

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY  
PENNSYLVANIA**

<p>ROBERT PIVERONAS, on behalf of himself and all other similarly situated individuals,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>SODEXO, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>CIVIL DIVISION</p> <p>No.: GD- _____</p> <p><b>CLASS ACTION COMPLAINT</b></p> <p>Code _____</p> <p>FILED ON BEHALF OF: Plaintiff</p> <p>COUNSEL OF RECORD FOR THIS PARTY:</p> <p>James Pietz, Esquire Pa. I.D. 55406 Ruairi McDonnell Pa. I.D. 316998 Feinstein Doyle Payne &amp; Kravec, LLC Law &amp; Finance Building, Suite 1300 429 Fourth Avenue Pittsburgh, PA 15219 412-281-8400</p> <p><u>JURY TRIAL DEMANDED</u></p>
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**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY  
PENNSYLVANIA**

ROBERT PIVERONAS,  
on behalf of himself and all  
similarly situated individuals,

**Plaintiffs,**

**V.**

SODEXO, INC.,

**Defendant.**

**CIVIL ACTION NO:**

## Class Action

# NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

## LAWYER REFERRAL SERVICE

The Allegheny County Bar Association  
400 Koppers Building, 436 Seventh Ave.  
Pittsburgh, PA 15219  
(412) 261-6161

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	)	<b>CIVIL ACTION NO:</b>
<b>Plaintiffs,</b>	)	
<b>v.</b>	)	
	)	
SODEXO, INC.,	)	
	)	<b>Class Action</b>
<b>Defendant.</b>	)	
	)	

**CLASS ACTION COMPLAINT**

**Summary Of The Case**

1. This class action seeks to enforce the Fair Credit Reporting Act's ("FCRA") "dual purpose" to protect consumers' rights to privacy and to foster the accuracy of consumer reports. In particular, this action addresses the obligations of employers in using "consumer reports" and "investigative consumer reports" for employment purposes as set forth in 15 U.S.C. §1681(d)(A)(1) (the Investigative Report Disclosure), 15 U.S.C. §1681b(b)(2) (the Stand-Alone disclosure) and 15 U.S.C. §1681b(b)(3) (the Pre-Adverse Action Disclosure").

2. The FCRA sets forth a fair and equitable procedure by which prospective or current employers may obtain consent from a consumer to access their personal and private information maintained by consumer reporting agencies. A person intending to use a consumer report for employment purposes must first make a simplified, clear and conspicuous disclosure to the consumer that a consumer report about the consumer may be obtained. Once such disclosures

have been made, the person intending to use the consumer report for employment purposes must then obtain the consumer's written authorization to obtain the report. If the person intending to use consumer reports for employment purposes fails to abide by these prerequisites and then obtains consumer reports, the consumer's consent is lacking and, as such, the consumer's privacy rights under the FCRA have been violated.

3. Over a period of several years prior to the filing of this action, Defendant Sodexo, Inc. ("Sodexo" or "Defendant") has routinely and systematically violated these FCRA basic protections by failing to make required "clear, conspicuous and accurate" disclosures to consumers before procuring their consumer reports for employment purposes and in using those unlawfully obtained consumer reports to preclude consumers from employment. Accordingly, Sodexo has routinely and systematically been violating the privacy rights of consumers under the FCRA.

4. Defendant routinely and systematically violates the Investigative Report Disclosure and the Stand-Alone Disclosure requirements by failing to make to consumers the required "clear and conspicuous" disclosures that a consumer reports for employment purposes may be obtained. Specifically, in making these disclosures, Defendant's routinely confuses the important distinction between "consumer reports" and "investigative consumer reports". Defendant's disclosures inaccurately portray these two distinct types of reports as "one in the same" despite the clear mandate of the FCRA that they are distinct and subject to different disclosure requirements. As a result, any reasonable consumers who would be the subject of these reports, are left confused and misled about their rights and the employer's duties under the FCRA.

5. Additionally, Defendant routinely and systematically violates the Pre-Adverse Action requirement by using consumer reports to make an “adverse” employment decision without providing consumers who are the subject of the report a copy of the report and a summary of rights under the FCRA a sufficient amount of time before the adverse action is taken.

6. Likewise, Defendant, Sodexo, Inc violated Plaintiff’s privacy rights under the FCRA. Sodexo failed to “clearly and conspicuously” disclose to Plaintiff that Sodexo would be requesting “consumer reports” about Plaintiff. Sodexo did not clearly and accurately disclose to Plaintiff that a consumer reporting agency would provide investigative consumer reports about him based upon personal interviews with neighbors, friends or associates of Plaintiff or that he had the right to request a disclosure about the nature and scope of that investigation from Sodexo.

7. After a series of interviews with Plaintiff, Sodexo representatives informed Plaintiff, Robert Piveronas, that he had the requisite experience and educational qualifications for a facilities management position at Sodexo. Relying on Sodexo’s representatives’ assurances that his consumer reports checked out and at Sodexo’s urging, Mr. Piveronas resigned from his existing job, foregoing substantial economic benefits provided by that job so he could start working for Sodexo. Yet, at the same time Sodexo representatives were assuring him that his experience and educational qualifications were acceptable, a consumer reporting agency was still in the process of conducting personal interviews with persons who knew him about his qualifications and background for purposes of providing Sodexo an investigative consumer report.

8. After he left his prior position, but before he could begin work, Sodexo “pulled the rug” from under Mr. Piveronas, informing him that Sodexo was no longer willing to employ him based upon information in a consumer report. Sodexo’s conduct left Mr. Piveronas without a job and without any employment income. Sodexo never provided Mr. Piveronas with the required a proper Investigative Report Disclosure and Stand-alone Disclosure prior to obtaining his consumer report for employment purposes, nor did Sodexo comply with the Pre-Adverse Action requirements in that it never provided the results of this consumer report or the FCRA summary of rights to Plaintiff, as required by the FCRA, before informing him that he would not be hired by Sodexo.

#### **JURISDICTION/VENUE**

9. The Court has jurisdiction under the FCRA, 15 U.S.C. §1681n and 1681p.

10. The Courts of Common Pleas of this Commonwealth are endowed with full authority as provided by law, which extends to causes of action arising under federal law. 42 P.S. § 931.

11. The Court has personal jurisdiction over Defendant.

12. Venue in this Court is proper under Pa.R.Civ.P. 1006 and 2179 because Defendant regularly conducts business in Allegheny County. Sodexo maintains local operations in the Pittsburgh area and the conduct complained of herein occurred in Allegheny County.

13. Plaintiff lives just outside of Pittsburgh in Allegheny County and such Plaintiff applied for a job with Defendant in Pittsburgh, Allegheny County.

## **PARTIES**

14. Robert Piveronas (hereinafter “Piveronas” or “Plaintiff”) is a resident of Allegheny County, Pennsylvania and a “consumer” as protected and governed by the FCRA.

15. Sodexo, Inc. (hereinafter “Sodexo”) is a corporation. At all times, relevant hereto, it was a “user” of the consumer reports of Plaintiffs, as governed by the FCRA.

16. Sodexo is a foreign corporation and is incorporated in the State of Delaware and has principal offices located in Gaithersburg, Maryland. Sodexo may be served at its registered agent, Corporate Creations in Erie, Pennsylvania.

17. Sodexo is a food services and facilities management company.

## **FACTUAL ALLEGATIONS**

### **The FCRA Imposes Duties On Persons Who Obtain Consumer Reports For Employment Purposes**

18. The FCRA was enacted in 1970 out of the recognition that the widespread dissemination of erroneous or inaccurate consumer reports was having a significant impact on the ability of consumers to obtain credit, employment, housing or insurance.

19. The stated purpose of the FCRA is to ensure that consumer reports are provided in a manner that is “fair and equitable to the consumer” and to ensure “the confidentiality, accuracy, relevancy and proper utilization of consumer reports.” 15 U.S.C. § 1681. A paramount concern of Congress in enacting the FCRA was the protection of consumers’ privacy interests.

20. Of particular concern for Congress was the use of consumer reports for employment purposes.

21. In enacting the FCRA, Congress set up a simplified, basic procedure that users of consumer reports for employment purposes are required to follow in order to obtain consent of

consumers to use consumer reports for employment purposes.

22. The FCRA defines a “person” as “. . . any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental sub-division, or other entity.”

23. Sodexo is a “person” as defined by the FCRA.

24. Sodexo, as standard practice, routinely uses “consumer reports” and “investigative consumer reports” pertaining to consumers for employment purposes.

25. The FCRA defines a “consumer report” as “*any* written, oral, or other communication of *any information* by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, mode of living which is used or expected to be used for. . . , “ *inter alia*, “(B) employment purposes.) (“emphasis added”).

26. An “investigative consumer report” is a specific kind of consumer report that is based upon and obtained through personal interviews with neighbors, friends or associates of a consumer. The term “investigative consumer report” is defined in 15 U.S.C. § 1681a(e) as a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information.

27. The FCRA provides for additional and different disclosure and other duties with respect to “investigative consumer reports”, as opposed to consumer reports in general, because they are subjective, rather than objective, in nature given that they are based upon interviews with persons who may know the subject of the report and who may have opinions or other



information that is difficult to verify.

28. A consumer reporting agency may furnish a consumer report to a person whom it has reason to believe intends to use the information for employment purposes. 15 U.S.C. § 1681b(a)(3)(B).

29. The “Stand-Alone Disclosure” requirement, 15 U.S.C. § 1681b(b)(2)(A), specifically regulates the conduct of “persons” who use a “consumer report” for employment purposes. In particular, the Stand-Alone Disclosure rule provides a general rule requiring that the person using a consumer report for employment purposes must provide to the consumer a simple, specified disclosure and obtain written authorization from the subject consumer before the consumer report is procured. This provision provides as follows:

Except as provided in subparagraph (B) [in cases of a consumer applying for a position over which the Secretary of Transportation may establish qualifications], a *person* may not procure a *consumer report*, or cause a *consumer report* to be procured, for employment purposes with respect to any consumer, unless –

- (i) a *clear and conspicuous* disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, *in a document that consists solely of the disclosure*, that a consumer report may be obtained for employment purposes; and
- (ii) the consumer has authorized in writing (which authorization may be made on the document referred to in clause (i)) the procurement of the report by that person.

