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590
4. Creditors subject to Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street S.W. Washington, DC 20423
5. Creditors subject to Packers and Stockyards Act	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, SW 8 th Floor Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street NE Washington, DC 20549
8. Federal Land Banks, Federal land bank associations, Federal intermediate credit banks, and Production credit associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and all other creditors not listed above	FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center-FCRA Washington, DC 20580 (877) 382-4357

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C. 20552.

Un Resumen de Sus Derechos Bajo el Fair Credit Reporting Act

La Federal Fair Credit Reporting Act (FCRA) promueve la exactitud, justicia y privacidad de la información en los archivos de las agencias de informe del consumidor. Hay muchos tipos de agencias de informe del consumidor, incluyendo las agencias de crédito y agencias especializadas (como agencias que venden información sobre historial de escritura, registros médicos, e historial de alquiler). He aquí un resumen de sus principales derechos en virtud de la FCRA. **Para obtener más información, incluyendo información sobre derechos adicionales, visite www.consumerfinance.gov/learnmore o escribe a Consumer Financial Protection Bureau 1700 G Street NW, Washington, DC 20552.**

- Se le debe informar si la información en su expediente se ha utilizado en su contra. Cualquier persona que utilice un reporte de crédito u otro tipo de informe de consumidor para denegar su solicitud de crédito, seguro o empleo – o para tomar otra acción adversa contra usted – debe informarle y debe darle el nombre, dirección y número de teléfono de la agencia que suministro la información.
- **Usted tiene el derecho de saber lo que está en su expediente.** Puede solicitar y obtener toda la información acerca de usted en los archivos de una agencia de informes del consumidor (su “divulgación de archivos”). Usted tendrá que proporcionar identificación, que puede incluir su número de Seguro Social. En muchos casos, la divulgación será libre. Usted tiene derecho a una divulgación gratuita si :
 - una persona ha emprendido una acción adversa contra usted debido a información en su informe de crédito;
 - usted ha sido víctima de robo de identidad y hacer una alerta de fraude en su expediente;
 - su expediente contiene información no exacta como resultado de fraude;
 - usted recibe asistencia pública;
 - no está empleado, pero anticipa solicitar empleo en 60 días

En adición, todos los consumidores tienen derecho a una divulgación cada 12 meses si así lo solicitan a cada agencia de crédito nacional y de las agencias nacionales de informe del consumidor. Visite www.consumerfinance.gov/learnmore para obtener información adicional.

- **Usted tiene derecho a pedir su puntuación de crédito.** Las puntuaciones de crédito son resúmenes numéricos de su valía de crédito basados en información de las agencias de crédito. Usted puede solicitar una puntuación de crédito de agencias de informe del consumidor que crean puntuaciones o distribuyen las puntuaciones utilizadas en préstamos de bienes raíces residenciales, pero tendrá que pagar por ello. En algunas transacciones hipotecarias, recibirá información de puntuación de crédito de forma gratuita desde el prestamista hipotecario.
- **Usted tiene el derecho de confrontar información incompleta o inexacta.** Si identifica información en su expediente que es incompleta o inexacta, y la reporta a la agencia de informes del consumidor, la agencia debe investigar a menos que su confrontación sea frívola. Visite www.consumerfinance.gov/learnmore para una explicación de los procedimientos de solución.

