

RECEIVED

FILED
JAN 13 2006 DISTRICT COURT

Paul M. Warner, United States Attorney
Carlie Christensen, Assistant United States Attorney for United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
(801) 524-5682

OFFICE OF JUDGE (TENA) CAMPBELL

RECEIVED
JAN 17 P 3 08 CLERK

JAN 12 2006
DISTRICT OF UTAH

JUDGE'S COPY
BY: _____
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Civil Action No.

Plaintiff,

CONSENT DECREE

v.

FAR WEST CREDIT, Inc.

Judge Tena Campbell

DECK TYPE: Civil

DATE STAMP: 01/12/2006 @ 15:48:46

CASE NUMBER: 2:06CV00041 TC

Defendant.

WHEREAS: Plaintiff, the United States of America, has commenced this action by filing the complaint herein; Defendant has waived service of the summons and complaint; the Defendant has been represented by the attorneys whose names appear hereafter; and the Defendant has agreed to settlement of this action upon the following terms and conditions, without adjudication of any issue of fact or law and without Defendant admitting liability for any of the matters alleged in the complaint;

THEREFORE, on the joint motion of Plaintiff and Defendant, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

FINDINGS

1. This Court has jurisdiction of the subject matter and of the party.
2. The complaint states a claim upon which relief may be granted against the Defendant under §§ 5(a)(1), 5(m)(1)(A), 13(b), and 16(a) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), and 56(a), and Section 621 of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681s.
3. For purposes of this Consent Decree:
 - a. “Defendant” shall mean Far West Credit, Inc.; and
 - b. the definitions set forth in the FCRA, 15 U.S.C. § 1681a, shall apply.

MONETARY SETTLEMENT

4. Defendant Far West Credit, Inc., its successors and assigns, shall pay to the plaintiff a civil penalty pursuant to Section 621(a) of the Fair Credit Reporting Act, 15 U.S.C. § 1681s(a), in the amount of \$120,000.
5. Defendant Far West Credit, Inc., shall make the payment required by Paragraph 4 within five (5) days following entry of this Consent Decree by electronic fund transfer in accordance with the instructions to be provided by the Office of Consumer Litigation, Civil Division, United States Department of Justice, Washington, D.C., 20530.
6. 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.

INJUNCTION

7. Defendant, its successors and assigns, and its officers, agents, servants, employees and representatives, and all persons in active concert or participation with any one or more of them who receive actual notice of this Consent Decree by personal service or otherwise, are hereby enjoined from violating, directly or through any corporation, subsidiary, division or other device, Section 607(b) of the FCRA, 15 U.S.C. § 1681e(b), by failing to follow reasonable procedures to assure the maximum possible accuracy of information in consumer reports that the Defendant disseminates.

8. Defendant, its successors and assigns, shall within thirty (30) days of the date of entry of this Consent Decree, provide a copy of this Consent Decree to each of its officers, agents, servants, and employees who prepare or are responsible for the preparation of consumer reports, and, for a period of two (2) years, shall also provide a copy of this Consent Decree to each new officer, agent, servant, or employee who will prepare or be responsible for the preparation of consumer reports. Defendant shall secure from each such person a signed statement acknowledging receipt of the Consent Decree.

9. Defendant, its successors and assigns, shall within ninety (90) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

10. For a period of three (3) years from the date of entry of this Consent Decree, Defendant, its successors and assigns, shall maintain and make available to the Federal Trade Commission, within thirty (30) days of the receipt of a written request, business records

demonstrating compliance with the terms and provisions of the Consent Decree.

11. For a period of five (5) years from the date of entry of this Consent Decree, Defendant and their successors and assigns shall notify the Federal Trade Commission in writing at least thirty (30) days prior to any change in the structure of Defendant, including, but not limited to, any change which results in the emergence of a successor corporation or any change which may affect Defendant's obligations under this Consent Decree.

12. Defendant is hereby required, in accordance with 31 U.S.C. § 7701, to furnish to the Federal Trade Commission its taxpayer identifying number, which shall be used for purposes of collecting and reporting on any delinquent amount arising out of such person's relationship with the government.