15 U.S.C. § 1681b(b)(2)(A) (i) and (ii). (emphasis added).

30. The Stand-Alone Disclosure rule therefore imposes at least 3 duties on the user of a consumer report for employment purposes: 1) to provide a single, “clear and conspicuous” disclosure to the consumer that a consumer report will be procured for employment purposes before the report is actually procured; 2) to ensure that the disclosure that a consumer report for

employment purposes may be obtained is “in a document that consists solely of the disclosure” ; and 3) to obtain written authorization from the consumer that the user may obtain the report for employment purposes which written authorization may be included as part of the stand-alone disclosure document.

31. A person who fails to abide by these foregoing duties and then obtains a consumer report violates the consumer’s privacy rights under the FCRA by failing to obtain the requisite consent to use consumer reports about the consumer for employment purposes.

32. A separate provision of the FCRA, 15 U.S.C. § 1681(d), regulates the conduct of any person who uses an “investigative consumer report” (the “Investigative Report Disclosure”). Where a user of a consumer report is a person who intends to obtain an “investigative consumer report”, that user must make a disclosure as provided in 15 U.S.C. § 1681d(a):

**(a) Disclosure of fact of preparation**

A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

(1) it is *clearly and accurately* disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing mailed, or otherwise delivered, to the consumer, *not later than three days after the date* on which the report was first requested, and (B) *includes a statement informing the consumer of his right to request the additional disclosures* provided for under subsection (b) of this section and the written summary of the rights of the consumer prepared pursuant to section 1681g(c) of this title; . . .

15 U.S.C. § 1681(d)(A)(1). (emphasis added)

33. The Investigative Consumer Report Disclosure rule therefore imposes at least 3 duties on users of investigative consumer reports for employment purposes: 1) to clearly and accurately disclose that an investigative report based upon personal interviews with others may

be obtained no later than 3 days after the date on which the report was first requested; 2) to disclose the consumer will have the right to request information about the nature and scope of the investigative report; and 3) to provide a copy of the written summary of rights under the FCRA pursuant to § 1681g(c).

34. According to the Federal Trade Commission, the Investigative Report Disclosure, to be clear and accurate, must explain that an investigative consumer report involves personal interviews with sources such as neighbors, friends or associates.<sup>1</sup>

35. The Investigative Report Disclosure requirement is in addition to the Stand-Alone Disclosure requirement. The Federal Trade Commission has issued a staff opinion stating that the two disclosures may be combined, but only if the combined disclosure is strictly limited to disclosing that a consumer report and an investigative consumer report for employment purposes may be obtained and of the consumer's right to obtain disclosure from the user of the investigative report about the nature and scope of the investigation. FTC Staff Op. Brinkerhoff to Wilner (March 25, 1999).<sup>2</sup> This FTC Staff Opinion Letter provides an example of a simple, compliant combined Stand-Alone and Investigative Report Disclosure as follows:

A consumer report may be obtained on you for employment purposes. It may be an "investigative consumer report" that includes information as to your character,

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<sup>1</sup> See *Statement Of General Policy or Interpretation; Commentary on the Fair Credit Reporting Act*, 55 Fed.Reg. 18804, 1990 WL 342991, Section 606, Comment No. 6, p. 18819 (May 4, 1990). The FTC is charged with enforcing the FCRA. 15 U.S.C. § 1681s(a)(1). Accordingly, the FTC's interpretations of FCRA merit "considerable weight" and deference. *United States v. Mead Corp.*, 533 U.S. 218, 227-28 (2001). The FTC interprets § 1681d(a)(1) to require an explanation that an investigative consumer report involves personal interviews with relatives, friends or associates. See also, 40 Years Of Experience With the Fair Credit Reporting Act at p. 63 available at: <https://www.ftc.gov/sites/default/files/documents/reports/40-years-experience-fair-credit-reporting-act-ftc-staff-report-summary-interpretations/110720fcrareport.pdf>.

<sup>2</sup> See <https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-wilner-03-25-99>.

general reputation, personal characteristics and mode of living. You have a right to request disclosure of the nature and scope of the report, which involves personal interviews with sources such as your neighbors, friends, or associates.

*Id.*

36. A person who fails to abide by these foregoing duties violates the consumer's privacy rights under the FCRA by failing to obtain the requisite consent to use investigative consumer reports for employment purposes.

37. Thereafter, if the consumer would like more information about the nature and scope of the investigative consumer report, Section 1681d(b) then allows the consumer to make a request to the "user" of the investigative consumer report for information about the "nature and scope" of the investigation. This provision provides:

Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by subsection (a)(1) of this section, *make a complete and accurate disclosure of the nature and scope of the investigation requested*. This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

15 U.S.C.A. § 1681d(b). (emphasis added)

38. Yet another provision of the FCRA applies to regulate the conduct of any person who uses a consumer report for employment purposes to take an "adverse action" against any consumer. 15 U.S.C. 1681b(b)(3)(A) (the "Pre-Adverse Action Disclosure"). An "adverse action" in the employment context means "a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee. 15 U.S.C. § 1681a(k)(B)(ii).

39. The Pre-Adverse Action Disclosure rule provides:

Except as provided in subparagraph (B) [in cases of a consumer applying for a position over which the Secretary of Transportation may establish qualifications], in using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report, the person intending to take such adverse action shall provide to the consumer to whom the report relates –

- (i) a copy of the report; and
- (ii) a description in writing of the rights of the consumer under this subchapter, as prescribed by the Bureau under section 1681g(c)(3) of this title.

40. The Pre-Adverse Action Disclosure rule imposes at least three duties on a user of a consumer report for employment purposes, who might take adverse action based upon negative information contained in a consumer report: 1) to provide the consumer with a copy of the consumer report that is being used; and 2) to provide an FCRA Summary Of Rights that is prescribed pursuant to 1681g(c)(3), and 3) to provide the foregoing disclosures a reasonable amount of time before any final adverse action is taken.

41. Importantly, the FTC Summary of Rights provides basic information to the consumer that they must be told if information in their credit or background files maintained by consumer reporting agencies is being used against them and of their right to know what is in their file. A copy of the Summary Of Rights promulgated by the CFPB is attached as Exhibit A. In pertinent part the Summary of Rights provides:

- **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

42. The purpose of the Pre-Adverse Action Disclosure is to provide the consumer a sufficient amount of time to review the consumer report, correct any inaccuracies and to notify the prospective or current employer of these inaccuracies before an adverse action is taken so that the consumer may be provided an opportunity to keep his or her job or job offer.

43. Once a sufficient amount of time has elapsed after the consumer has received the Pre-Adverse Action Disclosure, the user of the consumer report may then take any final adverse action notice. The final adverse action notice must include the information required by 15 U.S.C. 1681m including:

- the name, address, and telephone number of the consumer reporting agency (including a toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis) that furnished the report to the person; and
- a statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the consumer the specific reasons why the adverse action was taken; and
- notice of the consumer’s right to obtain, under [section 1681j of this title](#), a free copy of a consumer report on the consumer from the consumer reporting agency referred to in paragraph (3), which notice shall include an indication of the 60-day period under that section for obtaining such a copy; and
- notice of the consumer’s right to dispute, under [section 1681i of this title](#), with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.

*See* 15 U.S.C. § 1681m(a).

**Sodexo Violated the Duties Imposed By Section 1681b(b)(2)(A)**

40. Plaintiff applied to work with the Defendant or affiliates, and Defendant acted and failed to act as alleged herein.

41. Over a period of at least the last 12 years, Plaintiff has worked and developed substantial experience in the area of facilities management.

42. As of February 2016, Plaintiff was working for the Healthcare Trust Of America as a Chief Engineer.

43. In or around February 2016 when he began searching for similar position at another company, Plaintiff visited online websites that advertised employment positions. Plaintiff saw an advertisement for a position available for a facilities manager at Sodexo and responded by completing an online application.

44. Soon thereafter, Sodexo contacted Plaintiff. As a result of this contact, Sodexo arranged a series of interviews between Plaintiff and representatives of Sodexo and others.

45. On or about July 7 2016, Plaintiff interviewed with Amy Bucci, a Facilities Manager at Sodexo in Pittsburgh, Pennsylvania. Plaintiff was being considered as a facilities manager at Sisters Of Mercy in Pittsburgh, Pennsylvania.

46. At the interview, Plaintiff was informed he was clearly qualified for the advertised position.

47. In fact, Plaintiff had completed the 11th grade level of high school before he entered the workforce. At one point, Plaintiff did enroll in a program at Goodwill Industries in order to obtain a G.E.D., however, he did not complete that program.

48. Throughout his extensive career in facilities management, obtaining or having a high school degree or a G.E.D. was never a requirement.

49. Soon thereafter Plaintiff interviewed with representatives of the Sisters Of Mercy and also with a Regional Manager for Sodexo.

50. At no time did any of these persons question his educational background or state that his lack of having a high school diploma or G.E.D. was a disqualification for the advertised position.

#### **The July 12<sup>th</sup> 2016 Disclosure Regarding Background Investigation**

51. After one or more of the interviews, on July 12, 2016, an employment specialist at Sodexo sent Plaintiff an email. The email stated “Your Recruiter has asked me to initiate the next important step in the recruitment process for the Facilities/Engineering Manager 1 (exempt) position/”. The email asked Plaintiff to “Please click on the links below to review the attached “Disclosure information before completing the requested Background Check Authorization forms.”