- **Agencias de informe del consumidor deben corregir o eliminar información inexacta, incompleta o no verificable.** La información inexacta, incompleta o no verificable debe ser retirada o corregida, generalmente dentro de 30 días. Sin embargo, una agencia de informe del consumidor puede seguir reportando información si ha verificado su exactitud.
- **Agencias de informe del consumidor no pueden reportar información negativa atrasada.** En la mayoría de los casos, una agencia de informe del consumidor no pueden reportar información negativa ocurrida hace mas de 7 años, no quiebras ocurridas hace mas de 10 años de edad.
- **El acceso a su expediente es limitado.** Una agencia de informe del consumidor puede proporcionar información sobre usted solamente a personas que realmente la necesiten – generalmente para considerar una solicitud con acreedor, asegurador, empleador, propietario de vivienda u otro negocio. La FCRA especifica que tienen una necesidad valida de acceso.
- **Usted debe dar su consentimiento para que los informes que se proporcionen a los empleadores.** Una agencia de informe del consumidor no puede dar información sobre usted a su empleador, o a un posible empleador, sin su consentimiento escrito previo otorgado al empleador. Consentimiento escrito generalmente no es requerido en la industria de camiones. Para obtener información, visite www.consumerfinance.gov/learnmore.
- **Usted puede limitar “preseleccionadas” ofertas de crédito y seguro que obtiene basadas en información en su informe de crédito.** No solicitadas “preseleccionadas” ofertas de crédito y seguro deben incluir un número de teléfono gratuito al que puede llamar si desea eliminar su nombre y dirección de las listas de estas ofertas se basan. Usted puede optar por las agencias de crédito llamando al 1-888-5-OPTOUT (1-888-567-8688).
- **Usted puede buscar una compensación de los acreedores.** Si una agencia de informe del consumidor, o, en algunos casos, un usuario de informes del consumidor o proveedor de información en una agencia de informe del consumidor infringe la FCRA, usted puede ser capaz de demanda en una corte estatal o federal.
- **Víctimas de robo de identidad y el personal militar activo tienen derechos adicionales impuestos.** Para obtener más información, visite www.consumerfinance.gov/learnmore.

Los estados pueden cumplir la FCRA, y muchos estados tienen sus propias leyes de informes de los consumidores. En algunos casos, usted puede tener más derechos bajo la ley estatal. Para obtener más información, póngase en contacto con su agencia estatal o local de protección del consumidor o su Fiscal General del Estado. Agencias a nivel federal son:

TIPO DE NEGOCIO :	CONTACTO :
<p>1.</p> <p>a. Los bancos, asociaciones de ahorro y cooperativas de crédito con activos totales de más de \$10 mil millones y sus afiliados</p> <p>b. Dichas filiales que no son bancos, asociaciones de ahorro o cooperativas de crédito también debe indicar, además de la CFPB</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center-FCRA Washington, DC 20580 (877) 382-4357</p>
<p>2. Si no desea que estén comprendidos en el punto 1 anterior :</p> <p>a. Los bancos nacionales, federales, asociaciones de ahorro y sucursales / agencias federales de bancos extranjeros</p> <p>b. Los bancos estatales miembros, las sucursales y agencias de bancos extranjeros (que no sean poderes federales, agencias federales, estatales y ramas asegurados de los bancos extranjeros), las compañías de préstamos comerciales de propiedad o controladas por bancos extranjeros y las organizaciones que operan al amparo del artículo 25 o 25A de la Reserva Federal actual</p> <p>c. No miembro bancos asegurados, ramas estatales asegurados de los bancos extranjeros y asegurados asociaciones estatales de ahorro</p> <p>d. Las Cooperativas de Crédito</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010 9050</p> <p>b. De la Reserva Federal de Ayuda al Consumidor del Centro P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
3. Compañías Aéreas	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue S.E. Washington, DC 20590</p>
4. Los acreedores sujetos a la Junta de Transporte Terrestre	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street S.W. Washington, DC 20423</p>
5. Los acreedores sujetos a los Packers y Stockyards Act	Más cercano Packers y Stockyards supervisor de área Administración
6. Pequeñas Empresas de Inversión	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W. 8th Floor Washington, DC 20416</p>

7. Agentes y Concesionarios	Securities and Exchange Commission 100 F Street NE Washington, DC 20549
8. Bancos Federales de Tierras Federales, asociaciones de Bancos de Tierras, los Bancos Federales de crédito y las asociaciones intermedias de Producción crédito	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Minoristas, compañías financiera, y los restantes acreedores no mencionados anteriormente	FTC Regional Office para la region en la que opera el acreedor o la Federal Trade Commussion : Consumer Center – FCRA Washington, DC 20580 (877) 382-4357

Para informacion en espanol, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C., 20552.

