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Attorneys for Plaintiff and the Proposed Class

**UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JOHN SMITH, individually and
 as a representative of the Class,

Plaintiff,

v.

A-CHECK AMERICA INC. d/b/a
 A-CHECK GLOBAL,

Defendant.

Case No.:5:16-cv-0014-VAP-KK

**FIRST AMENDED CLASS
 ACTION COMPLAINT**

(1) Violations of 15 U.S.C. §
 1681c(a)

DEMAND FOR JURY TRIAL

1 Plaintiff John Smith (“Plaintiff”), by and through his attorneys, and on
2 behalf of himself and the consumer Class set forth below, brings the
3 following class action Complaint against A-Check America Inc. d/b/a A-
4 Check Global (“A-Check” or “Defendant”) pursuant to the federal Fair Credit
5 Reporting Act (“FCRA”).

6 **INTRODUCTION**

7 1. This consumer class action is brought under the FCRA, 15
8 U.S.C. § 1681, *et seq.* against A-Check, a consumer reporting agency that
9 routinely prepares background reports that contain dismissed charges that
10 pre-date the report by more than seven years—a blatant violation of one of
11 the FCRA’s core employment screening restrictions.

12 2. As Defendant’s practices were routine and systematic, Plaintiff
13 asserts claims for damages on behalf of himself and a class of similarly
14 situated individuals on whom Defendant furnished a consumer report.

15 **THE PARTIES**

16 3. Plaintiff John Smith is an adult resident of Lawrenceville,
17 Georgia.

18 4. Defendant A-Check is a California corporation with its principal
19 place of business located at 1501 Research Park Drive, Riverside, California,
20 92507.

21 5. A-Check is a consumer reporting agency within the meaning of
22 the FCRA: for monetary fees, it assembles information on consumers for the
23 purpose of furnishing consumer reports to third parties, and it uses interstate
24 commerce to prepare and furnish its reports. A-Check provides these reports
25 to employers for employment purposes, including for use in taking adverse
26 employment action against employees, such as employment termination,
27 withdrawing employment offers, not making employment offers, or not
28 promoting employees.

JURISDICTION AND VENUE

6. Plaintiff initially filed this action in Riverside Superior Court. Defendant removed this action asserting jurisdiction under 28 U.S.C. §§ 1331, 1391, 1441(a).

7. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p.

8. Pursuant to 28 U.S.C. §§1391 and 1446, venue is proper in this District because a substantial part of the events giving rise to the claims occurred in this District, and the action was pending within the District when it was removed.

STATUTORY BACKGROUND

9. The FCRA was enacted to ensure that consumer reporting agencies report information in a manner that is “fair and equitable to the consumer,” and “with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information.” 15 U.S.C. §§ 1681a, 1681b. Among a number of substantive restrictions on what information may appear in a consumer report, the FCRA prohibits the reporting of arrest and other law enforcement records that predate the report by more than seven years, unless those records are a record of conviction. Specifically, a consumer reporting agency may not report:

(2) Civil suits, civil judgments, and records of arrest that from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period...

(5) Any other adverse item of information, other than records of convictions of crimes which antedates the report by more than seven years.

15 U.S.C. § 1681c(a).

1 10. The FCRA also requires consumer reporting agencies to “follow
2 reasonable procedures to assure maximum possible accuracy of the
3 information” contained in consumer reports. *See* 15 U.S.C. § 1681e(b).

4 11. Reports that contain factually correct information but
5 nonetheless mislead their readers are neither maximally accurate nor fair to
6 the consumers who are the subjects of such reports. *See Smith v. HireRight*
7 *Solutions, Inc.*, 711 F. Supp. 2d 426 (E.D. Pa. 2010).

8 **ALLEGATIONS RELATING TO NAMED PLAINTIFF SMITH**

9 **A. Plaintiff’s Application to Ricoh.**

10 12. In the summer of 2014, Plaintiff was in the job market for a
11 position as a warehouse manager, which is a line of work he had been engaged
12 in for approximately ten years.

13 13. Plaintiff applied to Ricoh Logistics Corporation (“Ricoh”) and
14 was invited to interview for a position as a warehouse manager near Atlanta,
15 Georgia. Ricoh subsequently offered Plaintiff a job, and Plaintiff was
16 provided with a start date.

17 14. As part of the application process, Ricoh obtained a confidential
18 background report regarding Plaintiff from A-Check, a redacted copy of
19 which is attached hereto as Exhibit A (the “Background Report”).

20 15. Ricoh procured the report on Plaintiff as part of its standard
21 hiring process. Ricoh did not procure Plaintiff’s report or the reports of other
22 class members in connection with any investigation of suspected misconduct
23 relating to employment, or compliance with federal, state, or local laws and
24 regulations, the rules of a self-regulatory organization, or any suspected
25 violation of preexisting written policies of the employer.

26 16. After receiving Plaintiff’s background report, and only one day
27 before Plaintiff was supposed to begin working for Ricoh, a Ricoh employee
28 contacted Plaintiff by telephone and told him that he should not report for

1 work on his start date because of information contained in his background
2 report.

3 **B. A-Check Included Illegal Information in Plaintiff's Report.**

4 17. In violation of 15 U.S.C. § 1681c, the Background Report
5 generated by A-Check regarding Plaintiff includes information relating to
6 dismissed charges that predate the report by more than seven years.

7 18. For example, in 1996, when Plaintiff was 18 years old, A-
8 Check's report indicates he was charged with a single felony count of Break
9 or Enter a Motor Vehicle. This count, however, was dismissed and the charge
10 was amended to Tampering With Vehicle, which is a misdemeanor.
11 Nonetheless, A-Check reported the dismissed felony count from 19 years ago
12 on the report, and it reported it in a manner that suggests Plaintiff was found
13 guilty of the felony charge.

14 19. Similarly, A-Check's report indicates that in 1997—when the
15 Plaintiff was 19 years old—he was charged with a single felony count of
16 Financial Card Fraud. The report indicates that the disposition was “guilty”
17 but also indicates that the charge was amended to a single misdemeanor count
18 of Financial Card Fraud. Nonetheless, A-Check's report includes the original
19 felony charge, even though that charge was dismissed, and includes it on the
20 same line as the “guilty” disposition, potentially giving the false impression
21 that Plaintiff was convicted of this dismissed felony count.

22 20. Other sections of the Background Report similarly indicate that
23 A-Check routinely includes charges that are later dismissed, even where those
24 charges pre-date the report by more than seven years. For example, in 2000,
25 Plaintiff was charged with speeding, a misdemeanor. That charge, however,
26 was amended to Improper Equipment: Speedometer, which is merely an
27 “infraction” for which Plaintiff paid a \$115 fine. Nonetheless, A-Check
28 included the dismissed misdemeanor charge on the report, and included it in

1 on the same line as the “guilty” disposition, again giving the false impression
2 that Plaintiff was convicted of the misdemeanor charge.

3 21. A-Check routinely fails to remove dismissed charge information
4 from its reports, including where the dismissed charges predate the report by
5 more than seven years.