52. The first link contained a “Disclosure Regarding Background Investigation”. A true and correct copy of this disclosure is attached as Exhibit B hereto and is incorporated as if fully set forth (hereinafter referred to as the “July 12<sup>th</sup> 2016 Disclosure Regarding Background”). This document provided:

#### **DISCLOSURE REGARDING BACKGROUND INVESTIGATION**

Sodexo, Inc. (the “Company”) may obtain information about you from a third party consumer reporting agency for employment purposes. Thus, you may be the subject of a “consumer report” which may include information about your character, general reputation, personal characteristics, and/or mode of living. These reports may contain information regarding your criminal history, social



security verification, motor vehicle records (“driving records”), verification of your education or employment history, or other background checks.

You have the right, upon written request made within a reasonable time, to request whether a consumer report has been run about you and to request a copy of your report. These searches will be conducted by **Orange Tree Employment Screening 7275 Ohms Lane, Minneapolis, MN 55439 (800-886-4777) [www.orangetreescreening.com](http://www.orangetreescreening.com)**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of consumer reports throughout the course of your employment to the extent permitted by law.

53. The July 12<sup>th</sup> 2016 Disclosure Regarding Background violates § 1681(d)(A)(1)-- of the FCRA in that it did not clearly and accurately disclose that Plaintiff would be the subject of an “investigative consumer report”. The disclosure did not state that Sodexo might request that a consumer reporting agency conduct personal interviews with friends, neighbors or associates of the Plaintiff. The disclosure does not state that the subject of a consumer report had a right to contact Sodexo to find out more information about the nature and scope of the investigation.

54. The July 12<sup>th</sup> 2016 Disclosure Regarding Background” violates the Stand-Alone Disclosure Rule (§§ 1681b(b)(2)(A) (i) and (ii) of the FCRA) because the disclosure is not “in a document that consists solely of the disclosure”. Instead, the document includes an extraneous provision that is not limited to the fact that consumer report may be procured, but states that:

You have the right, upon written request made within a reasonable time, to request whether a consumer report has been run about you and to request a copy of your report. These searches will be conducted by **Orange Tree Employment Screening 7275 Ohms Lane, Minneapolis, MN 55439 (800-886-4777) [www.orangetreescreening.com](http://www.orangetreescreening.com)**.

55. This foregoing disparate statement also violates the Stand-Alone Disclosure rule because it is not a clear statement, but instead is misleading and confused about a consumer’s rights

with respect to consumer reports for employment purposes. This statement is misleading and confused because:

a) The FCRA does not provide consumers any such right to request a copy of a consumer report for consumer purposes from either the user of the report or the consumer reporting agency who provided the report, except within 60 days after being subject to an adverse action, see 15 U.S.C. § 1681m(a) ;

b) A consumer has a right to receive (not request) from a person using a consumer report for employment purposes, a copy of that report *only if* the person using the report is intending to take an adverse action based upon the consumer report. *See* 15 U.S.C. § 1681b(b)(3)(A) cited and quoted above.

c) A consumer has a right to request a “disclosure of the nature and scope of” any “investigative consumer report” within a reasonable period of time after the person requesting such investigation has “clearly and accurately” disclosed to the consumer that an “investigative consumer report” was ordered. 15 U.S.C. § 1681d(a) and (b). However, these provisions of the FCRA do not allow a consumer to request a copy of the actual consumer report from the user or the consumer reporting agency who provided it. Moreover, since the July 12<sup>th</sup> 2016 Disclosure Regarding Background did not reference or relate to “investigative consumer reports”, no reason exists to include this disparate language in the disclosure.

d) A consumer can, at any time, request and obtain a full file disclosure of all records maintained about the consumer from the consumer reporting agency. 15 U.S.C. § 1681g. Similarly, a consumer has a right to obtain a free copy of his or her complete file from a consumer reporting agency within 60 days of being the subject of an adverse action based upon

information in that file. 15 U.S.C. § 1681j(b). The statement implies that the consumer can obtain a copy of the actual consumer report from Orange Tree Employment Screening *only* within a reasonable time.

56. The “July 12<sup>th</sup> 2016 Disclosure Regarding Background” further violates the Stand-Alone Disclosure Rule because the disclosure includes yet another extraneous provision that is not limited to the fact that consumer report may be procured, but provides that:

The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of consumer reports throughout the course of your employment to the extent permitted by law.

57. This foregoing statement is also not clear or accurate, but instead is misleading and confused about a consumer’s rights with respect to consumer reports for employment purposes. This statement is misleading and confused because:

a) The Stand-Alone disclosure required by § 1681b(b)(2)(A) (i) is not, by itself, sufficient to authorize “all manner of consumer reports” from any “outside organization”. A user of consumer reports for employment purposes must also make a disclosure pursuant to §1681d(a) if an “investigative consumer report” may be ordered. 15 U.S.C. § 1681d(a); and

b) A consumer report for employment purposes may be obtained “throughout the course of employment” from *only* a “consumer reporting agency (not any outside organization), only if authorized in writing, by the consumer. 15 U.S.C. § 1681b(b)(2)(A) (i).

58. The July 12<sup>th</sup> 2016 Disclosure Regarding Background violates the Investigative Report Disclosure rule (15 U.S.C. § 1681d(a)) because it does not disclose that an investigative consumer report may be procured and does not clearly explain the nature of an “investigative consumer report” to the consumer.

59. The “July 12<sup>th</sup> 2016 Disclosure Regarding Background” also violates 15 U.S.C. § 1681d(a) to the extent that it purports to disclose that an investigative consumer report will be obtained but is not accompanied by the FCRA Summary Of Rights prepared pursuant to § 1681g(c) of the FCRA.

#### **The July 12 2016 Disclosure Regarding Drug Testing**

60. The second link to the July 12, 2016 email from Sodexo to Plaintiff contained a “Disclosure Regarding Drug Testing”. A true and correct copy of this disclosure is attached as Exhibit C hereto and is incorporated as if fully set forth (hereinafter referred to as “The July 12<sup>th</sup> 2016 Disclosure Regarding Drug Testing”). This disclosure provided that Sodexo may obtain a “consumer report” about Plaintiff from an authorized drug and alcohol testing facility.

61. The July 12<sup>th</sup> 2016 Disclosure Regarding Drug Testing is identical to the July 12<sup>th</sup> 2016 Disclosure Regarding Background except that it identifies TalentWise Solutions LLC (“TalentWise”), 19800 North Creek Parkway, Suite 200, Bothell, Washington 98011 (877-893-1665), [www.talentwise.com](http://www.talentwise.com)” as the agency conducting the searches.

62. The July 12<sup>th</sup> 2016 Disclosure Regarding Drug Testing violates the Stand-Alone Disclosure and Investigative Consumer Report rule for the same reasons cited above applicable to the July 12<sup>th</sup> 2016 Disclosure Regarding Background.

#### **The July 12<sup>th</sup> 2016 Combined Disclosure Notice And Authorization Forms**

63. The July 12<sup>th</sup> email from Sodexo to Plaintiff went on to state in bold lettering: **“PLEASE PRINT AND THEN SIGN ATTACHED DISCLOSURE AUTHORIZATION FORM. FAX BACK TO (fax number omitted) OR SCAN AND EMAIL BACK TO ME.”** The Disclosure Authorization attached to the July 12<sup>th</sup> email is entitled “Combined Disclosure

Notice and Authorization Regarding Background Consumer Reports”. This document is attached hereto as Exhibit D and incorporated as if fully set forth (hereinafter “July 12<sup>th</sup> 2016 Combined Disclosure Notice and Authorization”).

64. The July 12<sup>th</sup> 2016 Combined Notice And Authorization” violates the Stand-Alone Disclosure rule (§§ 1681b(b)(2)(A) (i) and (ii) of the FCRA) because the disclosure is not “in a document that consists solely of the disclosure”. Instead, the document includes numerous extraneous provisions that are not limited to the fact that a consumer report may be obtained, including a statement entitled Summary Of Rights Under the FCRA; an acknowledgement and authorization purporting to allow non-consumer reporting agency persons or entities to release information about the consumer to the consumer reporting agency; and sections describing rights or acknowledgements with respect to applicants in New York, Minnesota, Oklahoma and California.

65. The July 12<sup>th</sup> 2016 Combined Notice And Authorization also violates §1681b(b)(2)(A)(ii) of the FCRA because it does not provide for a written authorization for the procurement of a consumer report for employment purposes. Instead, the authorization confusingly provides for the following affirmation, “I affirm that the information provided on the attached forms is true and accurate to the best of my knowledge.” No “attached forms” are provided.

66. The July 12<sup>th</sup> 2016 Combined Notice And Authorization violates the Investigative Report Disclosure rule (15 U.S.C. § 1681d(a)) because it does not clearly explain the nature of an “investigative consumer report” to the consumer. As the Federal Trade Commission has provided, “The disclosure must also state that an investigative consumer report involves personal interviews with sources such as neighbors, friends or associates.” The July 12<sup>th</sup> 2016 Combined

Notice And Authorization fails to provide this explanation and instead treats consumer reports and investigative consumer reports as if they are one in the same.

67. The July 12<sup>th</sup> 2016 Combined Notice And Authorization violates the Investigative Report Disclosure rule (15 U.S.C. § 1681d(a)) because it is not clear because it is embedded within a general disclosure and purported authorization form that contains numerous items of information irrelevant to whether an investigative consumer report was ordered.

68. The July 12<sup>th</sup> 2016 Combined Notice And Authorization” also violates 15 U.S.C. § 1681d(a) because it purports to disclose that an investigative consumer report will be obtained, but it is not accompanied by the FCRA Summary Of Rights prepared pursuant to § 1681g(c) of the FCRA. The section in the notice entitled “SUMMARY OF YOUR RIGHTS UNDER THE FCRA” does not constitute the summary required by § 1681g(c) that is mandated and prepared by the Consumer Finance Protection Bureau.

**The July 15<sup>th</sup> 2016 Paper Process Background Check Form**

69. On July 15, 2016, Plaintiff received an email from Sodexo that informed him that Sodexo was providing him a formal offer of employment and of the need to complete and provide additional documentary forms.

