



MULLEN  
COUGHLIN<sup>LLC</sup>  
ATTORNEYS AT LAW

RECEIVED

FEB 08 2021

CONSUMER PROTECTION

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426 W. Lancaster Avenue, Suite 200  
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January 27, 2021

**INTENDED FOR ADDRESSEE(S) ONLY**

**VIA U.S. MAIL**

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

**Re: Notice of Data Event**

Dear Sir or Madam:

We represent Absher Construction Company (“Absher”), located at 1001 Shaw Rd E, Puyallup, WA 98372. Absher is writing to notify your office of an incident that may affect the privacy of personal information relating to one (1) New Hampshire resident. Absher reserves the right to supplement this notice with new significant facts learned subsequent to its submission. By providing this notice, Absher 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 August 31, 2020, Absher learned of unusual activity impacting the availability and use of certain of its systems. Accordingly, Absher immediately commenced an investigation, working with third-party forensic investigators, to assess the nature and scope of the activity. The investigation determined that an unknown actor used malicious software (malware) to encrypt certain of Absher’s systems and collect a limited number of files from the systems between August 28 and August 29, 2020. Therefore, Absher worked with forensic investigators to review the affected files to confirm the type of personal information contained in those files and the individuals to whom it related. This review was completed on December 8, 2020.

The investigation determined that the following types of information related to a New Hampshire resident may have been accessible within the potentially affected systems: Social Security

Number. To date, the investigation has found no evidence of any actual or attempted misuse of personal information as a result of this event.

#### **Notice to New Hampshire Residents**

On January 27, 2021, Absher provided written notice of this incident to potentially affected individuals. This includes approximately one (1) New Hampshire resident whose personal information under state law may have been accessible. Written notice to the individuals was provided in substantially the same form as the letter attached here as *Exhibit A*.

#### **Other Steps Taken and To Be Taken**

Upon learning of this incident, Absher moved quickly to assess the security of its systems, reset passwords, initiate an investigation, notify law enforcement and to notify potentially impacted individuals. Absher is also providing contact information in its letters so that potentially affected individuals can reach out to Absher with questions or concerns regarding this incident. Absher is also offering complimentary access to twelve (12) months of credit and identity monitoring services, including identity restoration services through Experian for affected individuals, and the contact information for a dedicated call center for potentially affected individuals to contact with questions or concerns regarding this incident.

Additionally, Absher is providing affected individuals with guidance on how to better protect themselves against identity theft and fraud. This guidance includes 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 about incidents of identity theft and fraud by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, the respective state Attorney General, and law enforcement to report attempted or actual identity theft and fraud. Absher will also be providing notice of this event to other regulators as may be required under applicable state law.

#### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at 267-930-4775.

Very truly yours,



Christopher DiLenno of  
MULLEN COUGHLIN LLC

CJD:hyb  
Enclosure

# Exhibit A



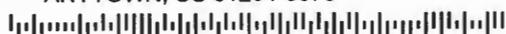
Return Mail Processing  
PO Box 589  
Claysburg, PA 16625-0589

January 27, 2021

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SAMPLE A SAMPLE  
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123 ANY ST  
ANYTOWN, US 01234-5678



Dear Sample A Sample:

Absher Construction Company (“Absher”) writes to make you aware of a recent incident involving your personal information. While we are unaware of any actual or attempted misuse of your information, this letter provides you with more information about what happened and what we are doing in response.

**What Happened?** On August 31, 2020, Absher learned of unusual activity impacting the availability and use of certain of its systems. Accordingly, we immediately began an investigation, working with third-party forensic investigators, to assess the nature and scope of the activity. The investigation determined that an unknown actor used malicious software (malware) to encrypt certain of Absher’s systems and collect a limited number of files from the systems between August 28 and August 29, 2020. Therefore, we worked with forensic investigators to review the affected files to confirm the type of personal information contained in those files and the individuals to whom it related. This review was completed on December 8, 2020.

**What Information Was Involved?** Our investigation determined that your first and last name, as well as your Extra1, were stored within one of the systems whose data was collected by the malware.

**What Are We Doing.** We take the security of personal information in our care seriously. Upon learning of this incident, we moved quickly to assess the security of our systems, reset passwords, initiate a detailed investigation and to notify potentially impacted individuals. As part of our ongoing commitment to information security, we are also reviewing and enhancing existing policies and procedures. We have reported this matter to law enforcement and will also be reporting this incident to state regulators as required. Additionally, while we are unaware of any actual or attempted misuse of your information, in an abundance of caution, we are notifying potentially impacted individuals, including you, so that you may take further steps to protect your information, should you feel it appropriate to do so. We are also providing you with access to Extra2 months of credit and identity protection service through Experian at no cost to you.

**What You Can Do.** What Can You Do. Please review the enclosed “Steps You Can Take to Protect Your Information” for further details, which contain more information on the identity monitoring services we are offering through Experian and how to activate them.