6 22. A-Check’s report also failed to reflect that several criminal
7 actions against Plaintiff were consolidated for sentencing, such as Case Nos.
8 97CRS071568 and 97CRS071571. While these actions were consolidated,
9 the report sets them forth as separate actions, and then sets forth duplicative
10 and redundant charge and sentencing information. Similarly, 97CRS071568
11 and 97CRS071570 were consolidated, yet A-Check’s report on Plaintiff sets
12 forth both as separate matters, and then sets forth duplicative and redundant
13 charge and sentencing information. This failure gives the reader an
14 impression of a much longer criminal history relating to Plaintiff than is
15 accurate.

16 23. Consumer reporting agencies are clearly permitted to report
17 records of “convictions” beyond seven years. 15 U.S.C. § 1681c. But it is
18 equally clear from the face of the same statutory provision that “arrests” and
19 any “other adverse item of information” cannot be reported beyond seven
20 years. *See* 15 U.S.C. §§ 1681c(a)(2) and 1681c(a)(5); *see also* *Avila v. NOW*
21 *Health Grp., Inc.*, No. 14 C 1551, 2014 WL 3537825, at *3-*4 (N.D. Ill. July
22 17, 2014) (holding that the “express language of the FCRA” mandates that “a
23 consumer reporting agency may not include any adverse item of information
24 other than a ‘record of conviction’ not a ‘record of dismissed charges’”);
25 *Haley v. Talentwise, Inc.*, 9 F. Supp. 3d 1188, 1192 (W.D. Wash. 2014)
26 (finding that under the “plain language” of the FCRA, a “dismissed charge
27 from over seven years ago is both a ‘record of arrest’ and ‘adverse’
28 information that [a consumer reporting agency] is prohibited from including

1 in [a] consumer report”) (citing *Serrano v. Sterling Testing Syst.*, 557 F. Supp.
2 2d 688, 693 (E.D. Pa. 2008)); *Dunford v. Am. DataBank, LLC*, No. C 13-
3 03829 WHA, 2014 WL 3956774, at *14 (N.D. Cal. Aug. 12, 2014) (“In light
4 of the remedial purpose of the Act, this order now holds that only the actual
5 convictions may be reported and stale dismissed counts must be combed out
6 and go unreported.”); *King v. Gen. Info. Servs., Inc.*, 903 F. Supp. 2d 303
7 (E.D. Pa. 2012) (FCRA’s requirement excluding obsolete records of arrest
8 comported with commercial speech doctrine); *Dowell v. Gen. Info. Servs.,*
9 *Inc.*, 13-CV-02581-L-BGS, Memorandum of the United States of America in
10 Support of the Constitutionality of § 1681c of the Fair Credit Reporting Act,
11 at 17 (S.D. Cal. Feb. 20, 2014) (stating that dismissed charges, even if
12 associated with a conviction, may not be reported under the FCRA).
13 Notwithstanding this clear statutory directive, A-Check routinely reports
14 dismissed charges that antedate the report by more than seven years.

15 24. A-Check’s practices violate a fundamental protection afforded
16 to consumers under the FCRA, are contrary to the unambiguous language of
17 the statute, and are counter to longstanding judicial and regulatory guidance.
18 *See, e.g.*, Exhibit B, excerpt from FTC, Forty Years of Experience with the
19 Fair Credit Reporting Act, An FTC Staff Report with Summary of
20 Interpretations, July 2011, at 55 (“Even if no specific adverse item is reported,
21 a CRA may not furnish a consumer report referencing the existence of
22 adverse information that predates the times set forth in this subsection.”);
23 *Serrano*, 557 F. Supp. 2d at 688 (holding FCRA prohibits even alluding to
24 existence of unreportable adverse information).

25 25. As part of the process of assembling consumer reports, A-Check
26 utilizes a variety of algorithms and filters to aggregate and consolidate
27 information from a variety of sources.
28

1 26. It is standard practice for consumer reporting agencies to write
2 filters and algorithms “to filter out obsolete credit information.” See
3 www.naca.net/issues/credit-reporting-problems.

4 27. A-Check, consistent with standard industry practices, could
5 have written an algorithm or filter to ensure that all of its reports would
6 exclude non-conviction criminal dispositions older than seven years. See *In*
7 *the Matter of General Information Services, Inc.*, No. 2015-CFPB-0028, ¶ 26-
8 27 (Oct. 29, 2015) (noting that a CRA “possess[ed] certain proprietary
9 software that identifies discrepancies in data across multiple traditional
10 criminal history reports. For example, this software could identify a record
11 that was previously suppressed from a report because it had been dismissed
12 or expunged and prevent it from appearing on a future report”).

13 28. It is also standard in the consumer reporting industry for
14 consumer reporting agencies to have a purge date for information in their
15 system that has become outdated. See *Gillespie v. Trans Union Corp.*, 482
16 F.3d 907, 908 (7th Cir. 2007). By failing to utilize a purge date for outdated
17 information, A-Check’s practices and procedures fall far below industry
18 standards and constitute recklessness.

19 29. A-Check failed to implement these algorithms, in spite of the
20 fact that it easily could have done so and that these types of algorithms are
21 standard in the credit reporting industry.

22 30. A-Check also failed to have the report properly reviewed by an
23 individual who was trained in the FCRA, and specifically, in the requirements
24 of 15 U.S.C. § 1681c(a). Had A-Check had a properly trained individual
25 review this report, this problem would have been easily detected.

26 31. A-Check knew its conduct was illegal but chose to continue to
27 violate the law in order to avoid the costs of compliance. Its website states,
28 “Generally speaking, *arrest* records not resulting in a conviction can be

1 reported for up to 7 years.” (Emphasis in original). See
2 <http://www.acheckglobal.com/resources/employer-resources.aspx>, attached
3 hereto as Exhibit C (site last visited July 6, 2015).

4 32. A-Check also knows that its conduct is illegal through its
5 membership in the National Association for Background Screening
6 Professionals (“NAPBS”). At a NAPBS conference in 2012, presenters
7 discussed that reporting dismissed charges was a FCRA compliance issue and
8 discussed the lawsuit against GIS for reporting dismissed charges.

9 33. A-Check has negligently and willfully violated 15 U.S.C. §
10 1681c(a) by routinely including all charges in the background reports it
11 generates, even where those charges are more than seven years old and were
12 dismissed.

13 34. As a result of Defendant’s conduct, job applicants, such as
14 Plaintiff, appear to be worse job candidates than they would be if A-Check
15 only reported information it is allowed to report under the law. A-Check’s
16 inclusion of this illegal information has caused Plaintiff and members of the
17 Class to suffer concrete injuries in the form of wage loss, loss of benefits,
18 delay in employment, emotional distress and/or other adverse employment
19 action.

20 **CLASS ACTION ALLEGATIONS**

21 35. Plaintiff asserts his claims on behalf of the proposed Class
22 defined as follows:

23 All persons who were the subject of a background report
24 prepared by Defendant and whose report contains one or more
25 items of criminal information which are non-convictions, where
26 such information antedates the report by more than seven years.
27 The Class includes all individuals whose report was issued at any
28 time dating from five years prior to the filing of this matter
through the date of final judgment in this action.

1 36. The Class satisfies the requirements of Fed. R. Civ. P. 23(b)(3).

2 37. Numerosity: The Class is so numerous that joinder of all class
3 members is impracticable. Defendant is a large company that has run
4 thousands of consumer reports for employment purposes in the past five
5 years. Because Defendant includes outdated non-conviction information on
6 reports as a matter of course, the class will consist of hundreds, if not
7 thousands, of members. It is impracticable to personally join hundreds or
8 thousands of individuals throughout the United States into a single
9 proceeding.