70. The July 15<sup>th</sup> 2016 email included, as an attachment, a letter from Sodexo to Plaintiff setting forth an offer of employment. The letter stated, “Please note, your employment is contingent upon proof of authorization to work in the United States, and the successful completion of education, employment, criminal background checks, and any other additional checks that may be required for the position.”

71. The July 15<sup>th</sup> 2016 letter further stated, “Nothing in this letter, the enclosed Selected Terms of Employment Statement, or statements made by a Sodexo Representative are intended to create a contract.”

72. The July 15, 2016 email included, as an attachment, a 2016 Paper Process Background Check Form. A true and correct copy of this form is attached as Exhibit E hereto and is incorporated as if fully set forth (hereinafter referred to as “The July 15<sup>th</sup> 2016 Background Check Form”).

73. By the time that the July 15, 2016 email was sent to Plaintiff, Sodexo had already obtained consumer reports and/or investigation consumer reports about Plaintiff.

74. The July 15<sup>th</sup> 2016 Background Check Form did not disclose that Plaintiff would be the subject of an “investigative consumer report” or that Sodexo might request that a consumer reporting agency conduct personal interviews with friends, neighbors or associates of the Plaintiff.

75. The first page of the July 15<sup>th</sup> 2016 Background Check Form is a document entitled “**DISCLOSURE REGARDING BACKGROUND INVESTIGATION**”. This first page is identical to the July 12<sup>th</sup> 2016 Disclosure Regarding Background (Exhibit 2 above) except that it identifies “**USA-FACT, Inc., 6200 Box Springs Blvd., Riverside, CA 95207 (1-800-547-0263), [www.usafact.com](http://www.usafact.com)**” as the agency conducting the searches.

76. The first page to the July 15<sup>th</sup> 2016 Background Check Form violates the Stand-Alone Disclosure rule for the same reasons applicable to the July 12<sup>th</sup> 2016 Disclosure Regarding Background (Exhibit B) cited above.

77. The second page to the July 15, 2016 email from Sodexo to Plaintiff contained a “Disclosure Regarding Drug Testing”. This disclosure provided that Sodexo may obtain a “consumer report” about Plaintiff from an authorized drug and alcohol testing facility.

78. This second page did not disclose that Plaintiff would be the subject of an “investigative consumer report” or that Sodexo might request that a consumer reporting agency conduct personal interviews with friends, neighbors or associates of the Plaintiff.

79. This second page document violates the Stand-Alone Disclosure Rule and the Investigative Report Disclosure requirements, as it is identical to the July 12th 2016 Disclosure Regarding Drug Testing cited as Exhibit C above.

**Sodexo Violated The Duties Imposed By Section 1681b(b)(3)(A)**

80. On or about July 21, 2016, Plaintiff again spoke with Amy Bucci of Sodexo. Plaintiff was then informed that the company had deemed his experience and education acceptable and that Sodexo wanted him to start work for Sodexo on August 1, 2016.

81. Plaintiff was still employed at this time and working for his existing employer, Healthcare Trust of America. Plaintiff was reluctant to leave this job until he was sure that Sodexo had finally decided to hire him and had finished all investigations into his background. Plaintiff asked whether Sodexo had reached a final decision because he did not want to quit a good job unless Sodexo was sure they were hiring him. Amy Bucci told Plaintiff that everything was a go.

82. When Plaintiff specifically asked whether a high school diploma or G.E.D. was a required qualification he was told by Amy Bucci that it was not a problem and that Sodexo had finally decided to hire him despite his lack of a high school diploma.



83. Because Plaintiff wanted to provide Healthcare Trust sufficient notice before he would begin work for Sodexo, he submitted his resignation letter to Healthcare Trust on July 22, 2016.

84. Plaintiff therefore at Sodexo's behest and request, resigned from his position at Healthcare Trust effective as of July 28, 2016.

85. However, a consumer reporting agency retained by Defendant was still, at this time, in the process of conducting an investigation into his work and educational background by conducting personal interviews of persons who may have known Plaintiff. Defendant would make a final decision as to hiring Plaintiff only after completion of this investigation.

86. On August 1, 2016, Amy Bucci of Sodexo sent an email to Plaintiff stating, "Please see attached. Due to results of background check, you are ineligible for hire at Sodexo at this time." The attached document was a letter addressed to Plaintiff entitled "Adverse\_Action-Notice\_Orange\_Tree". A copy of this letter is attached as Exhibit F (hereinafter the "August 1<sup>st</sup> 2016 Adverse Action Letter.") The letter stated, in part, "We regret to inform you Sodexo has made the decision not to hire you or to terminate your employment (if already employed) based, in whole or in part, on information contained in the background report provided by **Orange Tree Employment Screening.**"

87. Defendant had obtained a consumer report and an investigative consumer report on Plaintiff from Orange Tree Employment Screening. The consumer report listed certain information about Plaintiff's educational history.

88. Defendant obtained information about Plaintiff by having Orange Tree conduct personal interviews with his past personal acquaintances or employers. Defendant obtained such

investigative consumer reports even though Defendant never clearly and accurately disclosed to Plaintiff that such personal interviews would be conducted.

89. Two days later, on August 3, 2016, Sodexo sent an email to Plaintiff. The email contained as an attachment a letter to Plaintiff labeled as a “Pre-Adverse Action Letter”. A true and correct copy of this letter is attached as Exhibit G. The 2016 email stated that Sodexo might take an adverse action and not hire Plaintiff because a background report provided by Orange Tree indicated that it was unable to verify whether Plaintiff had obtained a GED. The Pre-Adverse Action Letter stated, in part:

This communication is to notify you that a decision is currently pending concerning your application for employment with Sodexo. Sodexo is considering making an adverse employment decision based on our hiring criteria, including information received in your background profile report from Orange Tree Employment Screening.

A copy of your report is enclosed, as well as a copy of your rights under the Fair Credit Reporting Act.

90. The Pre-Adverse Action letter of August 3, 2016 stated that Sodexo would wait five days before making a final decision regarding its employment decision. However, as stated in the August 1st Adverse Action letter, Sodexo had already made the final decision not to hire Plaintiff on or before August 1, 2016.

91. Based upon the consumer report, Defendant decided not to hire Plaintiff. Upon reaching the conclusion not to hire Plaintiff, Defendant failed to provide to Plaintiff the Pre-Adverse Action Disclosure a sufficient amount of time before they actually executed the decision to take the adverse action against Plaintiff. This deprived Plaintiff of sufficient time to allow him to discuss the report with Defendant or otherwise respond before the adverse action was implemented.

92. Defendant decided not to hire Plaintiff based at least in part on the consumer report without providing Plaintiff with any advance notice that they were going to take that adverse action, without providing him with a copy of the consumer report, and without providing him with a written summary of his rights under the FCRA.

**Defendant Acted Willfully**

93. Defendant knew or should have known about the legal obligations under the FCRA. These obligations are well established in the plain language of the FCRA and in the promulgations of the Federal Trade Commission or the Consumer Financial Protection Bureau and by decisions of federal or state courts. Defendant obtained or had available substantial written materials that apprised them of their duties under the FCRA. Any reasonable employer knows about or can easily discover these mandates.

94. The consumer reporting agencies retained by Defendant would have provided Defendant with a “Notice To Users of Consumer Reports: Obligations of Users Under The FCRA” that detailed obligations of users of consumer reports for employment purposes that would provide clear guidelines to Defendant of duties under the FCRA. 12 C.F.R. pt. 1022 Appendix N. (November 12, 2012).

95. Defendant knew or should have known, therefore, that there were important distinctions between a consumer report and an investigative consumer report and the required disclosures that had to be made before obtaining such reports. Defendant knew or should have known also by reason of such notice that Defendant had an obligation to make pre-adverse action disclosures before making any final adverse employment decision.

96. Defendant knew or should have known that numerous courts have held that a failure to provide, as required by the FCRA, a Stand-Alone Disclosure, an Investigative Report Disclosure or a Pre-Adverse Action Disclosure constitutes a violation of the FCRA.

97. The FCRA requires that users of consumer reports for employment purposes must certify to the consumer reporting agency that they will comply with the FCRA's disclosure and authorization requirements. *See* 15 U.S.C. § 1681b(b)(1).

98. In accordance with standard procedures, upon information and belief, the consumer reporting agencies from which Defendant acquired consumer reports during the two years preceding the filing of this Complaint required Defendant to certify that it would comply with the provisions of the FCRA.

99. Before procuring Plaintiff's and other class members' reports, Defendant did, in fact, certify to the consumer reporting agencies that it had complied with the provisions of the FCRA. By systematically inserting extraneous information into Plaintiff's and other class members' disclosures, by misrepresenting consumers' rights under the FCRA in those disclosures, and by failing to timely provide those disclosures to Plaintiff and other class members as described herein, Defendant willfully violated 15 U.S.C. § 1681b(b)(2)(A) and 15 U.S.C.A. § 1681d(b).

100. Plaintiff, like the other class members, was injured by being deprived of a disclosure to which he was statutorily entitled as a result of Defendant's failure to comply with the FCRA's requirements, when Defendant violated his rights to privacy under the FCRA by obtaining consumer reports and investigative consumer reports without requisite consent, and by Defendant taking adverse action against Plaintiff with respect to prospective employment before

giving him any pre-adverse action disclosure required by the FCRA.

101. Despite knowing of these legal obligations, Defendant acted consciously in breaching known duties and depriving Plaintiff and other members of the class of their rights under the FCRA.

102. As a result of these FCRA violations, the Defendant is liable to Plaintiff and to each class member pursuant to §1681n and §1681o of the FCRA.

103. Plaintiff and class members are entitled to equitable relief against Defendant requiring their compliance with the FCRA in all future instances of Defendant obtaining their consumer reports for employment purposes or taking adverse action based on those consumer reports, and enjoining Defendant's future violations of the FCRA.

