SAMPLE PRE-ADVERSE ACTION NOTIFICATION LOS ANGELES, CALIFORNIA

<Date>

<Applicant/Employee Name/Volunteer Name>

<Address>

<City>, <State> <Zip Code>

Dear <Applicant/Employee/Volunteer Name>

You recently authorized **[INSERT NAME OF COMPANY]** (the “Company”)to obtain consumer reports and/or investigative consumer reports about you from a consumer reporting agency. The Company is considering taking action in whole or in part based on information in such report(s), including the following specific items identified in the report:

**<List specific items>**

We will evaluate the information in your report on an individualized case-by-case basis in accordance with applicable law. If you believe that there is additional information that may help us better evaluate your fitness for this position, including evidence of rehabilitation or mitigating circumstances, please contact **<name of individual/department and phone number within your business/organization that the applicant can contact >** immediately. If you are applying for a position in Los Angeles and we receive additional information from you within the next 5 business days, we are required to reassess your case. You will be notified of our final decision and provided with a copy of our written assessment. If you are applying for a position in California and advise us within the next 5 business days that the criminal record information is inaccurate, that you are obtaining supporting documentation, you will be given an additional 5 business days to provide us with that information.

Enclosed please find (1) a copy of the report we obtained from **IntelliCorp, 3000 Auburn Drive, Suite 410, Beachwood, Ohio 44122; Tel. No. 1.866.202.1436; E-mail** **reinvestigation@intellicorp.net****;** [**www.intellicorp.net**](http://www.intellicorp.net); (2) A Summary of Your Rights Under the Fair Credit Reporting Act.

If you are applying for a position in Los Angeles, additionally enclosed is a copy of the written assessment required by the Los Angeles Fair Chance Initiative for Hiring Ordinance.

If you wish to dispute the accuracy of the information in the report directly with the consumer reporting agency (i.e., the source of the information contained in the report), you should contact the agency identified above directly.

If we do not hear from you within **< X number of business days (recommended 10 day window)>** days, we will make our employment decision based on the information currently available to us.

In the event that an adverse employment action is taken based upon information contained in the pre-employment background screen, the Company will provide you notice of such action.

Sincerely,

<Company Representative Name>

<Title>

Enclosures:
A Summary of Your Rights Under the FCRA
Consumer Report

Los Angeles Fair Chance Initiative for Hiring Ordinance Written Assessment



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| **INFORMATION** |
| Employer Name: | Applicant Name: |
| Position Applied For: | Date of Conditional Offer: |
| Date of Criminal History Report: | Individual Assessment Performed by: |
| Date of Assessment: | Date of Reassessment (if applicable): |
| **The following factors were considered, as required by Section 189.03 of the Los Angeles Municipal Code or Section 10.48.3 of the Los Angeles Administrative Code, before making our determination:** |
| 1. The specific duties and responsibilities of the job, which are:
	1.
	2.
	3.
	4.
 |
| 2. Description of the criminal conduct and why the conduct is of concern. |
| 3. How long ago did the criminal activity occur: |
| 4. | Age at the time of last criminal activity: |  |
| 1. Activities since criminal activity such as work experience, job training etc.:
	1.
	2.
	3.
	4.
 |
| **Based on the factors above, we are considering rescinding our offer of employment because:** |
| Describe how there is a link between the specific aspects of the Applicant’s Criminal History with risks inherent in the duties of the Employment position. |

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| **To be completed for a Reassessment:** |
| 1. Was there an error made in the Criminal History Report? |
| 2 Evidence of rehabilitation and good conduct, which is:1.
2.
3.
4.

Evidence includes documents that the Applicant attended school, religious institution, job training, or counseling; or is involved with the community. They can include letters from people who know them, like teachers, counselors, supervisors, clergy, and parole or probation officers. |
| Based on the evidence provided, we are rescinding/not rescinding (circle one) our offer of employment because: |

Note: Employers shall retain all records and documents related to Applicants’ Employment applications and the written assessment and reassessment performed for a period of three years following the receipt of an Applicant’s Employment application.

**Form OWS, 01/17 BUREAU OF CONTRACT ADMINISTRATION: 1149 S. BROADWAY, STE 300, LOS ANGELES CA 90015**

*Para información en español, visite* [*www.consumerfinance.gov/learnmore*](http://www.consumerfinance.gov/learnmore) *o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.*

**A Summary of Your Rights Under the Fair Credit Reporting Act**

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to** [**www.consumerfinance.gov/learnmore**](http://www.consumerfinance.gov/learnmore) **or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

* **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
* **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file

disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:

* + a person has taken adverse action against you because of information in your credit report;
	+ you are the victim of identity theft and place a fraud alert in your file;
	+ your file contains inaccurate information as a result of fraud;
	+ you are on public assistance;
	+ you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

* **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
* **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer

reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.