Remedying the Effects of Identity Theft

You are receiving this information because you have notified a consumer reporting agency that you believe that you are a victim of identity theft. Identity theft occurs when someone uses your name, Social Security number, date of birth, or other identifying information, without authority, to commit fraud. For example, someone may have committed identity theft by using your personal information to open a credit card account or get a loan in your name. For more information, visit www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street, N.W. Washington, D.C., 20552.

The Fair Credit Reporting Act (FCRA) gives you specific rights when you are, or believe that you are, the victim of identity theft. Here is a brief summary of the rights designed to help you recover from identity theft.

- 1. You have the right to ask that nationwide consumer reporting agencies place “fraud alerts” in your file to let potential creditors and others know that you may be a victim of identity theft.** A fraud alert can make it more difficult for someone to get credit in your name because it tells creditors to follow certain procedures to protect you. It also may delay your ability to obtain credit. You may place a fraud alert in your file by calling just one of the three nationwide consumer reporting agencies. As soon as that agency processes your fraud alert, it will notify the other two, which then also must place fraud alerts in your file.

- Equifax: 1-800-525-6285; www.equifax.com
- Experian: 1-800-EXPERIAN (397-3742); www.experian.com
- TransUnion: 1-800-680-7289; www.transunion.com

An initial fraud alert stays in your file for at least 90 days. An extended alert stays in your file for seven years. To place either of these alerts, a consumer reporting agency will require you to provide appropriate proof of your identity, which may include your Social Security number. If you ask for an extended alert, you will have to provide an *identity theft report*. An *identity theft report* includes a copy of a report you have filed with a federal, state, or local law enforcement agency, and additional information a consumer reporting agency may require you to submit. For more detailed information about the *identity theft report*, visit www.consumerfinance.gov/learnmore.

- 2. You have the right to free copies of the information in your file (your “file disclosure”).** An initial fraud alert entitles you to a copy of all the information in your file at each of the three nationwide agencies, and an extended alert entitles you to two free file disclosures in a 12-month period following the placing of the alert. These additional disclosures may help you detect signs of fraud, for example, whether fraudulent accounts have been opened in your name or whether someone has reported a change in your address. Once a year, you also have the right to a free copy of the

information in your file at any consumer reporting agency, if you believe it has inaccurate information due to fraud, such as identity theft. You also have the ability to obtain additional free file disclosures under other provisions of the FCRA. See www.consumerfinance.gov/learnmore.

3. **You have the right to obtain documents relating to fraudulent transactions made or accounts opened using your personal information.** A creditor or other business must give you copies of applications and other business records relating to transactions and accounts that resulted from the theft of your identity, if you ask for them in writing. A business may ask you for proof of your identity, a police report, and an affidavit before giving you the documents. It also may specify an address for you to send your request. Under certain circumstances, a business can refuse to provide you with these documents. See www.consumerfinance.gov/learnmore.
4. **You have the right to obtain information from a debt collector.** If you ask, a debt collector must provide you with certain information about the debt you believe was incurred in your name by an identity thief – like the name of the creditor and the amount of the debt.
5. **If you believe information in your file results from identity theft, you have the right to ask that a consumer reporting agency block that information from your file.** An identity thief may run up bills in your name and not pay them. Information about the unpaid bills may appear on your consumer report. Should you decide to ask a consumer reporting agency to block the reporting of this information, you must identify the information to block, and provide the consumer reporting agency with proof of your identity and a copy of your *identity theft report*. The consumer reporting agency can refuse or cancel your request for a block if, for example, you don't provide the necessary documentation, or where the block results from an error or a material misrepresentation of fact made by you. If the agency declines or rescinds the block, it must notify you. Once a debt resulting from identity theft has been blocked, a person or business with notice of the block may not sell, transfer, or place the debt for collection.
6. **You also may prevent businesses from reporting information about you to consumer reporting agencies if you believe the information is a result of identity theft.** To do so, you must send your request to the address specified by the business that reports the information to the consumer reporting agency. The business will expect you to identify what information you do not want reported and to provide an *identity theft report*.