#### **CLASS ACTION ALLEGATIONS**

104. This Class Action is filed pursuant to Pa.R.Civ.P. 1701 *et. seq.* by the Plaintiff on behalf of Classes defined as follows:

##### **The Stand-Alone Disclosure Class**

All employees or prospective employees of Defendant residing in the United States (including all territories and other political subdivisions of the United States) who were the subject of any consumer report procured by Defendant within the period prescribed by FCRA, 15 U.S.C. §1681p, prior to the filing of this action and to whom Defendant failed to provide the Stand-Alone Disclosure as required by FCRA, 15 U.S.C. § § 1681b(b)(2)(A) (i) and (ii) before procuring his/her consumer report.

##### **The Investigative Report Disclosure Class**

All employees or prospective employees of Defendant residing in the United States (including all territories and other political subdivisions of the United States) who were the subject of an investigative consumer report which was procured by Defendant within the period prescribed by FCRA, 15 U.S.C. §1681p, prior to the filing of this action and to whom Defendant failed to provide the Investigative Report Disclosure as

required by FCRA, 15 U.S.C. § 1681(d)(A)(1) before procuring his/her investigative consumer report.

**The Pre-Adverse Action No Prior Report Class**

All employees or prospective employees of Defendant residing in the United States (including all territories and other political subdivisions of the United States) who were the subject of any consumer report which was used by Defendant to make an adverse employment decision regarding such employee or prospective employee within the period prescribed by FCRA, 15 U.S.C. §1681p, prior to the filing of this action and to whom Defendant failed to provide a copy of his/her consumer report at least five business days before Defendant took such adverse action.

**The Pre-Adverse Action No Prior FCRA Summary Of Rights Class**

All employees or prospective employees of Defendants residing in the United States (including all territories and other political subdivisions of the United States) who were the subject of any consumer report which was used by Defendant to make an adverse employment decision regarding such employee or prospective employee within the period prescribed by FCRA, 15 U.S.C. §1681p, prior to the filing of this action and to whom Defendant failed to provide a copy of the FCRA Summary Of Rights at least five business days before it took such adverse action.

105. Plaintiff is a member of each of these Classes since he was subject to the improper disclosures and an adverse action when he was not hired after Sodexo procured and used, at least in part, his investigative consumer report to determine his qualification for employment.

**Pa.R.Civ.P. 1702, 1708 and 1709 Prerequisites**

***Numerosity***

106. The proposed Classes are so numerous that it is impracticable to bring all persons and entities that comprise it before the Court. The exact number of the members of each Class is unknown, but it is believed each Class includes at least hundreds of persons. The exact number

and identity of these persons can be determined from the records maintained by Sodexo. In many instances, Class Members are either unaware that claims exist or have sustained individual damages too small to justify the costs of bringing suit separately. When aggregated, however, individual damages are large enough to justify this Class Action.

### ***Commonality***

107. The questions of law and fact common to the claims of each Class Member overwhelmingly predominate over any question of law or fact affecting only individual members of the Class. Questions of law and fact common to the Classes include, but are not necessarily limited to, the following:

#### **The Stand-Alone Disclosure Class**

- A) Whether Defendant violated § 1681b(b)(2)(A) by failing to make a “clear and conspicuous” disclosure?
- B) Whether Defendant violated § 1681b(b)(2)(A) by failing to make the required disclosure “*in a document that consists solely of the disclosure*”?
- C) Whether the Defendant’s misrepresented consumers’ rights in its § 1681b(b)(2)(A) disclosure forms?
- D) Whether misrepresenting a prospective or current employee’s rights under the FCRA in the §1681b(b)(2)(A) disclosure violates §1681b(b)(2)(A)?
- E) Whether Defendant violated §1681b(b)(2)(A) by procuring a consumer report in the absence of providing the legally mandated disclosure to consumers?

**The Investigative Report Disclosure Class**

- F) Whether Defendant violated 15 U.S.C. § 1681(d)(A)(1) by failing to clearly and accurately disclose that an investigative consumer report was to be obtained?
- G) Whether the Defendant's misrepresented consumers' rights in its § 1681d (A)(1) disclosure forms and, therefore, violated that provision?

**The Adverse Action No Prior Report Class**

- H) Whether Defendant failed to provide each consumer a copy of their consumer report at least five business days before it took an adverse action based upon the consumer report?

**The Adverse Action No Prior FCRA Summary Of Rights Class**

- I) Whether Defendant failed to provide each consumer a copy of their written notice of FCRA rights at least five business days before it took an adverse action based upon the consumer report ? and

**All Classes**

- J) Whether Defendant acted willfully in disregard of the rights of the consumer?

***Typicality***

108. The claims of Plaintiff are typical of the claims of each of the Classes he seeks to represent because at all times material to the allegations of this Class Action Complaint, Plaintiff and the members of each respective Class he seeks to represent were subject to the same policies,



practices, procedures and form disclosures pertaining to their respective Class and seek the same kind of relief.

109. Plaintiff and each of the Classes he seeks to represent have sustained similar types of damages, and the members of each respective Class he seeks to represent have claims that arise from an identical factual background and identical legal theories as set forth in this Class Action Complaint.

***Adequacy of Representation***

110. Representative Plaintiff will assure the adequate representation of all members of the Classes he seeks to represent. Plaintiff's claims are typical of the claims of the Classes that he seeks to represent. Plaintiff has no conflict with Class Members of each Class he seeks to represent in the maintenance of this action, and Plaintiff's interest in this action is antagonistic to Defendant's interests.

111. Plaintiff's interests are coincident with, and not antagonistic to the interests of Class Members that he seeks to represent in each Class because; by proving Plaintiff's individual claims it will necessarily prove Defendant's liability as to each Class's claims.

112. Plaintiff is also cognizant of and determined to faithfully discharge his fiduciary duties to the Class Members in each Class that he seeks to represent as Class Representative. Plaintiff will vigorously pursue each Class's claims. Plaintiff is aware that it cannot settle this Class Action without prior Court approval. Representative Plaintiff has and/or can acquire the financial resources to litigate this Class Action.

113. Undersigned counsel are experienced in litigating Class Actions and have handled many such actions in the state and federal courts for and on behalf of other consumers. Counsel

is handling this Class Action on a contingent fee basis and will receive compensation for professional services rendered in this Class Action only as awarded by this Court.

***A Class Action Provides A Fair And Efficient Method Of Litigation***

114. A class action provides a fair and efficient method of adjudicating this controversy. The common questions of law and fact outlined above predominate over any question(s) affecting individual Class Members in each Class only.

115. The substantive claims of Representative Plaintiff and the Class Members in each Class will require evidentiary proof of the same kind and application of the same law since Defendant has treated all Class Members in each Class in a similar and/or identical manner.

116. The prosecution of separate actions by or against Class Members would create the risk of inconsistent or varying adjudications with respect to individual Class Members in each Class and would, as a practical matter, impair or impede the ability of Class Members in each Class to protect their interests. To Plaintiff's knowledge no other similar actions are pending against Defendant.

117. This forum is appropriate for litigation of this Class Action because Plaintiff is located here and Defendant conducts business here.

118. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. The expense and burden of individual litigation effectively makes it impossible for individual Class Members in each Class to seek redress for the wrongs complained of herein.

119. There are no known unusual legal or factual issues that would cause management problems not normally and routinely handled in class actions. Because Class Members in each

Class that Plaintiff seeks to represent may be unaware that their rights have been violated or, if aware, would be unable to litigate their claims on an individual basis because of their relatively small damages, a class action is the only practical proceeding available.

**COUNT ONE**  
**VIOLATION OF THE FCRA § 1681b(b)(2)(A)**  
**Failure To Make Required Stand-Alone Disclosure Before Procuring A Consumer Report**  
**On Behalf of The Stand-Alone Disclosure Class**

120. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

121. Defendant willfully violated the FCRA, 15 U.S.C. §1681b(b)(2)(A) for failure to make the required “clear and conspicuous” disclosure and because the disclosure was not made *in a document that consists solely of the disclosure*”.

122. Plaintiff seeks damages for himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(1)(A).

123. Plaintiff seeks punitive damages and equitable relief for himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(2).

**COUNT TWO**  
**VIOLATION OF THE FCRA § 1681b(b)(2)(A)**  
**Impermissible Procurement of A Consumer Report**  
**On Behalf Of The Stand-Alone Class**

124. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

125. Defendant willfully violated the FCRA, 15 U.S.C. §1681b(b)(2)(A) by obtaining a consumer report without the proper authorization since a sufficient written authorization was not obtained and the legally mandated disclosures were not made.

126. Plaintiff seeks damages for himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(1)(A).

127. Plaintiffs seek punitive damages and equitable relief himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(2).

**COUNT THREE**  
**VIOLATION OF THE FCRA § 1681d(a)**  
**Failure To Make Required Disclosure Before Procuring An Investigative Consumer Report**  
**On Behalf Of The Investigative Consumer Report Class**

128. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

129. Defendant willfully violated the FCRA, 15 U.S.C. § 1681d(a) for failure to make the required “clear and accurate” disclosure and because the disclosure did not explain that an investigative consumer report involved personal interviews with relatives, friends or associates of the consumer.

130. Plaintiff seeks damages for himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(1)(A).

131. Plaintiff seeks punitive damages and equitable relief himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(2).

**COUNT FOUR**  
**VIOLATION OF THE FCRA § 1681b(b)(3)(A)(i)**  
**Failure To Provide Copy Of Consumer Report**  
**On Behalf Of The Pre-Adverse Action No Prior Report Class**

132. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

133. Defendant willfully violated the FCRA, 15 U.S.C. §1681b(b)(3)(A)(i), for failure to provide a copy of the consumer report used to make an employment decision to Plaintiffs and all others similarly situated at least five business days before taking an adverse action that was based in whole or in part on that report.

