

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)	
)	
FAJILAN AND ASSOCIATES, INC.)	
also d/b/a STATEWIDE CREDIT SERVICES,)	FILE NO.
a corporation,)	
)	
and)	AGREEMENT CONTAINING
)	CONSENT ORDER
ROBERT FAJILAN,)	
individually and as an officer)	
of the corporation.)	

The Federal Trade Commission ("Commission") has conducted an investigation of certain acts and practices of Fajilan and Associates, Inc. also d/b/a Statewide Credit Service ("Statewide"), and Robert Fajilan ("proposed respondents.") Proposed respondents are willing to enter into an agreement containing a consent order resolving the allegations contained in the

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of thirty (30) days and information about it publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondents, in which event it will take such action as it may consider appropriate or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.
6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the laws have been violated as alleged in the draft complaint, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true.
7. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may without further notice to proposed respondents, (1) issue its complaint responding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed respondents' addresses as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order. No agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.
8. Proposed respondents have read the draft complaint and consent to the order. Proposed respondents understand that they may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. "Personal information" shall mean individually identifiable information from or about an individual consumer including, but not limited to: (a) first and last name; (b) a home or other physical address, including street name and name of city or town; (c) an email address or other online contact information; (d) a telephone number; (e) a Social Security number; (f) a credit card or debit card account number; (g) checking account information;

(h) a driver's license, military or state identification number; (i) a persistent identifier such as a customer number that is combined with other available data that identifies an individual consumer; or (j) any information that is combined with any of (a

the unauthorized disclosure, misuse, loss, ~~alter~~, destruction, or other compromise of ~~information~~, and ~~assessment~~ of the ~~sufficiency~~ of any safeguards in place to control these risks. At a minimum, this risk assessment should include ~~consideration~~ of risks in each ~~area~~ of relevant operation, including, but not limited to: (1) ~~employee training and management~~; (2) ~~information systems~~, including ~~network and software design~~, acc

- B. maintain reasonable procedures to limit the furnishing of such consumer report to those with a permissible purpose and ensure that no consumer report is furnished to any person where there are reasonable grounds to believe that the consumer report will not be used for permissible purposes required by Section 607(a) of the Fair Credit Reporting Act, 15 U.S.C. § 1681e(a)

IV.

IT IS FURTHER ORDERED that, Corporate respondent and any business entity that Individual r

retained by respondents until the order is terminated and provided to the Associate Director of Enforcement within ten (10) days after respondents receive such request.

V.

IT IS FURTHER ORDERED that Corporate respondent, and Individual respondent, Robert Fajilan, for any business entity that he controls, directly or indirectly, which collects, maintains or stores personal information from or about consumers, shall maintain, and upon request make available to the Federal Trade Commission for inspection and copying:

A.

indirectly, which collec

Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580, with the subject line FTC v. [redacted] and Associates, Inc. also d/b/a Statewide [redacted] Services, and [redacted]. Provided, however, that, in lieu of overnight courier notices may be sent by first-class mail, but only if an electronic version of such notices is contemporaneously sent to the Commission at DEBrie@ftc.gov.

VIII.

IT IS FURTHER ORDERED that Corporate respondent shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that with respect to any proposed change in the corporation about which Corporate respondent learns less than 60 days prior to the filing of such petition, the Commission may, in its discretion, require that Corporate respondent file a copy of the proposed change with the Commission within 10 days of the date of the filing of such petition.

complaint; and

- C. this order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that respondents did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Signed this _____ day _____, 2010.

FAJILAN AND ASSOCIATES, INC.
also d/b/a STATEWIDE CREDIT SERVICES

By: _____
ROBERT FAJILAN
President

By: _____
ROBERT FAJILAN, individually

FEDERAL TRADE COMMISSION

By: _____
ANTHONY RODRIGUEZ
KATHERINE WHITE

APPR