13. For purposes of this Consent Decree, Defendant shall, unless otherwise directed by the Commission's authorized representatives, mail all written reports, notifications, and other correspondence to the Commission to:

Associate Director for Financial Practices
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

14. For purposes of compliance reporting, if undersigned counsel no longer represents Defendant, plaintiff and the Federal Trade Commission are authorized to communicate directly with Defendant.

CONTINUING JURISDICTION

15. This Court shall retain jurisdiction of this matter for the purposes of enabling either

of the parties to this Consent Decree to apply to the Court at any time for such further orders or directives as may be necessary or appropriate for the interpretation or modification of this Consent Decree, for the enforcement of compliance with the Consent Decree, or for the punishment of violations thereof.

JUDGMENT IS THEREFORE ENTERED in favor of Plaintiff and against Defendant, pursuant to all the terms and conditions recited above.

Dated this 17 day of Jan, 2006 ^{TC}



United States District Judge

The parties, by their respective counsel, hereby consent to the terms and conditions of the Consent Decree as set forth above and consent to the entry thereof. Defendant waives any rights that may arise under the Equal Access to Justice Act, 28 U.S.C. § 2412, amended by Pub. L. 104-121, 110 Stat. 847, 863-64 (1996).

FOR THE UNITED STATES OF AMERICA:

PETER D. KEISLER
Assistant Attorney General
Civil Division
United States Department of Justice

PAUL M. WARNER
United States Attorney
District of Utah

By: *Caitie Armstrong*
Assistant United States Attorney
United States Attorney's Office
185 South State Street, Suite 400
Salt Lake City, Utah 84111
(801) 524-5682

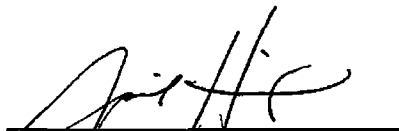
EUGENE M. THIROLF
Director
Office of Consumer Litigation
Elizabeth Stein
ELIZABETH STEIN
Trial Attorney
Office of Consumer Litigation
United States Department of Justice
P.O. Box 386
Washington, D.C. 20044
(202) 307-0066 (VOICE)
(202) 514-8742 (FACSIMILE)

FOR THE FEDERAL TRADE COMMISSION:

Joel Winston
JOEL WINSTON
Associate Director for Financial Practices

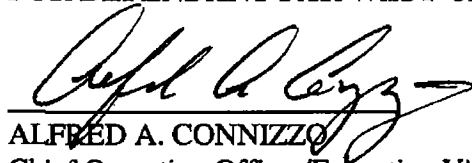
Peggy Dowhig
PEGGY DOWHIG
Assistant Director for Financial Practices

William L. Haynes
WILLIAM L. HAYNES
Attorney

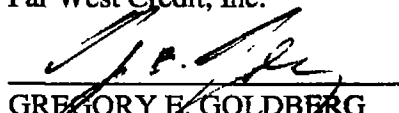


JAMIE E. HIME
Attorney
Division of Financial Practices
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580
(202) 326-3224

FOR DEFENDANT FAR WEST CREDIT, INC.:



ALFRED A. CONNIZZO
Chief Operating Officer/Executive Vice President
Far West Credit, Inc.



GREGORY E. GOLDBERG
Holland and Hart
555 Seventeenth Street, Suite 3200
Denver, CO 80202-3979
Attorney for Defendant

REASONS FOR SETTLEMENT

This statement accompanies the Consent Decree executed by defendant, in settlement of an action brought to recover penalties and other equitable relief from defendant for engaging in acts or practices in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, and Section 607(b) of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.

Pursuant to Section 5(m)(3) of the Federal Trade Commission Act, as amended (15 U.S.C. § 45(m)(3)), the Commission hereby sets forth its reasons for settlement by entry of a Consent Decree and injunction:

On the basis of the allegations contained in the attached Complaint, the Commission believes that the payment of \$120,000 in civil penalties by the defendant, Far West Credit Inc. constitutes an appropriate settlement. The amount should indicate to the defendant and to others similarly situated the need for full and complete compliance with the requirements of the Fair Credit Reporting Act. Further, defendant is required to comply with Section 607(b) of Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., which requires the use of reasonable procedures to assure the maximum possible accuracy of information contained in consumer reports. With the entry of this Consent Decree, the time and expense of litigation will be avoided.

For the foregoing reasons, the Commission believes that the settlement by entry of the attached Consent Decree with the defendant is justified and well within the public interest.