



## FINDINGS

1. This Court has jurisdiction over the subject matter of this case and over Defendant QTS.
2. Venue in this district is proper under 15 U.S.C. § 53(b), and under 28 U.S.C. § 1391(b)-(c), and 1395(a).
3. The Complaint states claims upon which relief may be granted against Defendant under Sections 5(a)(1), 13(b), and 16(a) of the FTC Act, 15 U.S.C. §§ 45(a)(1), 53(b), and 56(a); and under Section 621(a) of the FCRA, 15 U.S.C. § 1681s(a).
4. Defendant makes no admission to the allegations in the Complaint, other than the

---

3. Unless otherwise specified, “Defendant” means Quality Terminal Services, LLC, and its successors and assigns.
4. “Commerce” means as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

## **ORDER**

### **I. CIVIL PENALTY**

**IT IS ORDERED** that Defendant shall pay to Plaintiff a civil penalty, pursuant to Section 621(a) of the FCRA, 15 U.S.C. § 1681s(a), in the amount of Fifty-Three Thousand Dola3vs8>>BDCi]0ai[(OR1e51 -2tio5R5y.w(BDC -1 0 (unill)9(a)w[(Un:R)10(DE)9(R )]TJEMC /Sp12l <</M U.S.C.

be taken as true, without further proof, in any subsequent litigation filed by or on behalf of the Commission to collect any unpaid amount or otherwise enforce its rights pursuant to this Order.

- D. Proceedings initiated under this Part are in addition to, and not in lieu of, any other civil or criminal penalties that may be provided by law, including any other proceedings Plaintiff may initiate to enforce this Order.
- E. Defendant relinquishes all dominion, control, and title to the funds paid to the fullest extent permitted by law. Defendant shall make no claim to or demand return of the funds, directly or indirectly, through counsel or otherwise.

## **II. PROHIBITED BUSINESS ACTIVITIES**

**IT IS FURTHER ORDERED** that Defendant and all other persons or entities within the scope of Fed. R. Civ. P. 65, whether acting directly or through any sole proprietorship, partnership, limited liability company, corporation, subsidiary, branch, division, or other entity, who receive actual notice of this Order by personal service or otherwise, are hereby permanently restrained and enjoined from the following:

- A. When using a consumer report for employment purposes, failing to provide a consumer to whom the consumer report relates, before taking adverse action against the consumer based in whole or in part on information contained in the consumer report, (1) a copy of the consumer report, and (2) a description in writing of the consumer's rights under the FCRA, as required by Section 604(b)(3) of the FCRA, 15 U.S.C. § 1681b(b)(3);



- A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendant shall submit additional written reports, which are true and accurate and sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in Defendant's possession or direct or indirect control to inspect the business operation;
- B. In addition, the Commission is authorized to use all other lawful means, including but not limited to:
  - 1. obtaining discovery from any person, without further leave of court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, 45, and 69;
  - 2. posing as consumer to Defendant, its employees, or another other entity managed or controlled in whole or in part by Defendant, without the necessity of identification or prior notice; and
- C. Defendant shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

*Provided, however,* that nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)) or to any violation of the FCRA.

**IV.**

2. Any other changes required to be reported under Subsection A of this Section.

C. Defendant shall notify the Commission of the filing of a bankruptcy petition by Defendant within fifteen (15) days of filing.

D. For the purposes of this Order, Defendant shall, unless otherwise directed by the Commission's authorized representatives, send by overnight courier all reports and notifications required by this Order to the Commission, to the following address:

Associate Director for Enforcement  
Federal Trade Commission



A. For a period of eight (8) years from the date of entry of this Order, Defendant and its agents, employees, officers, corporations, and those persons in active concert or participation with it who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from failing to create and/or retain the following records:

1. Files containing the names, addresses, telephone numbers, all disclosures and authorizations made pursuant to Section 604(b)(2) of the FCRA, and all materials provided to consumers by Defendant in connection with its compliance with Sections 604(b)(3) and 615(a) of the FCRA.
2. Consumer complaints (whether received in written or electronic form, directly, indirectly, or through any third party), and any responses to those complaints, whether in written or electronic form, that relate to Defendant's activities as alleged in the Complaint and Defendant's compliance with the provisions of this Order.
3. Copies of all training materials that relate to Defendant's activities as alleged in the Complaint and Defendant's compliance with the provisions of this Order.
4. Copies of all subpoenas and other communications with law enforcement entities or personnel, whether in written or electronic form, if such documents bear in any respect on Defendant's use of consumer reports for employment purposes.

5. All records and documents necessary to demonstrate full compliance with each provision of this Order, including but not limited to, copies of

**VII.**



FOR THE UNITED STATES OF AMERICA:

TONY WEST  
Assistant Attorney General  
Civil Division

DAVID M. GAOUILLE  
Acting United States Attorney  
District of Colorado

*s/ Lisa A. Christian*  
LISA A. CHRISTIAN  
Assistant United States Attorney  
District of Colorado  
1225 Seventeenth Street, Suite 700  
Denver, CO 80202  
303-454-0100

EUGENE M. THIROLF  
Director

KENNETH L. JOST  
Deputy Director  
Office of Consumer Litigation

*s Alan Phelps*  
ALAN PHELPS  
Trial Attorney  
Office of Consumer Litigation  
U.S. Department of Justice  
PO Box 386  
Washington, D.C. 20044  
202-307-6154  
Alan.Phelps@usdoj.gov

FOR THE FEDERAL TRADE COMMISSION:

*s/ Jessica Rich*

JESSICA RICH

Acting Associate Director

Division of Privacy and Identity Protection

*s/ Rebecca E. Kuehn*

*Division of Privacy and Identity Protection Atrecneya Rich*

---

---

FOR THE DEFENDANT:

s/ Thomas G. Mandula

THOMAS G. MANDULA, Manager

Quality Term22(i)-22(t)EziT3BDC /T1\_002 .iiiiiii vEziT0PM0fSH07 T/1708m0sfSH[ENDANT:

---