10 38. The Class can be identified. Defendant maintains copies of
11 consumer reports for at least two years after they are provided to end-users.
12 The reports are maintained in text which can be electronically and/or
13 manually searched to identify charges which pre-date the date of the report
14 by more than seven years. The reports can further be searched to identify
15 non-convictions using commonly used terms to describe such incidents. At
16 least four other courts have used such a process to certify classes involving
17 the same allegations at issue here, and a list of terms used to describe non-
18 convictions which could be used to search Defendant's records and to identify
19 class members is attached hereto as Exhibit D. This list can be refined during
20 the course of discovery as needed to ensure that any terms specific to
21 Defendant's reporting practices are incorporated.

22 39. Typicality: Plaintiff's claims are typical of the class members'
23 claims. The FCRA violations committed by Defendant were committed
24 pursuant to uniform policies and procedures, and Defendant treated Plaintiff
25 in the same manner as other class members in accordance with its standard
26 policies and practices. Defendant unlawfully included dismissed charges on
27 Plaintiff's report in the same manner as they were included on every other
28 class member's report. The information was included as a result of

1 Defendant's uniform failure to implement the procedures outlined herein
2 (appropriate algorithmic and human review).

3 40. Adequacy: Plaintiff will fairly and adequately protect the
4 interests of the Class, and has retained counsel experienced in complex class
5 action litigation. Counsel's biographies and experience are available at
6 www.bergermontague.com and www.consumerlawfirm.com

7 41. Commonality: Common questions of law and fact exist as to all
8 members of the Class and predominate over any questions solely affecting
9 individual members of the Class, including without limitation:

10 (a) Whether Defendant violated the FCRA's prohibition on reporting
11 dismissed charges that antedate the date the background report was
12 prepared by more than seven years;

13 (b) Whether Defendant's conduct was willful under FCRA; and

14 (c) The appropriateness and proper measure of statutory damages.

15 42. Class certification is appropriate under Fed. R. Civ. P. 23(b)(3)
16 because questions of law and fact common to the Class predominate over any
17 questions affecting only individual members of the Class, and because a class
18 action is superior to other available methods for the fair and efficient
19 adjudication of this litigation. Defendant's conduct described in this
20 Complaint stems from common and uniform policies and practices, resulting
21 in common violations of the FCRA. Members of the Class do not have an
22 interest in pursuing separate actions against Defendant, as the amount of each
23 class member's individual claim is small compared to the expense and burden
24 of individual prosecution, and Plaintiff is unaware of any similar claims
25 brought against Defendant by any members of the Class on an individual
26 basis. Class certification will also obviate the need for unduly duplicative
27 litigation that might result in inconsistent judgments concerning Defendant's
28 practices. Moreover, management of this action as a class action will not

1 present any likely difficulties. In the interests of justice and judicial
 2 efficiency, it would be desirable to concentrate the litigation of all class
 3 members' claims in a single forum.

4 43. After a class has been certified, Plaintiff will send notice to all
 5 members of the class by US Mail, in a manner which complies with Federal
 6 Rule 23(c)(2). The notice will be provided to this Court for review and
 7 approval before being disseminated to the class.

8
 9 **CLAIM FOR RELIEF**
 10 **Violation of 15 U.S.C. § 1681c(a)**
 11 **(On behalf of Plaintiff and the Class)**

12 44. Plaintiff re-alleges and incorporates by reference the allegations
 13 in the preceding paragraphs.

14 45. A-Check is a consumer reporting agency as defined by the
 15 FCRA, and the employment-related background reports it generates are
 16 subject to the restrictions set forth in 15 U.S.C. § 1681c(a).

17 46. A-Check routinely and systematically violated 15 U.S.C. §
 18 1681c(a) by including dismissed charges that predate the report by more than
 19 seven years in its reports.

20 47. The foregoing violations were negligent and/or willful. A-
 21 Check acted in deliberate or reckless disregard of its obligations and the rights
 22 of Plaintiff and other class members under 15 U.S.C. § 1681c. A-Check's
 23 willful conduct is reflected by, inter alia, the following:

- 24 a) The FCRA was enacted in 1970; A-Check, which was founded in
 25 1998, has had 17 years to become compliant;
- 26 b) A-Check is a large corporation with access to legal advice through
 27 its own general counsel's office and outside employment counsel.

1 Yet, there is no contemporaneous evidence that it determined that
2 its conduct was lawful;

3 c) A-Check knew or had reason to know that its conduct was
4 inconsistent with FTC guidance, case law, and the plain language
5 of the Act;

6 d) A-Check voluntarily ran a risk of violating the law substantially
7 greater than the risk associated with a reading that was merely
8 careless; and

9 e) A-Check's violations of the FCRA were repeated and systematic.

10 48. Plaintiff and the Class are entitled to actual damages or statutory
11 damages of not less than \$100 and not more than \$1,000 for each and every
12 one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

13 49. Plaintiff and the Class are further entitled to recover their costs
14 and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

15 **PRAYER FOR RELIEF**

16 50. WHEREFORE, Plaintiff, on behalf of himself and the Class,
17 prays for relief as follows:

18 (a) Determining that this action may proceed as a class action under
19 Cal. Code Civ. Proc. § 382;

20 (b) Designating Plaintiff as Class Representative and designating
21 Plaintiff's counsel as counsel for the Class;

22 (c) Issuing proper notice to the Class at Defendant's expense;

23 (d) Declaring that Defendant violated the FCRA;

24 (e) Declaring that Defendant acted willfully, in knowing or reckless
25 disregard of Plaintiff's rights and its obligations under the FCRA;

26 (f) Awarding statutory damages and punitive damages as provided
27 by the FCRA;

1 (g) Awarding reasonable attorneys' fees and costs as provided by
2 the FCRA;

3 (h) Granting other and further relief, in law or equity, as this Court
4 may deem appropriate and just.

5 **DEMAND FOR JURY TRIAL**

6 Plaintiff and the Class demand a trial by jury.

7
8 Dated: February 17, 2016

TATAR LAW FIRM, APC

9
10 By: /s/ Stephanie Tatar
11 Stephanie Tatar
12 Attorney for Plaintiff and the
13 Proposed Class
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Exhibit A



A-CHECK

P.O. Box 5615
 Riverside, CA 92517 USA
 Call Toll free: 877-345-2021
 Call Direct: 951-750-1501
 Fax Toll free: 877-278-2021
 Fax Direct: 951-750-1301

Confidential Background Report

Report Subject: JOHN SMITH

File Number: F000958001

Position Applied for: LAWRENCEVILLE

Package: RICOH LOGISTICS

Priority: Yes

ONLINE PICKUP

Report Subject: JOHN SMITH

Redacted

LAWRENCEVILLE, GA Red
USA

Prepared for: MONICA BROWN-JERRY

RICOH LOGISTICS CORPORATION

1125 HURRICAN SHOALS RD BLDG 2

LAWRENCEVILLE, GA 30043

USA

Date of Birth: Redacted

SSN / GOV ID: Redacted

Site Number: RCOH002-0000

Telephone: 770-338-7237

Fax:

Report Status: CLOSED

Adjudication: FURTHER REVIEW OF CRIMINAL
RESULTS REQUIRED

e-mail: MONICA_BROWN-JERRY@REI.RICOH.COM

File Submitted: August 14, 2014 1:24 PM (12:00 PM cutoff)

Clock Begins: August 15, 2014 8:24 AM

File Closed: August 25, 2014 4:25 PM

File Modified: September 08, 2014 9:24 AM

All Times are PST

Investigation Summary for : JOHN SMITH

☐ - Specific area that may require review

REPORT COMPONENT / NAME(S)	INFORMATION SOURCE	COUNTRY	COMPONENT STATUS		
			Completed	Verified by QC Dept.	For Client Review
SSN VERIF. - TRANSUNION					
JOHN SMITH	TRANSUNION		08/14/2014	✓	
PRIORITY STATUS					
JOHN SMITH			08/18/2014	✓	
NDOT DRUG SCREEN					
JOHN SMITH	0404900		08/18/2014	✓	
CRIMINAL - FEDERAL NATIONWIDE 7 YEARS					
JOHN SMITH	NATIONWIDE US	USA	08/20/2014	✓	
CRIMINAL - FELONY & MISDEMEANOR 7 YEARS					
JOHN SMITH	BARROW GA	USA	08/19/2014	✓	
JOHN SMITH	CABARRUS NC	USA	08/21/2014	✓	Q
JOHN SMITH	COBB GA	USA	08/20/2014	✓	
JOHN SMITH	FULTON GA	USA	08/18/2014	✓	
JOHN SMITH	GUILFORD NC	USA	08/14/2014	✓	Q
JOHN SMITH	GWINNETT GA	USA	08/18/2014	✓	Q
NATIONAL CRIMINAL DATABASE SEARCH 7 YEARS					



A-CHECK

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 Riverside, CA 92517 USA
 Call Toll free: 877-345-2021
 Call Direct: 951-750-1501
 Fax Toll free: 877-278-2021
 Fax Direct: 951-750-1301

Confidential Background Report

Report Subject: JOHN SMITH
File Number: F000958001

JOHN SMITH	NATIONWIDE	USA	08/21/2014	✓
NATIONWIDE SEX OFFENDER 7 YEARS				
JOHN SMITH		USA	08/19/2014	✓
EDUCATION VERIFICATION				
JOHN SMITH	SOUTHEAST GUILFORD	USA	08/20/2014	✓
EMPLOYMENT VERIFICATION				
JOHN SMITH	ALBUMS INC	USA	08/18/2014	✓
JOHN SMITH	GO HOME LTD	USA	08/20/2014	✓
JOHN SMITH	TRANSATLANTIC	USA	08/19/2014	✓
PRE-ADVERSE NOTIFICATION				
JOHN SMITH			08/28/2014	✓
ADVERSE NOTIFICATION				
JOHN SMITH			09/08/2014	✓
CRIMINAL EXTENDED SEARCH				
JOHN SMITH			08/21/2014	✓
SCHEDULE DIRECT				
JOHN SMITH			08/14/2014	✓

Under the terms of this agreement, this report is submitted with the understanding that it is to be held in strict confidence. Pre and Post notification requirements under the FCRA are required. If any information contained within the report is used for making an Adverse Action, please discuss the report with the subject prior to taking action. If the applicant disputes the information within this report, have the applicant contact A-Check America directly WITHIN 60 DAYS.

REPORT SUMMARY ENDS



A-CHECK

P.O. Box 5615
 Riverside, CA 92517 USA
 Call Toll free: 877-345-2021
 Call Direct: 951-750-1501
 Fax Toll free: 877-278-2021
 Fax Direct: 951-750-1301

Confidential Background Report**Report Subject: JOHN SMITH****File Number: F000958001****SSN VERIF. - TRANSUNION**

Name / AKA's	Information Source	Country	Completed	For Client Review
JOHN SMITH	SSN VERIF. - TRANSUNION	USA	08/14/2014	

TRANS UNION
 2 BALDWIN PLACE, P. O. BOX 1000
 CHESTER, PA. 19022
 800-888-4213

DOB:
SSN: Redacted
On File Since:
Phone:

Date Reported: 8/14/2014
Reference Number:

AKA:

Name:
 JOHN D SMITH Junior

Address 1:
 Redacted
 LAWRENCEVILLE GA Red
 Reported On: 8/1/2006

Name:
 JOHN D SMITH Junior

Address 3:
 Redacted
 GREENSBORO NC Red
 Reported On:

Name:
 JOHN SMITH

Address 2:
 Redacted
 LAWRENCEVILLE GA Red
 Reported On: 7/21/2008

Name:
 JOHN D SMITH Junior

Address 2:
 Redacted
 LAWRENCEVILLE GA Red
 Reported On: 8/1/2003

Name:
 JOHN SMITH

Address 1:
 Redacted
 LAWRENCEVILLE GA Red
 Reported On: 5/9/2009

WARNING MESSAGES

000 inquiries on file

000 inquiries on file

NOTE: The credit bureau request for information above is considered a "soft" hit and does not affect your credit score.

NDOT DRUG SCREEN

Name	Specimen ID	Completed	For Client Review
JOHN SMITH	0404900	08/18/2014	

Specimen ID: 0404900

Client Name: RICOH LOGISTICS
 CORPORATION

Requestor: MONICA BROWN-
 JERRY

Phone: 770-338-7237**Fax:****Site Number:** RCOH002-0000**NDOT DRUG SCREEN RESULTS****Name:** JOHN SMITH**Specimen ID:** 0404900**Social Security #:** Redacted**Collection Date:** 08/15/2014**Collection Time:** 11:37 AM PST**Testing Lab:** QUEST DIAGNOSTICS**Test Date:** 08/16/2014**Test Time:** 12:23 AM PST**Type of Test:** NDOT SAP 5-50/2000**Report Date:** 08/16/2014**Report Time:** 05:15 AM PST



A-CHECK

P.O. Box 5615
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Confidential Background Report**Report Subject: JOHN SMITH****File Number: F000958001****Reason for Test:** PRE-EMPLOYMENT**Test Results:****Collection Site:** QUEST**Specimen Type:** SPURINE**Specimen Type Provided:** SPURINE**Specimen Type Reported:** SPURINE

SUBSTANCE ABUSE PANEL	INITIAL TEST LEVEL	GC/MS CONFIRM TEST LEVEL	RESULT
AMPHETAMINES			
- AMPHETAMINE	1000 NG/ML	500 NG/ML	NEGATIVE
- METHAMPHETAMINE	1000 NG/ML	500 NG/ML	NEGATIVE
COCAINE METABOLITES	300 NG/ML	150 NG/ML	NEGATIVE
MARIJUANA METABOLITES	50 NG/ML	15 NG/ML	NEGATIVE
OPIATES	2000 NG/ML	2000 NG/ML	NEGATIVE
PHENCYCLIDINE	25 NG/ML	25 NG/ML	NEGATIVE

Report Status: FINAL REPORT**Verified By:** CERTIFIED SCIENTIST



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Confidential Background Report

Report Subject: JOHN SMITH
File Number: F000958001

CRIMINAL - FEDERAL NATIONWIDE 7 YEARS

Name / AKA's	District	Country	Completed	Record Found
JOHN SMITH	NATIONWIDE	USA	08/20/2014	YES