* **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
* **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
* **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
* **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
* **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
* The following FCRA right applies with respect to nationwide consumer reporting agencies**:**

**CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent.

However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is

placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before

extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

* **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
* **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**

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| **TYPE OF BUSINESS:** | **CONTACT:** |
| 1.a. Banks, savings associations, and credit unions with total assets of over $10 billion and their affiliatesb. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB: | 1. Consumer Financial Protection Bureau 1700 G Street, N.W.

Washington, DC 205521. Federal Trade Commission Consumer Response Center

600 Pennsylvania Avenue, N.W.Washington, DC 20580(877) 382-4357 |
| 1. To the extent not included in item 1 above:
	1. National banks, federal savings associations, and federal branches and federal agencies of foreign banks
	2. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.
	3. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations
	4. Federal Credit Unions
 | 1. Office of the Comptroller of the Currency Customer Assistance Group

1301 McKinney Street, Suite 3450Houston, TX 77010-90501. Federal Reserve Consumer Help Center

P.O. Box 1200 Minneapolis, MN 554801. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
2. National Credit Union Administration

Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke StreetAlexandria, VA 22314 |
| 3. Air carriers | Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection DivisionDepartment of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590 |
| 4. Creditors Subject to the Surface Transportation Board | Office of Proceedings, Surface Transportation Board Department of Transportation395 E Street, S.W. Washington, DC 20423 |
| 5. Creditors Subject to the Packers and Stockyards Act, 1921 | Nearest Packers and Stockyards Administration area supervisor |
| 6. Small Business Investment Companies | Associate Deputy Administrator for Capital Access United States Small Business Administration409 Third Street, S.W., Suite 8200Washington, DC 20416 |
| 7. Brokers and Dealers | Securities and Exchange Commission 100 F Street, N.E.Washington, DC 20549 |
| 8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations | Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090 |
| 9. Retailers, Finance Companies, and All Other Creditors Not Listed Above | Federal Trade Commission Consumer Response Center600 Pennsylvania Avenue, N.W.Washington, DC 20580(877) 382-4357 |

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*Para obtener información en español, visite* [*www.consumerfinance.gov/learnmore*](http://www.consumerfinance.gov/learnmore) *o escriba a: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.*

**Un resumen de sus derechos en virtud de la Ley de Informe Justo de Crédito**

La Ley de Informe Justo de Crédito (Fair Credit Reporting Act, FCRA), una ley federal, fomenta la exactitud, imparcialidad y privacidad de la información en los archivos de las agencias de informe del consumidor. Existen muchos tipos de agencias de informe del consumidor, incluidas las agencias de crédito (credit bureaus) y las agencias especializadas (como las agencias que venden información sobre el historial de extensión de cheques, registros médicos y registros de historial de alquiler). A continuación se presenta un resumen de sus principales derechos en virtud de la FCRA. **Para obtener más información, incluyendo información sobre derechos adicionales, visite** [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) **o escriba a: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

* **Deben notificarle si la información contenida en su archivo se ha utilizado en su contra.** Todo aquel que utilice un informe de crédito u otro tipo de informe de consumidor para denegar su solicitud de crédito, seguro o empleo, o para emprender otra acción adversa en su contra, debe informarle y debe darle el nombre, la dirección y el número de teléfono de la agencia que proporcionó esa información.
* **Usted tiene derecho a saber lo que contiene su archivo.** Usted puede solicitar y obtener toda la información registrada bajo su nombre en los archivos de una agencia de informe del consumidor (divulgación de su información). Usted deberá proporcionar una prueba de su identidad, que puede incluir su número de Seguro Social. En muchos casos, la divulgación de la información de su archivo será gratuita. Usted tiene derecho a recibir una copia gratuita de su archivo si:
	+ Una persona ha emprendido una acción adversa en su contra debido a la información contenida en su informe de crédito.
	+ Usted es víctima de un robo de identidad y coloca una alerta de fraude en su archivo.
	+ Su archivo contiene información inexacta como resultado de fraude.
	+ Usted recibe asistencia pública.
	+ Usted no está empleado pero prevé solicitar empleo en un plazo de 60 días.

