

RECEIVED

MAY 22 2023

CONSUMER PROTECTION



MULLEN
COUGHLIN LLC
ATTORNEYS AT LAW

19109 West Catawba Avenue, Suite 200
Cornelius, NC 28031

May 16, 2023

VIA U.S. MAIL

Consumer Protection Bureau
Office of the New Hampshire Attorney General
33 Capitol Street
Concord, NH 03301

Re: B.R. Funsten & Company - Notice of Data Event

To Whom It May Concern:

We represent B.R. Funsten & Company ("B.R. Funsten"), located at 2485 Courage Drive, Suite 100, Fairfield, CA 94533, and are writing to notify your office of an incident that may affect the security of certain personal information relating to approximately one (1) New Hampshire resident. This notice may be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, B.R. Funsten does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the New Hampshire data event notification statute, or personal jurisdiction.

Nature of the Data Event

On or about February 9, 2023, B.R. Funsten became aware of suspicious activity related to certain B.R. Funsten computer systems. B.R. Funsten immediately worked to restore its systems and launched an investigation, with assistance from third-party cybersecurity specialists, to determine the nature and scope of the incident. Through the investigation, it was determined that there was unauthorized access to B.R. Funsten's network between February 3, 2023 and February 9, 2023. The investigation determined that the unauthorized actor had access to certain files and folders within its system.

In an abundance of caution, B.R. Funsten undertook a comprehensive programmatic and manual review of the potentially accessed files to determine the type of information contained within the files and to whom the information related. On April 3, 2023, the review process was completed and it was determined that information related to certain individuals was present in the impacted

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files. B.R. Funsten then conducted additional review of its files for contact information to notify potentially impacted individuals about the incident. The information that could have been subject to unauthorized access includes

Notice to New Hampshire Resident

On or about May 16, 2023, B.R. Funsten provided written notice of this incident to approximately one (1) New Hampshire resident. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

Other Steps Taken and To Be Taken

Upon discovering the event, B.R. Funsten moved quickly to investigate and respond to the incident, assess the security of B.R. Funsten systems, and identify potentially affected individuals. Further, B.R. Funsten is working to review its existing policies and procedures and to implement additional administrative and technical safeguards to further secure the information on its systems. B.R. Funsten is providing access to credit monitoring services for twelve (12) months, through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

B.R. Funsten is providing impacted individuals with guidance on how to better protect against identity theft and fraud. B.R. Funsten is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud. B.R. Funsten is providing notice to the three major Credit Reporting Agencies (Experian, Equifax and Transunion).

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at

Very truly yours,

Matthew V. Toldero of
MULLEN COUGHLIN LLC

MVT/kzm
Enclosure

EXHIBIT A



TOM DUFFY COMPANY

WHOLESALE FLOORING PRODUCTS

EST. 1957 • A B.R. FUNSTEN COMPANY

Return Mail Processing
PO Box 999
Suwanee, GA 30024

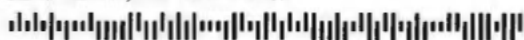
3 1 753 *****SNGLP

SAMPLE A. SAMPLE - L01

APT ABC

123 ANY ST

ANYTOWN, US 12345-6789



May 16, 2023

NOTICE OF [SECURITY INCIDENT] / [DATA BREACH]

Dear Sample A. Sample:

B.R. Funsten and & Co. ("B.R. Funsten") is writing to inform you of a recent event that may involve some of your information. Although there is no indication that your information has been misused in relation to this event, we are providing you with information about the event, our response to it, and resources available to you to help protect your information, should you feel it appropriate to do so.

What Happened? On or about February 9, 2023, B.R. Funsten became aware of suspicious activity related to certain B.R. Funsten computer systems. We immediately worked to restore our systems and launched an investigation, with assistance from third-party cybersecurity specialists, to determine the nature and scope of the incident. Through the investigation, it was determined that there was unauthorized access to B.R. Funsten's network between February 3, 2023, and February 9, 2023. The investigation determined that the unauthorized actor had access to certain files and folders within our system.

We undertook a comprehensive programmatic and manual review of the potentially accessed files to determine the type of information contained within the files and to whom the information related. On April 3, 2023, we completed the review of the impacted data and then conducted additional review of our files for contact information to notify potentially impacted individuals about the incident.

What Information Was Involved? The investigation determined that your [redacted] were included within files that may have been accessed and/or acquired by an unauthorized individual.

What We Are Doing. We at B.R. Funsten take this event and the security of your information seriously. Upon learning of this event, we moved quickly to investigate and respond to the incident, assess the security of our systems, restore functionality to our environment, and notify potentially affected individuals. As part of our ongoing commitment to the privacy of personal information in our care, we are working to review our existing policies and procedures and to implement additional administrative and technical safeguards to further secure the information on our systems.

Although we are unaware of any fraudulent misuse of personal information relating to this event, as an added precaution, we are offering you access to 12 months of complimentary credit monitoring and identity protection services through Experian at no cost to you. If you wish to activate the credit monitoring services, you may follow the instructions included in the *Steps You Can Take to Help Protect Personal Information*.

What You Can Do. Please review the enclosed *Steps You Can Take to Help Protect Personal Information*, which contains information on what you can do to better protect against possible misuse of your information. You can also enroll to receive the complimentary credit monitoring and identity protection services through Experian. We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements and monitoring your free credit reports for suspicious activity.

For More Information. We understand that you have my questions about this incident that are not addressed in this letter. If you have additional questions, please call the dedicated assistance line at (888) 401-0543 between 6:00 a.m. to 8:00 p.m. Pacific time, Monday through Friday and 8:00 a.m. to 5:00 p.m. Pacific Time, Saturday and Sunday, excluding major U.S. holidays. You can also write to B.R. Funsten at 2485 Courage Dr., Suite 100, Fairfield, CA 94533.

We take the privacy and security of personal information in our care very seriously, and sincerely regret any inconvenience or concern this incident may have caused.

Sincerely,

B.R. Funsten & Co.

STEPS YOU CAN TAKE TO HELP PROTECT PERSONAL INFORMATION

Enroll in Credit Monitoring Services

To help protect your identity, we are offering complimentary access to Experian IdentityWorksSM for 12 months.

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. If, after discussing your situation with an agent, it is determined that identity restoration support is needed then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred from the date of the incident (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that Identity Restoration is available to you for 12 months from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at www.ExperianIDWorks.com/restoration.

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary 12-month membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by** _____ (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll:
- Provide your **activation code**:

If you have questions about the product, need assistance with Identity Restoration that arose as a result of this incident, or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at (888) 401-0543 by August 31, 2023. Be prepared to provide engagement number _____ as proof of eligibility for the Identity Restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR 12-MONTH EXPERIAN IDENTITYWORKS MEMBERSHIP

A credit card is not required for enrollment in Experian IdentityWorks. You can contact Experian immediately regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.*
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance**:** Provides coverage for certain costs and unauthorized electronic fund transfers.

* Offline members will be eligible to call for additional reports quarterly after enrolling.

** The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

Monitor Your Accounts

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended "fraud alert" on a credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should you wish to place a fraud alert, please contact any one of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a "credit freeze" on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer's express authorization. The credit freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a credit freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, you cannot be charged to place or lift a credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to five years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. A legible photocopy of a government-issued identification card (state driver's license or ID card, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
1-888-298-0045	1-888-397-3742	1-800-916-8800
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

Additional Information

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; www.identitytheft.gov; 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. You can obtain further information on how to file such a complaint by way of the contact information listed above. You have the right to file a police report if you ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you will likely need to provide some proof that you have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement and your state Attorney General. This notice has not been delayed by law enforcement.