CRIMINAL - FELONY & MISDEMEANOR 7 YEARS

Name / AKA's	County	State / Province	Country	Scope	Completed	Record Found
JOHN SMITH	BARROW	GA	USA	FELON-MISD	08/19/2014	NO
JOHN SMITH	COBB	GA	USA	FELON-MISD	08/20/2014	NO
JOHN SMITH	FULTON	GA	USA	FELON-MISD	08/18/2014	NO
JOHN SMITH	GUILFORD	NC	USA	FELON-MISD	08/14/2014	YES
JOHN SMITH	GWINNETT	GA	USA	FELON-MISD	08/18/2014	YES
JOHN SMITH	CABARRUS	NC	USA	FELON-MISD	08/21/2014	YES

Records Found: GUILFORD, NC**Court Case #:** 95CR 076804**Count:** 1**Charge:** POSSESSION OF STOLEN GOODS**Date:** DECEMBER 08, 1995**Type:** MISDEMEANOR**Disposition:** GUILTY**Date:** FEBRUARY 19, 1996**Type:** MISDEMEANOR**Sentence:** 6 MONTHS PROBATION, 15 DAYS JAIL, \$60 FINE; 10/26/1996- WARRANT ISSUED ***ACTIVE WARRANT*****Status of Case:** OPEN**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: **Red:****Records Found: GUILFORD, NC****Court Case #:** 01CR 029966**Count:** 1**Charge:** DRIVING WHILE LICENSE REVOKED**Date:** FEBRUARY 28, 2001**Type:** TRAFFIC - MISDEMEANOR**Disposition:** GUILTY**Date:** JULY 20, 2001**Type:** INFRACTION**Sentence:** CHARGE AMENDED TO IMPROPER EQUIPMENT: SPEEDOMETER (INFRACTION); \$90 FINE**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: **Redacte****Records Found: GUILFORD, NC****Court Case #:** 95CR5078204**Count:** 1**Charge:** BREAK OR ENTER A MOTOR VEHICLE**Date:** SEPTEMBER 03, 1996**Type:** FELONY**Disposition:** GUILTY**Date:** NOVEMBER 13, 1996**Type:** TRAFFIC - MISDEMEANOR**Sentence:** CHARGE AMENDED TO TAMPERING WITH VEHICLE (TRAFFIC - MISDEMEANOR); UNDISCLOSED SENTENCE**Status of Case:** CLOSED



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Confidential Background Report

Report Subject: JOHN SMITH
File Number: F000958001

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: Red

Records Found: GUILFORD, NC**Court Case #:** 96CRS054418**Count:** 1**Charge:** COMMON LAW ROBBERY**Date:** SEPTEMBER 03,
1996**Type:** FELONY**Disposition:** GUILTY**Date:** NOVEMBER 13, 1996**Type:** FELONY**Sentence:** CHARGE AMENDED TO LARCENY FROM THE PERSON; 3 YEARS PROBATION, 8 MONTHS MIN 10 MONTHS MAX JAIL, \$1905 FINE/RESTITUTION**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: Red

Records Found: GUILFORD, NC**Court Case #:** 96CRS063652**Count:** 1**Charge:** BREAK OR ENTER A MOTOR
VEHICLE**Date:** NOVEMBER 05, 1996**Type:** FELONY**Disposition:** GUILTY**Date:** JANUARY 09, 1997**Type:** FELONY**Sentence:** 36 MONTHS PROBATION, 6 MONTHS MIN 8 MONTHS MAX JAIL, \$95 FINE**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: Red

Records Found: GUILFORD, NC**Court Case #:** 96CRS072799**Count:** 1**Charge:** LARCENY AFTER BREAK/ENTER**Date:** OCTOBER 03, 1996**Type:** FELONY**Disposition:** GUILTY**Date:** NOVEMBER 13, 1996**Type:** FELONY**Sentence:** UNDISCLOSED SENTENCE**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: Red

Records Found: GUILFORD, NC**Court Case #:** 96CRS072799**Count:** 2**Charge:** BREAKING AND OR ENTERING**Date:** OCTOBER 03, 1996**Type:** FELONY**Disposition:** GUILTY**Date:** NOVEMBER 13, 1996**Type:** FELONY**Sentence:** UNDISCLOSED SENTENCE**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: Red



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Confidential Background Report**Report Subject: JOHN SMITH****File Number: F000958001**

Court Case #: 97CRS052454 **Count:** 1
Charge: POSSESSION OF FIREARM BY FELON **Date:** JUNE 09, 1997 **Type:** FELONY
Disposition: GUILTY **Date:** SEPTEMBER 25, 1997 **Type:** FELONY
Sentence: 14 MONTHS MIN 17 MONTHS MAX JAIL
Status of Case: CLOSED

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: Redacte

Records Found: GUILFORD, NC

Court Case #: 97CRS071568 **Count:** 1
Charge: LARCENY AFTER BREAK/ENTER **Date:** NOVEMBER 03, 1997 **Type:** FELONY
Disposition: GUILTY **Date:** APRIL 09, 1998 **Type:** FELONY
Sentence: 11 MONTHS MIN 14 MONTHS MAX JAIL
Status of Case: CLOSED

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: Redact

Records Found: GUILFORD, NC

Court Case #: 97CRS071568 **Count:** 2
Charge: BREAKING AND OR ENTERING **Date:** NOVEMBER 03, 1997 **Type:** FELONY
Disposition: GUILTY **Date:** APRIL 09, 1998 **Type:** FELONY
Sentence: 11 MONTHS MIN 14 MONTHS MAX JAIL
Status of Case: CLOSED

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: Redacte

Records Found: GUILFORD, NC

Court Case #: 97CRS071569 **Count:** 1
Charge: LARCENY AFTER BREAK/ENTER **Date:** NOVEMBER 03, 1997 **Type:** FELONY
Disposition: GUILTY **Date:** APRIL 09, 1998 **Type:** FELONY
Sentence: 11 MONTHS MIN 14 MONTHS MAX JAIL
Status of Case: CLOSED

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: Redacte

Records Found: GUILFORD, NC

Court Case #: 97CRS071569 **Count:** 2
Charge: BREAKING AND OR ENTERING **Date:** NOVEMBER 03, 1997 **Type:** FELONY
Disposition: GUILTY **Date:** APRIL 09, 1998 **Type:** FELONY