To learn more about identity theft and how to deal with its consequences, visit www.consumerfinance.gov/learnmore, or write to the Consumer Financial Protection Bureau. You may have additional rights under state law. For more information, contact your local consumer protection agency or your state attorney general.

In addition to the new rights and procedures to help consumers deal with the effects of identity theft, the FCRA has many other important consumer protections. They are described in more detail at www.consumerfinance.gov/learnmore.

Para informacion en espanol, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C., 20552.

Remediando los Efectos del Robo de Identidad

Le enviamos esta información porque ha notificado a una agencia de reporte del consumidor que cree ser víctima de un robo de identidad. Un robo de identidad se produce cuando alguien utiliza su nombre, número de Seguro Social, fecha de nacimiento u otra información de identificación sin autoridad, para cometer fraude. Por ejemplo, alguien puede haber cometido un robo de identidad utilizando su información personal para abrir una cuenta de tarjeta de crédito u obtener un préstamo en su nombre. Para más información, visite www.consumerfinance.gov/learnmore o escriba a: la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, D.C., 20552.

La Ley de Informe Justo de Crédito (*Fair Credit Reporting Act*, FCRA) le concede derechos específicos cuando sea o crea ser víctima de un robo de identidad. A continuación tiene un breve resumen de los derechos que le pueden ayudar a recuperarse de un robo de identidad.

1. Tiene derecho a pedir que las agencias de informe del consumidor a nivel nacional coloquen “alertas de fraude” en su expediente para hacer saber a posibles acreedores y otros que usted puede ser una víctima de robo de identidad. Una alerta de fraude le puede hacer difícil a alguien obtener crédito en su nombre porque le indica a los acreedores que deben seguir ciertos procedimientos para protegerlo a usted. También puede demorar su capacidad de obtener crédito. Puede colocar una alerta de fraude en su expediente llamando a una de las tres agencias nacionales de informe del consumidor. En cuanto la agencia procese su alerta de fraude, notificará a las otras dos, que también deben poner alertas de fraude en su expediente.

- Equifax: 1-800-525-6285; <http://www.equifax.com>
- Experian: 1-888-EXPERIAN (397-3742); <http://www.experian.com>
- TransUnion: 1-800-680-7289; <http://www.transunion.com>

Una alerta de fraude inicial permanecerá en su expediente por al menos 90 días. Una alerta de fraude extendida permanecerá en su expediente por siete años. Para colocar una de estas alertas, una agencia de informe del consumidor necesitará que usted proporcione evidencia adecuada de su identidad, que puede incluir su número de Seguro Social. Si pide una alerta extendida, tendrá que proporcionar un *informe de robo de identidad*. Este informe incluye una copia de un informe presentado a una agencia policial federal, estatal o local, así como información adicional que puede requerir una agencia de información del consumidor. Para información más detallada sobre el *informe de robo de identidad*, visite www.consumerfinance.gov/learnmore.

2. Tiene derecho a obtener copias gratuitas de la información en su expediente. Una alerta de fraude inicial le da derecho a una copia de toda la información en su expediente en cada una de las tres agencias nacionales, y una alerta extendida le da derecho a obtener la información dos veces en el período de 12 meses después de haber solicitado la alerta. Esta información adicional puede ayudarle a detectar indicios de fraude, por ejemplo, si

se han abierto cuentas fraudulentas en su nombre o si alguien a reportado un cambio de su dirección. Una vez al año, también tiene derecho a una copia gratuita de la información en su expediente en cualquiera de las agencias de informe del consumidor si cree que tiene información incorrecta debido a fraude, como por ejemplo, un robo de identidad. También puede obtener información adicional de su expediente en virtud de otras disposiciones de la FCRA. Visite www.consumerfinance.gov/learnmore.

3. Tiene derecho a obtener documentos referentes a transacciones fraudulentas realizadas o cuentas abiertas utilizando su información personal. Un acreedor u otro negocio debe darle copias de solicitudes y otros documentos de negocios relacionados con transacciones y cuentas resultantes del robo de su identidad, si los solicita por escrito. Una compañía puede pedirle evidencia de su identidad, un informe policial y una declaración jurada escrita antes de darle los documentos. También puede especificar una dirección a la cual usted debe enviar su solicitud. En ciertas circunstancias, una compañía puede negarse a entregarle tales documentos. Visite www.consumerfinance.gov/learnmore.