134. Plaintiff seeks damages for himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(1)(A).

135. Plaintiff seeks punitive damages and equitable relief himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(2).

**COUNT FIVE**  
**VIOLATION OF THE FCRA § 1681b(b)(3)(A)**  
**Failure To Provide A Summary Of Rights**  
**On Behalf Of The Pre-Adverse Action No Prior FCRA Summary Of Rights Class**

136. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

137. Defendant willfully violated the FCRA, 15 U.S.C. §1681b(b)(3)(A)(ii), for failure to provide Plaintiffs and all others similarly situated the written summary of rights required by this section of the FCRA at least five business days before taking an adverse action that was based in whole or in part on a consumer report.

138. Plaintiff seeks damages for himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(1)(A).

139. Plaintiff seeks punitive damages and equitable relief himself and all others similarly situated for this violation pursuant to 15 U.S.C. § 1681n(a)(2).

WHEREFORE, this action is a class action, which comes within the jurisdiction of the Commerce and Complex Litigation Center pursuant to Allegheny County Local Rule 249(1).

Local Rule 249(3) provides that upon filing, class action cases shall be assigned to the Class Action Judge pursuant to Pa.R.Civ.P. 1701 *et seq.* As a class action, this action seeks amounts in excess of the jurisdictional limits of the Arbitration Division as set forth in Local Rule 1301.

Plaintiff and the Class Members pray for relief as follows:

1. Determining that this action may proceed as a class action under Pa.R.Civ.P. 1701 *et. seq.*
2. Designating Plaintiff as representative for each Class;
3. Designating Plaintiffs' Counsel as counsel for each Class;
4. Issuing proper notice to the Class at Defendant's expense;
5. Declaring that Defendant committed multiple, separate violations of the FCRA;
6. Declaring that Defendant acted willfully in deliberate or reckless disregard of the rights of Plaintiff and the Class;
7. Awarding actual and/or statutory damages as provided by the FCRA;
8. Awarding reasonable attorneys fees, expenses and costs as provided by the FCRA;
9. Awarding punitive damages;
10. Awarding injunctive and other equitable relief as provided by law;
11. Awarding pre-judgment and post-judgment interest as provided by law; and
12. Awarding such other relief the Court does deem just, equitable and proper.

**TRIAL BY JURY IS DEMANDED.**

Dated: March 2, 2017

Respectfully Submitted:

By: s/ James M. Pietz

James M. Pietz  
Pa I.D. No. 55406

Ruairi McDonnell  
Pa. I.D. 316998  
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429 Fourth Avenue  
Pittsburgh, PA 15219  
412-281-8400

*Counsel for the Representative And Class Plaintiffs*

### VERIFICATION

I, Robert Piveronas, verify that the statements made in the foregoing Class Action Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

2-22-, 2017

  
Robert Piveronas



# **EXHIBIT**

# **A**

*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 the 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).
- **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:**

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates	a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list,	b. Federal Trade Commission: Consumer Response Center – FCRA

in addition to the CFPB:	Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above:	
a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050
b. 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	b. Federal Reserve Consumer Help Center P.O. Box. 1200 Minneapolis, MN 55480
c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations	c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
d. Federal Credit Unions	d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department 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 Transportation 395 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 Administration 409 Third Street, S.W., 8 <sup>th</sup> Floor Washington, 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	FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357

# **EXHIBIT B**

DISCLOSURE REGARDING BACKGROUND INVESTIGATION

Sodexo, Inc. (the "Company") may obtain information about you from a third party consumer reporting agency for employment purposes. Thus, you may be the subject of a "consumer report" which may include information about your character, general reputation, personal characteristics, and/or mode of living. These reports may contain information regarding your criminal history, social security verification, motor vehicle records ("driving records"), verification of your education or employment history, or other background checks.

You have the right, upon written request made within a reasonable time, to request whether a consumer report has been run about you and to request a copy of your report. These searches will be conducted by **Orange Tree Employment Screening 7275 Ohms Lane, Minneapolis, MN 55439 (800-886-4777)** [www.orangetreescreening.com](http://www.orangetreescreening.com). The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of consumer reports throughout the course of your employment to the extent permitted by law.

**[End of Document]**  
**p. 1 of 1**

# **EXHIBIT C**



DISCLOSURE REGARDING DRUG TESTING

Sodexo, Inc. (the “Company”) may obtain information about you from a third party consumer reporting agency for employment purposes. Thus, you may be the subject of a “consumer report” consisting of a drug and alcohol test obtained by a consumer reporting agency from an authorized drug and alcohol testing facility.

You have the right, upon written request made within a reasonable time, to request whether a consumer report has been run about you and to request a copy of your report. These searches will be conducted by **TalentWise Solutions LLC (“TalentWise”), 19800 North Creek Parkway, Suite 200, Bothell, Washington 98011 (877-893-1665), [www.talentwise.com](http://www.talentwise.com)**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of consumer reports throughout the course of your employment to the extent permitted by law.

**[End of Document]**

**p. 1 of 1**

# **EXHIBIT D**

**COMBINED DISCLOSURE NOTICE AND AUTHORIZATION  
REGARDING BACKGROUND CONSUMER REPORTS**

*(Important: Please read carefully before signing.)*

**DISCLOSURE REGARDING BACKGROUND INVESTIGATION**

Sodexo may conduct a background investigation as part of its screening and hiring process. Thus, you may be the subject of a "consumer report" and/or an "investigative consumer report" which may include information about your character, general reputation, personal characteristics, and/or mode of living. These reports may contain information regarding your credit history, credit header data, criminal history, social security verification, motor vehicle records ("driving records"), verification of your education or employment history, or other background checks. The primary objective of any investigation will be to verify information you provided on your application in connection with your application for employment or continued employment with the company. A consumer report and/or an investigative consumer report may be obtained at any time during the application process or during your employment with the company, to the extent permitted by law. If you submit a timely written request to our personnel department, we will provide you with the name, address and phone number of the consumer reporting agency and the nature and scope of any investigative consumer report (if one is ordered). Please be advised that the nature and scope of the most common form of investigative consumer report obtained with regard to applicants for employment is an investigation into your education and/or employment history conducted by Orange Tree Employment Screening, 7275 Ohms Lane, Minneapolis, MN 55439, 800-886-4777, [www.orangetreescreening.com](http://www.orangetreescreening.com) or another outside organization.

**SUMMARY OF YOUR RIGHTS UNDER THE FCRA**

The FCRA (Fair Credit Reporting Act) requires that we inform you that a background investigation may be conducted as part of the screening and hiring process. In the course of this screening process before any adverse action is taken, you will be provided a copy of the report and a comprehensive summary of your rights under the FCRA, as well as additional information on your rights under the law. For a full copy of your rights and other useful information visit:

<http://www.ftc.gov/os/statutes/fcrajump.shtm>

**ACKNOWLEDGMENT AND AUTHORIZATION**

I acknowledge the DISCLOSURE REGARDING BACKGROUND INVESTIGATION and the SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT and certify that I have read and understand both. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by the Company at any time after receipt of this authorization and throughout my employment, if applicable. To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by Orange Tree Employment Screening, 7275 Ohms Lane, Minneapolis, MN 55439, 800-886-4777, their agents, and/or the Company itself. A photocopy of this document may be substituted for the original. I hereby authorize Orange Tree Employment Screening to affix my proxy signature in the furtherance of obtaining said reports.

New York applicants or employees only: By signing below, you also acknowledge receipt of Article 23-A of the New York Corrections Law. You have the right to inspect and receive a copy of any investigative consumer report requested by the Company by contacting the consumer reporting agency identified above directly.

Minnesota and Oklahoma applicants or employees only: Please check this box if you would like to receive a copy of a consumer report if one is obtained by the Company. ☐

California applicants or employees only: By signing below, you also acknowledge receipt of the NOTICE REGARDING BACKGROUND INVESTIGATION PURSUANT TO CALIFORNIA LAW. Please check this box if you would like to receive a copy of an investigative consumer report or consumer credit report at no charge if one is obtained by the Company whenever you have a right to receive such a copy under California law. ☐

I affirm that the information provided on the attached forms is true and accurate to the best of my knowledge.

Printed Full Name of Applicant \_\_\_\_\_  
*First*
*Middle*
*Last*

Signature Of Applicant \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**NOTICE REGARDING BACKGROUND INVESTIGATION  
PURSUANT TO CALIFORNIA LAW**

*Sodexo* intends to obtain information about you for employment purposes from a consumer reporting agency. Thus, you can expect to be the subject of “investigative consumer reports” and “consumer credit reports” obtained for employment purposes. Such reports may include information about your character, general reputation, personal characteristics and mode of living. With respect to any investigative consumer report from an investigative consumer reporting agency (“ICRA”), the Company may investigate the information contained in your employment application and other background information about you, including but not limited to obtaining a criminal record report, verifying references, work history, your social security number, your educational achievements, licensure, and certifications, your driving record, and other information about you, and interviewing people who are knowledgeable about you. The results of this report may be used as a factor in making employment decisions. The source of any investigative consumer report (as that term is defined under California law) will be Orange Tree Employment Screening, 7275 Ohms Lane, Minneapolis, MN 55439, 800-886-4777. The source of any credit report will be Orange Tree Employment Screening, 7275 Ohms Lane, Minneapolis, MN 55439, 800-886-4777. The Company agrees to provide you with a copy of an investigative consumer report when required to do so under California law.

Under California Civil Code section 1786.22, you are entitled to find out from an ICRA what is in the ICRA’s file on you with proper identification, as follows:

- In person, by visual inspection of your file during normal business hours and on reasonable notice. You also may request a copy of the information in person. The ICRA may not charge you more than the actual copying costs for providing you with a copy of your file.
- A summary of all information contained in the ICRA’s file on you that is required to be provided by the California Civil Code will be provided to you via telephone, if you have made a written request, with proper identification, for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or charged directly to you.
- By requesting a copy be sent to a specified addressee by certified mail. ICRA’s complying with requests for certified mailings shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the ICRA’s.