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Confidential Background Report**Report Subject: JOHN SMITH****File Number: F000958001****Sentence:** 11 MONTHS MIN 14 MONTHS MAX JAIL**Status of Case:** CLOSED**Subject matched to information above using:****Name:** JOHN SMITH**SSN:****DOB:** Redact**Records Found:** GUILFORD, NC**Court Case #:** 97CRS071570**Count:** 1**Charge:** OBTAIN PROPERTY UNDER FALSE
PRETENSE**Date:** NOVEMBER 03, 1997**Type:** FELONY**Disposition:** GUILTY**Date:** APRIL 09, 1998**Type:** FELONY**Sentence:** UNDISCLOSED SENTENCE**Status of Case:** CLOSED**Subject matched to information above using:****Name:** JOHN SMITH**SSN:****DOB:** Redact**Records Found:** GUILFORD, NC**Court Case #:** 97CRS071571**Count:** 1**Charge:** OBTAIN PROPERTY UNDER FALSE
PRETENSE**Date:** NOVEMBER 03, 1997**Type:** FELONY**Disposition:** GUILTY**Date:** APRIL 09, 1998**Type:** FELONY**Sentence:** UNDISCLOSED SENTENCE**Status of Case:** CLOSED**Subject matched to information above using:****Name:** JOHN SMITH**SSN:****DOB:** Redact**Records Found:** GUILFORD, NC**Court Case #:** 00CR 044950**Count:** 1**Charge:** SPEEDING 053/35**Date:** AUGUST 15, 2000**Type:** TRAFFIC -
MISDEMEANOR**Disposition:** GUILTY**Date:** MARCH 05, 2001**Type:** INFRACTION**Sentence:** CHARGE AMENDED TO IMPROPER EQUIPMENT: SPEEDOMETER (INFRACTION); \$115 FINE**Status of Case:** CLOSED**Subject matched to information above using:****Name:** JOHN SMITH**SSN:****DOB:** Redact**Records Found:** GUILFORD, NC**Court Case #:** 01CR 027239**Count:** 1**Charge:** DRIVING WHILE LICENSE REVOKED**Date:** FEBRUARY 05, 2001**Type:** TRAFFIC -
MISDEMEANOR**Disposition:** GUILTY**Date:** JULY 20, 2001**Type:** TRAFFIC -
MISDEMEANOR**Sentence:** \$90 FINE



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Confidential Background Report

Report Subject: JOHN SMITH
File Number: F000958001

Status of Case: CLOSED

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: **Red**

Records Found: GUILFORD, NC

Court Case #: 02CR 038796

Count: 1

Charge: EXPIRED REGISTRATION
CARD/TAG

Date: JUNE 05, 2002

Type: TRAFFIC -
MISDEMEANOR

Disposition: GUILTY

Date: MARCH 05, 2003

Type: TRAFFIC -
MISDEMEANOR

Sentence: \$125 FINE

Status of Case: CLOSED

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: **Red**

Records Found: GWINNETT, GA

Court Case #: 03-B-00161-1

Count: 1

Charge: FORGERY IN THE FIRST DEGREE

Date: APRIL 18, 2003

Type: FELONY

Disposition: GUILTY

Date: APRIL 18, 2003

Type: FELONY

Sentence: 5 YEARS PROBATION; 80 HOURS COMMUNITY SERVICE; \$1619 FINE/ RESTITUTION

Status of Case: CLOSED

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: **Red**

Records Found: GWINNETT, GA

Court Case #: 03-B-00161-1

Count: 2

Charge: FORGERY IN THE 1ST DEGREE

Date: APRIL 18, 2003

Type: FELONY

Disposition: GUILTY

Date: APRIL 18, 2003

Type: FELONY

Sentence: CONCURRENT TO COUNT 1

Status of Case: CLOSED

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: **Red**

Records Found: GWINNETT, GA

Court Case #: 05-B-04625-1

Count: 1

Charge: CRIMINAL DAMAGE TO PROPERTY
IN THE 2ND DEGREE

Date: OCTOBER 25, 2005

Type: FELONY

Disposition: GUILTY

Date: JUNE 28, 2006

Type: FELONY

Sentence: 5 YEARS PROBATION; \$1869 FINE/RESTITUTION, ANGER MANAGEMENT PROGRAM. STAY AWAY FROM INCIDENT LOCATION, NO CONTACT WITH VICTIMS; 4/5/2010- PROBATION CONTINUED. 3 MONTHS INCARCERATION; 2/11/2013- TERMINATION OF PROBATION

Status of Case: CLOSED



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Confidential Background Report

Report Subject: JOHN SMITH
File Number: F000958001

Subject matched to information above using:

Name: JOHN SMITH

SSN:

DOB: Red

Records Found: GWINNETT, GA**Court Case #:** 05-B-04625-1**Count:** 2**Charge:** TERRORISTIC THREATS AND ACTS**Date:** OCTOBER 25, 2005**Type:** FELONY**Disposition:** GUILTY**Date:** JUNE 28, 2006**Type:** FELONY**Sentence:** CONCURRENT TO COUNT 1**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: Red

Records Found: GWINNETT, GA**Court Case #:** 05-B-04625-1**Count:** 3**Charge:** SIMPLE BATTERY**Date:** OCTOBER 25, 2005**Type:** MISDEMEANOR**Disposition:** GUILTY**Date:** JUNE 28, 2006**Type:** MISDEMEANOR**Sentence:** CONCURRENT TO COUNT 1**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: Red

Records Found: GWINNETT, GA**Court Case #:** 08-D-06238-S2**Count:** 1**Charge:** SPEEDING**Date:** SEPTEMBER 15,
2008**Type:** MISDEMEANOR**Disposition:** GUILTY**Date:** JANUARY 20, 2009**Type:** MISDEMEANOR**Sentence:** 10 DAYS JAIL-SUSPENDED, \$140.00 FINE**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: Red

Records Found: CABARRUS, NC**Court Case #:** 11CR 710192**Count:** 1**Charge:** SPEEDING 081/65**Date:** JULY 02, 2011**Type:** TRAFFIC -
MISDEMEANOR**Disposition:** GUILTY**Date:** OCTOBER 28, 2011**Type:** INFRACTION**Sentence:** CHARGE AMENDED TO IMPROPER EQUIPMENT: SPEEDOMETER (INFRACTION); \$195 FINE**Status of Case:** CLOSED**Subject matched to information above using:**

Name: JOHN SMITH

SSN:

DOB: Red



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Confidential Background Report

Report Subject: JOHN SMITH
File Number: F000958001

NATIONAL CRIMINAL DATABASE SEARCH 7 YEARS

Attention: A National Criminal Locator Search was performed and to comply with FCRA 613, A-Check America does not directly report any information resulting from the search. If there is a discovery of criminal record information resulting from the utilization of the Locator Service, all case information is verified via direct research of the jurisdiction containing the original record information. All legally reportable, up to date case detail is reported in the County Felony/Misdemeanor component of this report. Absence of record information in the County Felony/Misdemeanor component indicates no reportable records were found utilizing the search.

NATIONWIDE SEX OFFENDER 7 YEARS

Attention: A National Sex Offender Locator Search was performed and to comply with FCRA 613, A-Check America does not directly report any information resulting from the search. If there is a discovery of a sex offender registration resulting from the utilization of the Locator Service, all registry information is verified via direct research of the individual state's sex offender database. All legally reportable, up to date case detail is reported in the State Sex Offender component of this report. Absence of a State Sex Offender component on the report indicates that no reportable information was found utilizing the search.

