

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CENTRAL CREDIT, LLC, a limited
liability company,**

Defendant.

Civil Action No.

**STIPULATED FINAL JUDGMENT AND ORDER FOR CIVIL PENALTIES,
PERMANENT INJUNCTION, AND OTHER EQUITABLE RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission ("FTC" or "Commission"), is concurrently filing its Complaint herein, which alleges that Defendant Central Credit, LLC, a wholly owned subsidiary of Global Cash Access, Inc., has engaged in violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681-1681x, and in unfair or deceptive acts or practices in violation of Section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 45(a). Defendant has been represented by the attorney whose name appears hereafter. The parties have agreed to entry of this Stipulated Final Judgment and Order for Civil Penalties, Permanent Injunction, and

Other Equitable Relief ("Order") to resolve all matters in dispute in this action without trial or adjudication of any issue of law or fact herein and without Defendant admitting the truth of, or liability for, any of the matters alleged in the Complaint. Defendant has waived service of the Summons and Complaint.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

FINDINGS

1. This Court has jurisdiction over the subject matter of this case and over Defendant Central Credit, LLC.
2. Venue in this district is proper under 28 U.S.C. §§ 1391(b)-(c), and 15 U.S.C. § 53(b).
3. The Complaint states claims upon which relief may be granted against Defendant under sections 5(a), 13(b), and 16(a) of the Federal Trade Commission Act, 15 U.S.C. §§ 45(a), 53(b), and 56(a); and under sections 607(d), 609(c), 612(a)(1)(C) and (a)(2), and 621 of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681e, 1681g, and 1681s and the Streamlined Process Rule, 16 C.F.R. § 610.3, promulgated pursuant to section 612(a)(1)(C) of the FCRA, 15 U.S.C. § 1681j(a)(1)(C).
4. Defendant makes no admissions to the allegations in the Complaint, other than the jurisdictional facts.
5. Defendant waives: (a) all rights to seek appellate review or otherwise challenge or contest the validity of this Order; (b) any claim Defendant may have against the Commission, its employees, representatives, or agents that relate to the matter stated herein; (c) all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended by Pub. L. 104-121, 110

Stat. 847, 863-64 (1996); and (d) any rights to attorneys' fees that may arise under said provision of law.

6. Entry of this Order is in the public interest.
7. For the purpose of this Order:
 - a. "Defendant" shall mean Central Credit, LLC, and its successors and assigns.
 - b. The definitions set forth in the FCRA, 15 U.S.C. §§ 1681a, *et seq.*, and the Streamlined Process Rule, 16 C.F.R. Part 610, shall apply.

ORDER

I. CIVIL PENALTY

IT IS ORDERED that Defendant shall pay to Plaintiff, pursuant to section 621(a) of the FCRA, 15 U.S.C. § 1681s(a), a civil penalty in the amount of \$150,000.

A. Defendant shall make this payment within seven (7) business days of the date of service of this Order by electronic fund transfer in accordance with instructions provided by the Office of Consumer Litigation, Civil Division, U.S. Department of Justice, Washington, D.C. 20530, for appropriate disposition.

B. In the event of any default in payment, which default continues for ten (10) days beyond the due date of payment, the entire unpaid penalty, together with interest, as computed pursuant to 28 U.S.C. § 1961 from the date of default to the date of payment, shall immediately become due and payable.

C. This judgment represents a civil penalty owed to the United States Government, and is not compensation for actual pecuniary loss, and, therefore, is not subject to discharge under the Bankruptcy Code pursuant to 11 U.S.C. § 523(a)(7). Defendant agrees that the facts as

alleged in the Complaint filed in this action shall be taken as true, without further proof, in any subsequent civil litigation filed by or on behalf of the Commission to enforce its rights to any payment or money judgment 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 for return of the funds, directly or indirectly, through counsel or otherwise.

II. PROHIBITED BUSINESS ACTIVITIES

IT IS FURTHER ORDERED that Defendant, and its officers, agents, servants, employees, and all persons or entities in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any business entity, corporation, subsidiary, division, affiliate, or other device, when operating as a consumer reporting agency as defined in section 603(w) of the FCRA, 15 U.S.C. § 1681a(w), are hereby permanently restrained and enjoined from:

A. Failing to provide the "User Notice" required by section 607(d) of the FCRA, 15 U.S.C. § 1681e(d), to all users of Defendant's consumer reports.

B. Failing to provide the "Furnisher Notice" required by section 607(d) of the FCRA, 15 U.S.C. § 1681e(d), to all furnishers of consumer report information to Defendant.

C. Failing to provide the "Summary of Rights" notice required by section 609(c)(2) of the FCRA, 15 U.S.C. § 1681g(c)(2), to all consumers who obtain file disclosures from Defendant.

D. When operating as a nationwide specialty consumer reporting agency, failing to establish and maintain a streamlined process to enable consumers to obtain their free annual file disclosures by a toll-free telephone number, as required by sections 612(a)(1)(C) and 612(a)(2) of the FCRA, 15 U.S.C. §§ 1681j(a)(1)(C) and 1681j(a)(2), and section 610.3 of the Streamlined Process Rule, 16 C.F.R. § 610.3

III. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order:

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 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. having its representatives pose as consumers and suppliers to Defendant, its employees, or any 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 and 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. COMPLIANCE REPORTING BY DEFENDANT

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:

A. For a period of three (3) years from the date of entry of this Order, Defendant shall notify the Commission of any changes in structure of Defendant or any other business entity that Defendant directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to incorporation or other organization; a dissolution, assignment, sale, merger, or other action; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; or a change in the business name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any such change in the business entity about which Defendant learns less than thirty (30) days prior to the date such action is to take place, Defendant shall notify the Commission as soon as is practicable after obtaining such knowledge.