“Proper Identification” includes documents such as a valid driver’s license, social security account number, military identification card, and credit cards. Only if you cannot identify yourself with such information may the ICRA require additional information concerning your employment and personal or family history in order to verify your identity.

The ICRA will provide trained personnel to explain any information furnished to you and will provide a written explanation of any coded information contained in files maintained on you. This written explanation will be provided whenever a file is provided to you for visual inspection.

You may be accompanied by one other person of your choosing, who must furnish reasonable identification. An ICRA may require you to furnish a written statement granting permission to the ICRA to discuss your file in such person’s presence.

# **EXHIBIT E**

**DISCLOSURE REGARDING BACKGROUND INVESTIGATION**

Sodexo, Inc. (the “Company”) may obtain information about you from a third party consumer reporting agency for employment purposes. Thus, you may be the subject of a “consumer report” which may include information about your character, general reputation, personal characteristics, and/or mode of living. These reports may contain information regarding your criminal history, social security verification, motor vehicle records (“driving records”), verification of your education or employment history, or other background checks.

You have the right, upon written request made within a reasonable time, to request whether a consumer report has been run about you and to request a copy of your report. These searches will be conducted by **USA-FACT, Inc., 6200 Box Springs Blvd., Riverside, CA 95207 (1-800-547-0263), [www.usafact.com](http://www.usafact.com)**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of consumer reports throughout the course of your employment to the extent permitted by law.

**[End of Document]**  
**p. 1 of 1**

**DISCLOSURE REGARDING DRUG TESTING**

Sodexo, Inc. (the “Company”) may obtain information about you from a third party consumer reporting agency for employment purposes. Thus, you may be the subject of a “consumer report” consisting of a drug and alcohol test obtained by a consumer reporting agency from an authorized drug and alcohol testing facility.

You have the right, upon written request made within a reasonable time, to request whether a consumer report has been run about you and to request a copy of your report. These searches will be conducted by TalentWise Solutions LLC (“TalentWise”), 19800 North Creek Parkway, Suite 200, Bothell, Washington 98011 (877-893-1665), [www.talentwise.com](http://www.talentwise.com). The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of consumer reports throughout the course of your employment to the extent permitted by law.

**[End of Document]**  
**p. 1 of 1**

**Background Check Authorization and Required Information**

PLEASE PRINT LEGIBLY IN BLACK INK

**SECTION A—MUST BE COMPLETED BY ALL APPLICANTS**NAME: \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

STREET ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_

STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

SOCIAL SECURITY # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ \*\* DATE OF BIRTH \_\_\_\_\_ \*\*  
(MONTH) (DAY) (YEAR)

\*\* This information will be used for identification purposes only.

HAVE YOU BEEN KNOWN BY ANY OTHER NAMES? ☐ YES ☐ NO

IF YES, PLEASE LIST: \_\_\_\_\_

I acknowledge receipt of the separate documents entitled DISCLOSURE REGARDING BACKGROUND INVESTIGATION, DISCLOSURE REGARDING DRUG TESTING and A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT and certify that I have read and understand these documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Sodexo, Inc. (the "Company") at any time after receipt of this authorization and throughout my employment, if applicable. To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, drug testing facility or insurance company to furnish any and all background information requested by **USA-FACT, Inc., 6200 Box Springs Blvd., Riverside, CA 95207 (1-800-547-0263), [www.usafact.com](http://www.usafact.com); TalentWise Solutions LLC ("TalentWise"), 19800 North Creek Parkway, Suite 200, Bothell, Washington 98011 (877-893-1665) [www.talentwise.com](http://www.talentwise.com)** (for drug and alcohol testing only); and/or the Company. I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

**New York applicants only:** Upon request, you will be informed whether or not a consumer report was requested by the Company, and if such report was requested, informed of the name and address of the consumer reporting agency that furnished the report. You have the right to inspect and receive a copy of any investigative consumer report requested by the Company by contacting the consumer reporting agency identified above directly. By signing below, you acknowledge receipt of Article 23-A of the New York Correction Law

**New York City applicants only:** By signing this form, you further authorize the Company to provide you with a copy of your consumer report, the New York City Fair Chance Act Notice form, and any other documents, to the extent required by law, at the mailing address and/or email address you provide to the Company.

**Washington State applicants only:** You also have the right to request from the consumer reporting agency a written summary of your rights and remedies under the Washington Fair Credit Reporting Act.

**Minnesota and Oklahoma applicants only:** Please check this box if you would like to receive a copy of a consumer report if one is obtained by the Company. ☐

\_\_\_\_\_  
(Signature of Applicant)\_\_\_\_\_  
(Date)\_\_\_\_\_  
(Printed Name)



**SECTION B—MUST BE COMPLETED IF BACKGROUND INVESTIGATION IS REQUIRED FOR THE POSITION****1. ADDRESS INFORMATION**

You must provide the following requested address information for all places you have lived for the past 10 years starting with your current residence:

CITY/STATE/ZIP	COUNTY (IF KNOWN)	YEARS LIVED THERE (for example: From 2001 to 2004)

**2. DRIVING RECORD CHECK: Manager to initial if check is to be performed: \_\_\_\_\_**  
*(only if driving is a requirement of the position)*

Driver's License Number: \_\_\_\_\_ State \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Have you ever held a driver's license in any other state? ☐ YES ☐ NO (If yes, please list the state(s) and dates (for example: New York, 2000-2003) \_\_\_\_\_)

**3. EDUCATION VERIFICATION** (Please provide information for college/university and post-secondary institutions only.)

Name of Institution:	Location (city/state):	Dates of Attendance Month/Year	Graduate?	Type of Degree
		_____ to _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		_____ to _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Are you a Registered Dietitian? ☐ YES ☐ NO If yes, registration number: \_\_\_\_\_

In which states are you registered to practice dietetics? \_\_\_\_\_

**4. PREVIOUS EMPLOYMENT VERIFICATION**

Please list your job history for the past six (6) years or the last four (4) employers (whichever covers a longer period of time), starting with your current employer. Include U.S. Military Service, AmeriCorps, Peace Corps, and/or other national service, summer/part-time jobs, and cooperative education assignments.

Employer #1 (Current Employer)	Employer #2
City/State	City/State
Position Held	Position Held
Ending Salary	Ending Salary
Supervisor's Name	Supervisor's Name
Phone Number ( )	Phone Number ( )
Dates Employed From: To:	Dates Employed From: To:

May we contact now to verify the above information?

☐ YES ☐ NO If "No," please indicate when we may contact: \_\_\_\_\_

(Please specify, for example: after acceptance of offer or specified date, if applicable.)

Employer #3	
City/State	
Position Held	
Ending Salary	
Supervisor's Name	
Phone Number	( )
Dates Employed	From: To:

Employer #4	
City/State	
Position Held	
Ending Salary	
Supervisor's Name	
Phone Number	( )
Dates Employed	From: To:

### **CRIMINAL HISTORY QUESTIONNAIRE**

**Have you ever been convicted of, plead guilty, no contest or nolo contendere, to a misdemeanor or felony?\***

\*Do not report any conviction that has been sealed, expunged, statutorily eradicated, annulled, impounded, erased, dismissed, dismissed under a first offender's law, pardoned by the Governor or which state law allows you to lawfully deny as set forth below. **You must review the state law information on the next page before answering.** You are also not required to disclose violations, infractions, petty misdemeanors or summary offenses.

\_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

**If you answered Yes to the above question, please provide a response to the following:**

**1. Please provide city, county, and state of conviction and date and nature of the offense, along with sentencing information:**

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**2. Please provide any other information you would like the Company to consider including but not limited to: the time that has elapsed since the offense, your age at the time of the offense, facts or circumstances surrounding the offense, the number of offenses for which you have been convicted, your employment history before and after conviction, evidence of rehabilitation, and/or other mitigating factors. Please include additional pages if necessary.**

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Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

A conviction will not necessarily be a bar to employment. This information will only be used for job-related purposes consistent with applicable law and is only relevant in determining whether the conviction is related to the job for which you are applying. Factors such as age at the time of the offense(s), recentness of the offense(s), seriousness of the offense(s), nature of the violation(s), its relation, if any, to the job you are seeking, and rehabilitation will be taken into account. Failure to honestly answer these questions will result in discontinued consideration of your application or termination of employment.

**\* California employees/residents:** You need not disclose any referral to, and participation in, any pre-trial or post-trial diversion program, or any misdemeanor convictions for which probation has been successfully completed and discharged. Do not list any marijuana-related misdemeanor convictions over two years old, or felony marijuana convictions under California Health and Safety Code Section 11360 (c) which occurred prior to 1976.

**\* Connecticut employees/residents:** You need not disclose any conviction record that has been erased pursuant to sections 46b-146, 54-76o or 54-142a of the Connecticut General Statutes. Records subject to erasure under these sections are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that was dismissed or nolle, or a criminal charge for which the person was found not guilty or received an absolute pardoned conviction. Any person whose records were erased within the meaning of these three sections may consider such events to have never occurred and may so swear under oath.

**\* Massachusetts employees/residents:** An applicant for employment with a sealed record on file with the commissioner of probation may answer "no" to the above with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. In addition, any applicant for employment may answer "no" to the above with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of services which did not result in a complaint transferred to the superior court for criminal prosecution.

You may exclude information regarding first convictions for the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace, or a conviction for any misdemeanor where the conviction occurred or any prison sentence ended five or more years ago whichever date is later, unless you have been convicted of another offense within the last 5 years.

**\* San Francisco, CA employees/residents:** You may exclude convictions that occurred over seven years ago and a conviction or any other determination or adjudication in the juvenile justice system, or information regarding a matter considered in or processed through the juvenile justice system.

**\* Seattle, WA employees/residents:** In addition to the above, you may exclude a criminal conviction that has been the subject of a certificate of rehabilitation or other equivalent procedure based on a finding of the rehabilitation.