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***For More Information.*** We recognize you may have questions not addressed in this letter. If you have additional questions, please call our dedicated assistance line at 1-888-451-6560 (toll free), Monday – Friday, 6:00 a.m. to 8:00 p.m., and Saturday – Sunday, 8:00 a.m. to 5:00 p.m., Pacific Time (excluding U.S. national holidays). You may also write to Absher at: 1001 Shaw Rd E, Puyallup, WA 98372.

We sincerely regret any inconvenience this incident may cause you. Protecting your information is important to us, and Absher remains committed to safeguarding information in our care.

Sincerely,

Jeff Richards  
President  
Absher Construction Company

## STEPS YOU CAN TAKE TO PROTECT YOUR INFORMATION

### **Enroll in Complimentary Identity and Credit Monitoring Services**

To help protect your identity, we are offering a complimentary Extra2 month membership to Experian's IdentityWorks. Experian's offering includes credit monitoring and identity restoration support. To activate your membership and start monitoring your personal information please follow the steps below:

1. Visit the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/3bplus>
2. Provide your activation code: CreditCode
3. You have until **04/30/2021** to activate your identity monitoring services. Your activation code will not work after this date.

If you have questions about Experian's offering or need assistance with identity restoration, please contact Experian's customer care team at **888-451-6560** by **04/30/2021**. Be prepared to provide engagement number **B008440** as proof of eligibility for the identity restoration services by Experian.

### **Monitor Your Accounts**

We encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports for suspicious activity. Under U.S. law you are entitled to one (1) free credit report annually from each of the three (3) major credit reporting bureaus. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also contact the three (3) major credit bureaus listed below directly to request a free copy of your credit report. You may wish to stagger your requests so that you receive a free report by one of the three credit bureaus every four months.

You have the right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, you cannot be charged to place or lift a security freeze on your credit report. Should you wish to place a security freeze, please contact the major consumer reporting agencies listed below:

#### **Experian**

P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742

[www.experian.com/freeze/center.html](http://www.experian.com/freeze/center.html)

#### **TransUnion**

P.O. Box 160  
Woodlyn, PA 19094  
1-888-909-8872

[www.transunion.com/credit-freeze](http://www.transunion.com/credit-freeze)

#### **Equifax**

P.O. Box 105788  
Atlanta, GA 30348-5788  
1-800-685-1111

[www.equifax.com/personal/credit-report-services](http://www.equifax.com/personal/credit-report-services)

In order to request a security freeze, you will need to provide the following information:

1. Your full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. If you have moved in the past five (5) years, provide the addresses where you have lived over the prior five (5) 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, military identification, etc.); and
7. If you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.

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As an alternative to a security freeze, you have the right to place an initial or extended “fraud alert” on your file at no cost. An initial fraud alert is a one (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 (7) years. Should you wish to place a fraud alert, please contact any one of the agencies listed below:

**Experian**

P.O. Box 9554  
Allen, TX 75013  
1-888-397-3742  
[www.experian.com/fraud/center.html](http://www.experian.com/fraud/center.html)

**TransUnion**

P.O. Box 2000  
Chester, PA 19016  
1-800-680-7289  
[www.transunion.com/fraud-alerts](http://www.transunion.com/fraud-alerts)

**Equifax**

P.O. Box 105069  
Atlanta, GA 30348  
1-888-766-0008  
[www.equifax.com/personal/credit-report-services](http://www.equifax.com/personal/credit-report-services)

You can further educate yourself regarding identity theft, fraud alerts, security freezes, and the steps you can take to protect yourself, by contacting the consumer reporting agencies, the Federal Trade Commission, or your state Attorney General.

The Federal Trade Commission can be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://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.

**For Maryland residents**, the Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 410-576-6300 or 1-888-743-0023; or [www.oag.state.md.us](http://www.oag.state.md.us).

**For New Mexico residents**, you have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in your credit file has been used against you, the right to know what is in your credit file, the right to ask for your credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to your file is limited; you must give your consent for credit reports to be provided to employers; you may limit “prescreened” offers of credit and insurance you get based on information in your credit report; and you may seek damages from violators. You may have additional rights under the Fair Credit Reporting Act not summarized here. Identity theft victims and active duty military personnel have specific additional rights pursuant to the Fair Credit Reporting Act. We encourage you to review your rights pursuant to the Fair Credit Reporting Act by visiting [www.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](http://www.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf) or by writing to Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

**For New York residents**, the Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; <https://ag.ny.gov>.

**For North Carolina residents**, the Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6400; or [www.ncdoj.gov](http://www.ncdoj.gov).

**For Rhode Island residents**, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, Rhode Island 02903; [www.riag.ri.gov](http://www.riag.ri.gov); or 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. The personal information of approximately 3 Rhode Island resident(s) was affected in this incident.