B. One hundred eighty days after the date of entry of this Order and annually thereafter for a period of three (3) years, Defendant shall provide a written report to the Commission, which is true and accurate and sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Order. This report shall include, but not be limited to:

1. A copy of each acknowledgment of receipt of this Order, obtained pursuant to the Section titled "Distribution of Order"; and
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 within fifteen (15) days of filing.

D. For 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, Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Room NJ-2122
Washington, D.C. 20580
RE: United States v. Central Credit, LLC

Provided that, in lieu of overnight courier, Defendant may send such reports or notifications by first-class mail, but only if Defendant contemporaneously sends an electronic version of such reports or notifications to the Commission at: DEBrief@ftc.gov.

E. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with the Defendant. *Provided however,*

nothing in this provision shall limit the Commission's authority to pose as a consumer or supplier pursuant to Subsection B.2 of the Section titled "Compliance Monitoring."

V. RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of six (6) years from the date of entry of this Order, Defendant is hereby restrained and enjoined from failing to create and retain the following records:

- A. Files containing the names, addresses, and telephone numbers of all users and furnishers of consumer report information that received the section 607(d) User Notice and Furnisher Notice, and all materials considered by Defendant to demonstrate compliance with section 607(d) of the FCRA.
- B. Copies of all training materials and written policies and procedures that relate to Defendant's activities as alleged in the Complaint or Defendant's compliance with the provisions of this Order.
- C. All records and documents necessary to demonstrate full compliance with each provision of this Order, including but not limited to, copies of acknowledgments of receipt of this Order, required by Sections titled "Distribution of Order" and "Acknowledgment of Receipt of Order" and all reports submitted to the FTC pursuant to the Section titled "Compliance Reporting."
- D. All records and documents that contradict, qualify, or call into question Defendant's compliance with this Order.

VI. DISTRIBUTION OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that, for a period of three (3) years from the date of entry of this Order, Defendant shall deliver copies of this Order as directed below:

A. Defendant must deliver a copy of this order to (1) all of its principals, officers, directors, and managers; (2) all of its employees, agents, and representatives who engage in conduct related to the subject matter of this Order; and (3) any business entity resulting from any change in structure set forth in Subsection A of the Section titled "Compliance Reporting." For current personnel, delivery shall be within five (5) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities. For any business entity resulting from any change in structure set forth in Subsection A of the Section titled "Compliance Reporting," delivery shall be at least ten (10) days prior to the change in structure.

B. Defendant shall secure a signed and dated statement acknowledging receipt of this Order, within thirty (30) days of delivery, from all persons receiving a copy of the Order pursuant to this Section.

VII. ACKNOWLEDGMENT OF RECEIPT OF ORDER

IT IS FURTHER ORDERED that Defendant, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

VIII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

IX. COSTS AND ATTORNEYS' FEES

IT IS FURTHER ORDERED that each party shall bear its own costs and attorneys' fees incurred in connection with this action.

The parties hereby stipulate to the entry of the foregoing Order, which shall constitute a final Order in this action.

IT IS SO ORDERED:

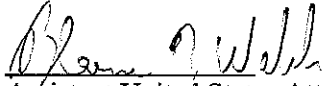
Dated this _____ day of _____ 2010.

UNITED STATES DISTRICT JUDGE

FOR THE PLAINTIFF
UNITED STATES OF AMERICA:

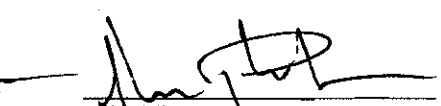
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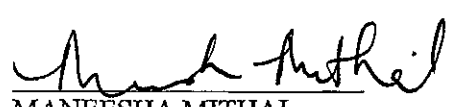

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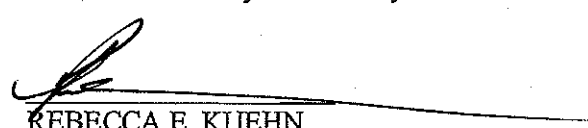
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FOR THE FEDERAL TRADE COMMISSION


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FOR THE DEFENDANT:

A handwritten signature in black ink, appearing to read 'Scott Betts', written over a horizontal line.

Scott Betts, President & CEO
Central Credit LLC

A handwritten signature in black ink, appearing to read 'Andrew M. Smith', written over a horizontal line.

ANDREW M. SMITH
Morrison & Foerster LLP
2000 Pennsylvania Ave., NW
Suite 6000
Washington, D.C. 20006

REASONS FOR SETTLEMENT

This statement accompanies the final order executed by defendant Central Credit LLC. The final order enjoins Central Credit, LLC from violating sections 607(d) and 609(c)(2) of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681e and 1681g as well as section 610.3 of the Streamlined Process Rule, 16 C.F.R. § 610.3. The final order also requires that entry of a judgment in the amount of one hundred and fifty thousand dollars (\$150,000) as a civil penalty be entered against defendant.

Pursuant to section 5(m)(3) of the Federal Trade Commission Act ("FTC Act"), as amended 15 U.S.C. § 45(m)(3), the Commission hereby sets forth its reasons for settlement by entry of a Stipulated Final Judgment and Order for Civil Penalties, Permanent Injunction, and Other Equitable Relief ("final order"):

On the basis of the allegations contained in the complaint, and the statutory factors in the FCRA and the FTC Act, the Commission believes that the civil penalty judgment of \$150,000 constitutes an appropriate amount on which to base the settlement, and that the provision enjoining defendant from violating sections 607(d) and 609(c)(2) of the FCRA as well as section 610.3 of the Streamlined Process Rule should ensure defendant's future compliance with the law. With the entry of the final order, the time and expense of litigation will be avoided.

For the foregoing reasons, the Commission believes that the settlement by entry of the attached final order is justified and well within the public interest.