Asimismo, todos los consumidores tendrán derecho a recibir una copia gratuita de la información registrada en su archivo cada 12 meses si así se lo solicitan a cada agencia de crédito a nivel nacional y a las agencias especializadas de informe del consumidor a nivel nacional. Para obtener más información, visite [www.consumerfinance.gov/learnmore.](http://www.consumerfinance.gov/learnmore)

* **Usted tiene derecho a pedir su puntaje de crédito.** Los puntajes de crédito son resúmenes numéricos de su solvencia de crédito basados en la información de las agencias de crédito. Usted puede solicitar su puntaje de crédito a las agencias de informe del consumidor que generan o distribuyen los puntajes utilizados en préstamos de bienes raíces residenciales, pero tendrá que pagar un cargo. En algunas transacciones hipotecarias, el prestamista le dará información sobre su puntaje de crédito gratuitamente.
* **Usted tiene derecho a impugnar la información incompleta o inexacta.** Si usted identifica información en su archivo que es incompleta o inexacta, y la reporta a la agencia de informe del consumidor, la agencia debe investigar, a menos que su impugnación sea frívola. Para consultar una explicación sobre los procedimientos de impugnación, visite [www.consumerfinance.gov/learnmore.](http://www.consumerfinance.gov/learnmore)
* **Las agencias de informe del consumidor deben corregir o eliminar la información inexacta, incompleta o no verificable.** La información inexacta, incompleta o no verificable debe ser eliminada o corregida, por lo general en un plazo de 30 días. No obstante, si una agencia de informe del consumidor verifica la exactitud de la información, puede seguir reportándola.
* **Las agencias de informe del consumidor no pueden reportar información negativa desactualizada.** En la mayoría de los casos, una agencia de informe del consumidor no puede reportar información negativa ocurrida hace más de siete años, ni quiebras ocurridas hace más de 10 años.
* **El acceso a su archivo es limitado.** Una agencia de informe del consumidor puede proporcionar información sobre usted solamente a aquellas personas que realmente la necesiten — generalmente para considerar una solicitud presentada por usted ante un acreedor, asegurador, empleador, propietario de una vivienda en alquiler u otro negocio. La FCRA especifica quiénes son las personas que tienen una necesidad válida de acceso.
* **Usted debe otorgar su consentimiento para que se envíen sus informes a los empleadores.** Una agencia de informe del consumidor no puede darle información sobre usted a su empleador, ni a un posible empleador sin su consentimiento escrito a nombre del empleador. Por lo general, el consentimiento escrito no es requerido en la industria del transporte de carga por camión. Para obtener más información, visite [www.consumerfinance.gov/learnmore.](http://www.consumerfinance.gov/learnmore)
* **Usted puede limitar las ofertas "pre-evaluadas" de crédito y seguro que recibe y que están basadas en la información de su informe de crédito.** Las ofertas "pre-evaluadas" de crédito y seguro no solicitadas deben incluir un número de teléfono gratuito al que usted puede llamar si desea eliminar su nombre y dirección de las listas en las que se basan estas ofertas. Puede solicitar su exclusión voluntaria de estas listas llamando a las agencias de crédito a nivel nacional al 1-888-5-OPTOUT (1-888-567-8688).
* El siguiente derecho, en virtud de la FCRA, se aplica a las agencias de informe del consumidor a nivel nacional:

# LOS CONSUMIDORES TIENEN EL DERECHO A OBTENER UNA SUSPENSIÓN POR SEGURIDAD

Usted tiene derecho a colocar un "congelamiento de seguridad" en su informe de crédito, la misma que prohíbe a las agencias de informe del consumidor, a entregar información sobre su informe de crédito sin su autorización expresa. El congelamiento de seguridad está diseñado para evitar que créditos, préstamos y servicios se aprueben en su nombre sin su consentimiento. Sin embargo, usted debe saber que colocar un congelamiento de seguridad para controlar el acceso a la información personal y financiera en su informe de crédito podría retrasar, interferir o

bloquear la aprobación a tiempo de peticiones o solicitudes posteriores que usted haga con respecto a un nuevo préstamo, crédito, hipoteca o cualquier otra transacción para obtener un crédito.

Como alternativa a un congelamiento de seguridad, usted tiene derecho a colocar una alerta de fraude inicial o extendida en su archivo de crédito sin costo alguno. Una alerta de fraude inicial es un aviso que se coloca en el archivo de crédito del consumidor por un (1) año. Cuando una alerta de fraude se despliega en el archivo de crédito del consumidor, la empresa está obligada a tomar medidas para verificar la identidad de dicho consumidor, antes de concederle un crédito. Si usted es una víctima del robo de identidad, usted tiene derecho a colocar una alerta de fraude extendida, que es un aviso de fraude que dura 7 años.