EDUCATION VERIFICATION

Name	Institution	State / Province	Country	Completed	For Client Review
JOHN SMITH	SOUTHEAST GUILFORD	NC	USA	08/20/2014	

Institution: SOUTHEAST GUILFORD

City: GREENSBORO

State / Province: NC

Country: USA

Information Subject Provided	Information Institution Verified
Dates Attended: NOT PROVIDED to: NOT PROVIDED	08/1992 to: 06/1995
Major:	NOT PROVIDED
Degree/Diploma/Certificate: HIGH SCHOOL DIPLOMA	HIGH SCHOOL DIPLOMA
Graduated? NOT PROVIDED	YES
Grade Point Average:	
Graduation Date:	06/01/1995

Verified By: QUIDA MILTON , MICROFILM SPECIALIST

EMPLOYMENT VERIFICATION

Name	Employer	State / Province	Country	Completed	For Client Review
JOHN SMITH	ALBUMS INC	GA	USA	08/18/2014	
JOHN SMITH	TRANSATLANTIC	GA	USA	08/19/2014	
JOHN SMITH	GO HOME LTD	GA	USA	08/20/2014	

Employer: ALBUMS INC

Address: WINDER, GA

Information Subject Provided	Information Employer Verified
Dates of Employment: 03/2003 to: 10/2005	NOT PROVIDED to:
Position Held:	NOT PROVIDED



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Confidential Background Report**Report Subject: JOHN SMITH****File Number: F000958001**

DOT Position? NO
Duties: NOT PROVIDED
Reason Left: NOT PROVIDED
Voluntary / Terminated: NOT PROVIDED
Salary: \$0.00 NOT PROVIDED
Commission: \$0.00 NOT PROVID
Bonus: \$0.00 NOT PROVID
Verified By: NOT PROVIDED, NOT PROVIDED

Standard Employment Questions	Y / N	Employer Comment
Eligible for Rehire?	NA	
Was the Job Performance Satisfactory	NA	
Met Attendance Requirements?	NA	
Met Job Performance Requirements?	NA	
Receive Any Awards Or Certificates?	NA	
Get Along Well With Others?	NA	
Would You Recommend This Applicant?	NA	

Comments: PLEASE NOTE PER CLIENT GUIDELINES, DO NOT VERIFY IF EMPLOYMENT DATES ARE OUTSIDE THE 7 YEARS SCOPE.

Employer: TRANSATLANTIC

Address: 2150 NORTHMONT PARKWAY
 DULUTH, GA

	Information Subject Provided	Information Employer Verified
Dates of Employment:	10/2005 to: 02/2013	10/2005 to: 02/2013
Position Held:		LOGISTIC
DOT Position?	NO	NO
Duties:		NOT PROVIDED
Reason Left:		NOT PROVIDED
Voluntary / Terminated:		NOT PROVIDED
Salary:		\$0.00 NOT PROVIDED
Commission:		\$0.00 NOT PROVID
Bonus:		\$0.00 NOT PROVID

Verified By: V WEBB, PAYROLL ADMINASTRATOR

Standard Employment Questions	Y / N	Employer Comment
Eligible for Rehire?	NA	
Was the Job Performance Satisfactory	NA	



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Confidential Background Report**Report Subject: JOHN SMITH****File Number: F000958001**

Met Attendance Requirements? NA
Met Job Performance Requirements? NA
Receive Any Awards Or Certificates? NA
Get Along Well With Others? NA
Would You Recommend This Applicant? NA

Comments: PER COMPANY POLICY, ONLY DATES OF EMPLOYMENT AND POSITION COULD BE VERIFIED.

Employer: GO HOME LTD

Address: 6065 BOAT ROCK ROAD
ATLANTA, GA

Information Subject Provided	Information Employer Verified
Dates of Employment: 05/2013 to: 03/2014	NOT PROVIDED to:
Position Held:	NOT PROVIDED
DOT Position? NO	NO
Duties:	NOT PROVIDED
Reason Left:	NOT PROVIDED
Voluntary / Terminated:	NOT PROVIDED
Salary:	\$0.00 NOT PROVIDED
Commission:	\$0.00 NOT PROVID
Bonus:	\$0.00 NOT PROVID

Verified By: NOT PROVIDED, NOT PROVIDED

Standard Employment Questions	Y / N	Employer Comment
Eligible for Rehire?	NA	
Was the Job Performance Satisfactory	NA	
Met Attendance Requirements?	NA	
Met Job Performance Requirements?	NA	
Receive Any Awards Or Certificates?	NA	
Get Along Well With Others?	NA	
Would You Recommend This Applicant?	NA	

Comments: MARKED FOR CLIENT REVIEW DUE TO ATTEMPTS HAVE BEEN MADE TO CONTACT THE EMPLOYER, WITH NO RESPONSE AS OF THIS DATE. AT THIS POINT, THE VERIFICATION WILL BE CLOSED; HOWEVER, SHOULD FURTHER INFORMATION BE RECEIVED, THE REPORT WILL BE UPDATED AND FORWARDED TO YOU. PLEASE NOTE, APPLICANT HAS PROVIDED A COPY OF THEIR PAYCHECK STUB DATED 03/28/2014 FOR REVIEW.

END OF REPORT

Under the terms of this agreement, this report is submitted with the understanding that it is to be held in strict confidence. Pre and Post notification requirements



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Confidential Background Report

Report Subject: JOHN SMITH

File Number: F000958001

under the FCRA are required. If any information contained within the report is used for making an Adverse Action, please discuss the report with the subject prior to taking action. If the applicant disputes the information within this report, have the applicant contact A-Check America directly WITHIN 60 DAYS.

REPORT DETAIL ENDS

EXHIBIT B

40 YEARS OF EXPERIENCE
WITH THE **FAIR CREDIT
REPORTING ACT**
AN FTC STAFF REPORT WITH SUMMARY OF INTERPRETATIONS

July 2011
Federal Trade Commission



Section 605 –

15 USC 1681c

Requirements Relating to Information Contained in Consumer Reports

Section 605(a) generally provides time limits beyond which CRAs cannot include information in consumer reports, subject to exceptions set forth in section 605(b).

1. GENERAL

This section sets forth time periods beyond which CRAs may not include information in consumer reports, except in the circumstances set out in section 605(b).¹⁷⁶ Even if no specific adverse item is reported, a CRA may not furnish a consumer report referencing the existence of adverse information that predates the times set forth in this subsection.¹⁷⁷ Section 605(a) does not require CRAs to report all adverse information within the time periods set forth, but only prohibits them from reporting adverse items beyond those time periods.¹⁷⁸

2. SECTION APPLIES TO CRAS, NOT USERS

This section applies only to reporting by CRAs and does not limit creditors or others from using adverse obsolete information. Similarly, this section does not bar a creditor from disclosing adverse obsolete information concerning its transactions or experiences with a consumer, because the information is not a consumer report.¹⁷⁹

3. DATE THAT CRA ACQUIRED THE INFORMATION IRRELEVANT

The times or dates set forth in this section relate to the occurrence of events involving adverse information, which determine whether the item is obsolete. The date that the CRA acquired the adverse information is irrelevant to how long that information may be reported.¹⁸⁰

4. PROVISION LIMITED TO “ADVERSE” INFORMATION

The seven-year reporting period applies only to “adverse” information that casts the consumer in a negative or unfavorable light. CRAs are not bound by that seven-year limit in reporting dates of employment and educational histories, because such dates are not “adverse” information.¹⁸¹

5. RETENTION OF INFORMATION IN FILES


CRAs may retain adverse information described in subsection (a) and furnish it in reports for purposes that are exempt under subsection (b), described below. For example, the CRA may retain obsolete information for the purpose of furnishing it to persons engaged in (1) credit transactions or the underwriting of life insurance involving a principal amount of \$150,000 or more, or (2) the employment of any individual with an annual salary expected to equal \$75,000 or more.¹⁸²

Section 605(a)(1) prohibits CRAs from reporting “Cases under title 11 of the United States Code or under the Bankruptcy Act that, from the date of entry of the order for relief or the date of adjudication, as the case may be, antedate the report by more than 10 years.”