**\* Washington State employees/residents:** You may exclude convictions that occurred over ten years ago.

**\* Philadelphia, PA employees/residents:** You may exclude convictions occurring more than seven years from the date of the inquiry. Any period of incarceration should not be included in the calculation of the seven year period.

Para informacion en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escriba 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 the 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 will be 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 888 5 OPTOUT (888 567 8688).

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 more information about your federal rights,

contact:

TYPE OF BUSINESS:	CONTACT:
1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates  b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition the CFPB	a. Consumer Financial Protection Bureau, 1700 G St., N.W., Washington, DC 20552  b. Federal Trade Commission: Consumer Response Center—FCRA Washington, DC 20580
2. To the extent not included item 1 above: a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks  b. 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  c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured states savings associations  d. Federal Credit Unions	a. Office of the Comptroller of the Currency Customer Assistance Group, 1301 McKinney St., Suite 3450, Houston, TX 77010-9050  b. Federal Reserve Consumer Help Center, P.O. Box 1200, Minneapolis, MN 55480  c. FDIC Consumer Response Center, 1100 Walnut St., Box #11, Kansas City, MO 64106  d. National Credit Union Administration, Office of Consumer Protection, Division of Consumer Compliance and Outreach, 1775 Duke St., Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings, Aviation Consumer Protection Division, Department of Transportation, 1200 New Jersey Ave., S.E., Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board, Department of Transportation, 395 E St., 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 Administration, 409 Third St., SW, 8th Floor, Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission, 100 F St., 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 Dr., McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center—FCRA Washington, DC 20580 877 382 4357



**FOR CALIFORNIA APPLICANTS ONLY:**

**NOTICE REGARDING BACKGROUND CHECKS PER CALIFORNIA LAW**

Sodexo, Inc. (the "Company") intends to obtain information about you for employment screening purposes from a consumer reporting agency. Thus, you can expect to be the subject of "investigative consumer reports" obtained for employment purposes. Such reports may include information about your character, general reputation, personal characteristics and mode of living. With respect to any investigative consumer report from an investigative consumer reporting agency ("ICRA"), the Company may investigate the information contained in your employment application and other background information about you, including but not limited to obtaining a criminal record report, verifying references, work history, your social security number, your educational achievements, licensure, and certifications, your driving record, and other information about you, and interviewing people who are knowledgeable about you. The results of this report may be used as a factor in making employment decisions. The source of any investigative consumer report (as that term is defined under California law) will be **USA-FACT, Inc., 6200 Box Springs Blvd., Riverside, CA 95207 (1-800-547-0263), [www.usafact.com](http://www.usafact.com)** or **TalentWise Solutions LLC ("TalentWise"), 19800 North Creek Parkway, Suite 200, Bothell, Washington 98011 (877-893-1665) [www.talentwise.com](http://www.talentwise.com)** (for drug and alcohol testing only). The Company agrees to provide you with a copy of an investigative consumer report when required to do so under California law.

Under California Civil Code section 1786.22, you are entitled to find out what is in the ICRA's file on you with proper identification, as follows:

- In person, by visual inspection of your file during normal business hours and on reasonable notice. You also may request a copy of the information in person. The ICRA may not charge you more than the actual copying costs for providing you with a copy of your file.
- A summary of all information contained in the ICRA's file on you that is required to be provided by the California Civil Code will be provided to you via telephone, if you have made a written request, with proper identification, for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or charged directly to you.
- By requesting a copy be sent to a specified addressee by certified mail. ICRAs complying with requests for certified mailings shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the ICRAs.

"Proper Identification" includes documents such as a valid driver's license, social security account number, military identification card, and credit cards. Only if you cannot identify yourself with such information may the ICRA require additional information concerning your employment and personal or family history in order to verify your identity.

The ICRA will provide trained personnel to explain any information furnished to you and will provide a written explanation of any coded information contained in files maintained on you. This written explanation will be provided whenever a file is provided to you for visual inspection. You may be accompanied by one other person of your choosing, who must furnish reasonable identification. An ICRA may require you to furnish a written statement granting permission to the ICRA to discuss your file in such person's presence.

- ☐ Please check this box if you would like to receive a copy of an investigative consumer report at no charge if one is obtained by the Company whenever you have a right to receive such a copy under California law.

**FOR NEW YORK APPLICANTS ONLY:** I acknowledge that I have received the below copy of New York Correction Law Article 23-A.

§750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

- (1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
- (2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.
- (3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
- (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.
- (5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- (2) The issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.



**FOR NEW JERSEY APPLICANTS ONLY:**

**A SUMMARY OF YOUR RIGHTS UNDER THE  
NEW JERSEY FAIR CREDIT REPORTING ACT**

The state of New Jersey Fair Credit Reporting Act (NJFCRA) is designed to promote accuracy, fairness, consumer confidentiality and the proper use of credit data by each consumer reporting agency ("CRA") in accordance with the requirements of the NJFCRA.

The NJFCRA is modeled after the Federal Fair Credit Reporting Act. You have received a Summary of Your Rights Under the Federal Fair Credit Reporting Act. The two Acts are almost identical, as are your rights under them. You can find the complete text of the NJFCRA at the Department of Consumer Affairs. You may seek damages for violations of the NJFCRA. If a CRA, a user or (in some cases) a provider of CRA data violates the NJFCRA, you may have a legal cause of action.

**For questions or concerns regarding the NJFCRA please contact:**

**DIVISION OF CONSUMER AFFAIRS**

Department of Law and Public Safety

124 Halsey Street

Newark, NJ 07102

**Phone: 800-242-5846**

973-504-6200

**FOR WASHINGTON APPLICANTS ONLY:**

**A SUMMARY OF YOUR RIGHTS UNDER THE  
WASHINGTON FAIR CREDIT REPORTING ACT**

The Washington Fair Credit Reporting Act, located at Chapter 19.182 RCW, substantially parallels the federal Fair Credit Reporting Act and the rights and remedies set forth in the Federal Trade Commission's Summary of Rights, except that, effective July 22, 2007, the Washington State law imposes greater limitations on the reasons for which an employer may obtain a consumer report. Beginning July 22, 2007, an employer may not obtain a consumer report that indicates the consumer's credit worthiness, credit standing, or credit capacity, unless (1) the information is substantially job related and the employer's reasons for using the information are disclosed in writing, or (2) the information is required by law.

**COMPLAINTS**

ANY COMPLAINTS BY CONSUMERS UNDER STATE LAW  
MAY BE DIRECTED TO:

THE ATTORNEY GENERAL'S OFFICE IN WASHINGTON  
**CONSUMER PROTECTION DIVISION**

For Information Call: The Consumer Resource Center

Statewide Toll-Free Number:

**800-551-4636**

Statewide Toll-Free TDD

**800-276-9883**

Complaints May Be Made Via U.S. Mail or E-Mail

**Complaints: <http://www.atg.wa.gov/FileAComplaint.aspx>**

(Include your U.S. Mail address with any complaint.)

**Website & Forms: <http://www.atg.wa.gov/>**

# **EXHIBIT F**

August 1, 2016

Robert Piveronas  


Re: Adverse Action Notice

Dear Robert:

We regret to inform you Sodexo has made the decision not to hire you or to terminate your employment (if already employed) based, in whole or in part, on information contained in the background report provided by **Orange Tree Employment Screening ("Orange Tree")**, 7275 Ohms Lane, Minneapolis, MN 55439 (877 458 7137), or [www.orangetreescreening.com](http://www.orangetreescreening.com).

You were provided a copy of this report with the Pre-Adverse Action Notice previously sent to you. Orange Tree did not make this decision and will be unable to explain why the decision was made.

You have the right to obtain an additional free copy of your background report if you submit a written request to Orange Tree within 60 days of this letter. You also have the right to dispute the accuracy or completeness of any information in the report by contacting Orange Tree.

Sincerely,

Amy T Bucci  
General Manager  
Sodexo

# **EXHIBIT G**

08/03/2016

Robert Piveronas  
[REDACTED]  
[REDACTED]

Dear Robert:

You recently applied for a position at Sodexo. Part of the application process includes authorization for a background verification to be done by a consumer reporting agency.

This communication is to notify you that a decision is currently pending concerning your application for employment with Sodexo. Sodexo is considering making an adverse employment decision based on our hiring criteria, including information received in your background profile report from Orange Tree Employment Screening.

A copy of your report is enclosed, as well as a copy of your rights under the Fair Credit Reporting Act.

If there is any information that is inaccurate or incomplete, you should contact Orange Tree Employment Screening as soon as possible so an employment decision may be completed. This should be done in writing. Forms to help expedite this process can be found at <http://www.orangetreescreening.com/otes-reinvestigation.pdf>. If you do not have internet access they can be reached at:

Orange Tree Employment Screening  
Attn: Applicant Assistance Team  
7275 Ohms Lane  
Minneapolis, MN 55439  
Phone: 1-877-458-7137  
Fax: 1-855-358-3946

If you are going to dispute the report with Orange Tree, or would like to provide other information, please contact me at 716-932-2917 within five business days of the date of this letter. We will consider any information you provide before making a final decision regarding your employment.

If you do not contact me within five business days of the date of this letter, Sodexo will assume that you no longer wish to pursue or continue employment with our Company.

Sincerely,

**John McIntyre**

**A Summary of Your Rights Under the Fair Credit Reporting Act - Revised 1/2013**

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

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 the 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 will be entitled to one free disclosure every 12 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).

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) <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:**

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates	a. Consumer Financial Protection Bureau, 1700 G. St., N.W., Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition the CFPB	b. Federal Trade Commission: Consumer Response Center- FCRA Washington, DC 20580
2. To the extent not included in item 1 above:	
National banks, federal savings associations, and federal branches and federal agencies of foreign banks	Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050
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	Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480
Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations	
Federal Credit Unions	FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
	National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department 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 Transportation 395 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 Administration 409 Third Street, SW, 8th Floor Washington, 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	FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 (877) 382-4357