4. Tiene derecho a obtener información de un cobrador de deuda. Si lo solicita, un recaudador debe proporcionarle cierta información sobre la deuda que usted crea que se ha cometido en su nombre debido a un robo de identidad (como por ejemplo, el nombre del acreedor y la cantidad de la deuda).

5. Si cree que la información en su expediente es el resultado de un robo de identidad, tiene derecho a pedir que una agencia de informes del consumidor bloquee esa información de su expediente. Una persona que robe su identidad puede crear facturas en su nombre y no pagarlas. La información sobre facturas no pagadas puede aparecer en su informe de consumidor. Si decide pedirle a una agencia de informe del consumidor que bloquee el informe de este tipo de información, usted debe identificar la información a bloquear, y debe proporcionarle a la agencia evidencia de su identidad y una copia de su *informe de robo de identidad*. La agencia de informe del consumidor puede denegar o cancelar su solicitud de bloqueo si por ejemplo, usted no proporciona la documentación necesaria o si el bloqueo es resultado de un error o una representación incorrecta de información proporcionada por usted. Si la agencia se niega a bloquear la información, debe notificarselo a usted. Una vez que se haya bloqueado una deuda resultante de un robo de identidad, una persona o empresa con aviso del bloqueo no puede vender, transferir ni colocar la deuda a cobro.

6. Usted también puede evitar que empresas reporten información sobre usted a agencias de informes del consumidor si usted considera que la información es resultado de un robo de identidad. Para ello, debe enviar su solicitud a la dirección especificada por la empresa que reporta la información a la agencia de información del consumidor. La empresa esperará que usted identifique qué información no desea reportar y proporcione un *informe de robo de identidad*.

Para más información sobre robos de identidad y cómo tratar con sus consecuencias, visite www.consumerfinance.gov/learnmore, o *escribe a la Consumer Financial Protection Bureau*. Usted puede tener derechos adicionales en virtud de las leyes estatales. Comuníquese con su agencia local de protección del consumidor o con su fiscal general estatal.

Además de los nuevos derechos y procedimientos para ayudar a los consumidores a recuperarse de los efectos del robo de identidad, la FCRA tiene muchas protecciones importantes para los consumidores. Encontrará información mas detallada en www.consumerfinance.gov/learnmore.



January 13, 2015

Via U.S. mail to:

First Advantage, Consumer Disclosure Center
PO Box 105292
Atlanta, GA 30348

Re: Craig Smalls – FCRA § 1681g Disclosure Request

To Whom It May Concern:

Our law firm represents Mr. Craig Smalls, who First Advantage has prepared one or more consumer reports about for employment purposes and perhaps other purposes. Mr. Smalls' latest address in First Advantage's file appears to be 7111 Village Green Drive, Apartment E, Charlotte, NC 28 [REDACTED]. His date of birth is [REDACTED] and the first three digits of his social security number is [REDACTED].

In accordance with § 1681g(a) of the Fair Credit Reporting Act ("FCRA"), Please disclose the sources of the information in Mr. Smalls' file. Sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed. Please also clearly and accurately disclose all information in Mr. Smalls' file at the time of this request. Mr. Smalls hereby requests that the first five digits of his social security number not be included in the disclosure, so please truncate such number in the requested disclosure. Please also identify each person (including each end-user identified) that procured a consumer report for employment purposes during the 2-year period preceding the date on which this request is made or for any other purpose, during the 1-year period preceding the date on which this request is made. The requested identifications should include the name of the person or, if applicable, the trade name (written in full) under which such persons conduct business. Mr. Smalls hereby requests that the identifications include the address and telephone number of all such person identified.

Please respond by January 29, 2015 and send all requests to my attention at the address below.

Best regards,

/s/ Patrick H. Peluso

Patrick H. Peluso
ppeluso@woodrowpeluso.com