1. RELATION TO OTHER SUBSECTIONS

Section 605(a) imposes time limitations on reporting of adverse information by CRAs. The reporting of bankruptcies is governed by subsection (a)(1). The reporting of accounts placed for collection or charged to profit and loss is governed by subsection (a)(4). The reporting of

Exhibit C




Access to a World of Information!


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Have you had a **smart** conversation with your **screening** partner lately?



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EMPLOYER RESOURCES

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Welcome to the A-Check background check and drug screening Employer Resources Page. Our goal is to provide a positive and professional screening experience for both you and your applicants. Can't find what you need? Please contact your A-Check Client Relations Representative for assistance.

Get Help: Reach A-Check Client Relations
Toll Free: +1 877-345-2021 | Option 1
Direct: +1 951-750-1501 | Option 1
e-mail: clientrelations@acheckglobal.com
Live Chat: Click **Chat now** Button at bottom Right of page
Live Help From: 5 am to 6 pm Pacific Time (Los Angeles - USA), Monday-Friday
Additional after hours staff is available based on client requirements.

A-Check provides employers with pre and post-employment background check services, drug screening services and assessments. Our company conducts more than 2 million individual employment screening requests each year nationwide and around the world, with less than .018 percent resulting in a re-investigation as a result of a consumer dispute.

If you are an applicant here to dispute an element in your background check (also called a Consumer Report), please visit the [A-Check Applicant Resources](#) Page.

Notice: Information contained in this page is of a general informational nature and nothing herein, or on this website, should be construed as legal advice. For legal advice on questions of law, please consult a qualified attorney.

[Tweets by @a_checkamerica](#)

Background Check FAQ - Employers

What is the status of my background check request?

How long does the background check process take?


What can I do to expedite the background check process?

What are my responsibilities as an employer utilizing Background Checks?

Where can I find information about developments in employment screening?

How long before convictions are removed from criminal records?

How long after date of disposition are criminal records reportable?



As an FCRA compliant Consumer Reporting Agency (CRA), A-Check follows criminal records reporting guidelines as established by federal and state law, as well as by specific client business rules.

The FCRA allows CRAs like A-Check to report criminal *conviction* records indefinitely. Conviction information can be reported indefinitely unless the applicant or employer resides in one of 14 states with legislative restrictions on CRA reporting. In such cases, A-Check follows applicable state-specific reporting guidelines.

Generally speaking, *arrest* records not resulting in a conviction can be reported for up to 7 years. However, there are 14 states that limit CRA's criminal records reporting to convictions only.

Are offenses committed while a minor reported?

An applicant wants to dispute their background check results. What is the dispute process?

How long does the dispute process take?

How can the applicant request a copy of their background report?

How long will it take before the applicant receives a copy of their background report once requested?

What does a background check consist of?

Is a credit check always performed?

Do we obtain credit score information if a credit check is conducted?

Are the credit inquiries hard hits?

Does A-Check make the hiring decision?

Do you conduct background checks on companies?

Can I request a background check on myself, a friend or anyone else?

Useful Employer Links

I have another question not addressed here. Who do I contact?

Drug Testing - Medical Screening FAQ - Employers

How long does it take for Drug Screen results?

What drug testing method or methods should I use at my organization?

Can I use instant detection products such as saliva or urine analysis cups in my state or country for employment screening purposes?

Can I use A-Check's instant detection products such as saliva or urine analysis cups for home use?

What are the time Detection Windows for the different methods of drug testing?

Where can I find the text of regulations covering 49 CFR Part 40?

Where can I get DOT drug and alcohol testing information for my employees?

What are the required Random DOT Testing Rates?

Useful Employer Links

I have another question not addressed here. Who do I contact?

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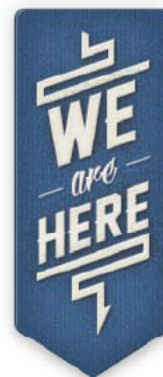
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Exhibit D

acquital
acquittal
acquittal/not guilty
acquitted
acquitted by court
amended
and dismissed
bond forfeiture
case dismissed
charge dismissed
charge dismissed but read in
charge dismissed with leave to reinstate
charge dismissed, non-conviction
cjoc – closed, jeopardy, or other convictions
closing dismissal
compl dismissed by cty atty
conviction set aside
court dismissal
ct dismissed
dead docket
declined prosecution
default judgment
denied (with all wildcard variations)
diasmissed
dimissed
directed verdict not guilty
discharged
dismisaal issued
dismissed
dismiss (with all wildcard variations)
dismiss by pros
dismiss/state motion
dismissal
dismissal w/ leave
dismissal w/leave by da
dismissal w/o leav
dismissal w/o leave
dismissal w/out leave by da
dismissal with leave by da
dismissal without leave
dismissal without leave by da
dismissd
dismisce
dismissed
dismissed – convicted in another case

dismissed – costs to defendant
dismissed – motion by prosecutor
dismissed (count
dismissed after costs
dismissed all charges
dismissed at district court
dismissed at preliminary hearing
dismissed by court
dismissed by da
dismissed by other
dismissed by prosecution
dismissed by prosecutor
dismissed direct indictment
dismissed lower court
dismissed no prosecution
dismissed on defendant's motion
dismissed on motion of prosecutor
dismissed on prosecutor's motion
dismissed voluntary payment
dismissed with prejudice
dismissed without prejudice
dismissed/terminate court supervision
dismissing
dismissed not indicted
dismssed
disposed
disposed lower court
dropped
dropped/abandoned
dropped/abandoned/no information filed
dropped/dismissed
dsimissed
dsimsised
dwl
ended
execution of issue
forfeiture
found not guilty
intervention in lieu of conviction, dismissed, non-conviction
judgment dismissal
judgment of acquittal
judgment on bond forfeiture
judgment set aside, non-conviction
judicial dismissal
no action taken

no bill
no billed
no complaint filed
no further action anticipated
no information
no information filed
no information notice
no information signed
no papered
no probable cause
no true bill
no-billed
no file/no prosecution
nol presqui
nol pross
nole pross
nole prosse
nolle (with all wildcard variations)
nolle completed deferred prosecution
nolle presqui with court
nolle pros
nolle prosecution
nolle prosed
nolle prosequi
nolle prosequi – case
nolle prosequi – charge
nolle prosequi indicted
nolle prosequi
nolle pross
nolle prosse
nolle prossed
nolle prossed with costs
nolle prossed, non-conviction
nolle prossed, non-conviction
nolle prosses
nolle prsoequi
nolled
nolleprosse
nolleprossed
nollied
nolo contender plea
non adjudication of guilt
non adjudication of guilt (agreed plea)
non suit
nonadjudication of guilt

non-conviction
not addressed
not available
not file/down filed
not filed
not guilty – bench
not guilty – jury
not guilty (with all wildcard variations)
not guilty bench trial
not guilty jury trial
not guilty/deny
not presented to grand jury
not responsible
not sustained at prelim/grand jury
notice termination prosecution
quashed
refused
set aside/voided
sol
terminated
void
waiting on researcher
waived to grand jury
warrant dismiss
withdrawn (with all wildcard variations)