El congelamiento de seguridad no es aplicable a personas o entidades, ni a las subsidiarias o agencias de cobranza que actúen en nombre de dichas personas o entidades, con las cuales usted ya tiene una cuenta y que solicitan información sobre su informe de crédito con el fin de cobrarle o revisar su cuenta. Revisar una cuenta significa realizar ciertas actividades como el mantenimiento, vigilancia, actualizaciones, mejoras y aumentos a la línea de crédito de dicha cuenta.

* **Usted puede obtener compensación de los infractores.** Si una agencia de informe del consumidor o, en algunos casos, un usuario de informe del consumidor, o un proveedor de información de una agencia de informe del consumidor infringe la FCRA, usted puede demandarlo ante una corte estatal o federal.
* **Las víctimas del robo de identidad y el personal militar en servicio activo tienen derechos adicionales.** Para obtener más información, visite [www.consumerfinance.gov/learnmore.](http://www.consumerfinance.gov/learnmore)

# Los estados tienen autoridad para hacer cumplir la FCRA, y muchos estados tienen su propia legislación sobre los informes de los consumidores. En algunos casos, usted puede tener más derechos en virtud de la ley estatal. Para obtener más información, comuníquese con su agencia estatal o local de protección del consumidor o con el Fiscal General estatal. Para obtener información sobre sus derechos federales, establezca contacto con:

|  |  |
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| **TIPO DE NEGOCIO:** | **ESTABLEZCA CONTACTO CON:** |
| 1.a. Bancos, asociaciones de ahorro y cooperativas de crédito con activos totales de más de $10 mil millones de dólares y sus filialesb. Dichas filiales que no sean bancos, asociaciones de ahorro o cooperativas de crédito también deben listar, además del CFPB: | 1. Consumer Financial Protection Bureau 1700 G Street, N.W.

Washington, DC 205521. Federal Trade Commission Consumer Response Center

600 Pennsylvania Avenue, N.W.Washington, DC 20580(877) 382-4357 |

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| 1. En la medida en que no estén comprendidos en el punto 1 anterior:
	1. Bancos nacionales, asociaciones de ahorro federales y sucursales federales y agencias federales de bancos extranjeros
	2. Bancos miembros del estado, sucursales y agencias de bancos extranjeros (que no sean sucursales federales, agencias federales, o Sucursales Estatales Aseguradas de Bancos Extranjeros), compañías de préstamos comerciales de propiedad o controladas por bancos extranjeros y las organizaciones que operan bajo la sección 25 o 25A de la Ley de la Reserva Federal (Federal Reserve Act)
	3. Bancos Asegurados No Miembros, Sucursales Estatales Aseguradas de Bancos Extranjeros y asociaciones de ahorros estatales aseguradas
	4. Cooperativas Federales de Crédito
 | 1. Office of the Comptroller of the Currency Customer Assistance Group

1301 McKinney Street, Suite 3450Houston, TX 77010-90501. Federal Reserve Consumer Help Center

P.O. Box. 1200 Minneapolis, MN 554801. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
2. National Credit Union Administration Office of Consumer Financial Protection (OCFP)

Division of Consumer Compliance Policy and Outreach 1775 Duke StreetAlexandria, VA 22314 |
| 3. Compañías aéreas | Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection DivisionDepartment of Transportation1200 New Jersey Avenue, S.E. Washington, DC 20590 |
| 4. Acreedores sujetos a la Junta de Transporte Terrestre (Surface Transportation Board) | Office of Proceedings, Surface Transportation Board Department of Transportation395 E Street, S.W. Washington, DC 20423 |
| 5. Acreedores sujetos a la Ley de Empacadores y Corrales Ganaderos de 1921 (Packers and Stockyards Act, 1921) | Supervisor de la oficina más cercana de la Packers and Stockyards Administration |
| 6. Compañías de Inversión en Pequeños Negocios | Associate Deputy Administrator for Capital Access United States Small Business Administration409 Third Street, S.W., Suite 8200Washington, DC 20416 |
| 7. Agentes y Distribuidores | Securities and Exchange Commission 100 F Street, N.E.Washington, DC 20549 |
| 8. Bancos Agrícolas Federales, Asociaciones de BancosAgrícolas Federales, Bancos Federales de Crédito Intermedio y Asociaciones de Crédito a la Producción | Farm Credit Administration1501 Farm Credit Drive McLean, VA 22102-5090 |
| 9. Minoristas, Compañías Financieras y todos los demás acreedores no indicados anteriormente | Federal Trade Commission Consumer Response Center600 Pennsylvania Avenue, N.W.Washington, DC 20580(877) 382-4357 |