



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

RECEIVED

APR 08 2022

CONSUMER PROTECTION

Paul T. McGurkin, Jr.  
Office: (267) 930-4788  
Fax: (267) 930-4771  
Email: pmcgurkin@mullen.law

426 W. Lancaster Avenue, Suite 200  
Devon, PA 19333

April 4, 2022

**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 BH Automotive, LLC (“BH Automotive”) located at 8333 Royal Ridge Parkway, Suite 100, Irving, TX 75063, and are writing on behalf of the following car dealerships, Airpark Dodge Chrysler Jeep, Acura of Peoria, ABC Nissan, Bell Honda, Arrowhead Cadillac, Camelback Toyota, Midway Nissan, Town East Ford, Joe Myers Toyota, Toyota of Dallas, Miles Chevrolet and Reliable Imports (the “Dealerships”), to notify your office of an incident that may affect the security of some personal information relating to two (2) New Hampshire residents. BH Automotive provides various administrative services to the Dealerships. As part of providing these services, BH Automotive was supplied with information of the affected individuals by one or more of the Dealerships. This notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, BH Automotive 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 April 19, 2021, BH Automotive discovered suspicious activity within its network. Upon discovery, BH Automotive immediately launched an investigation with the assistance of third-party forensic specialists to determine the nature and scope of the activity. The investigation determined there was unauthorized access to BH Automotive’s network between April 12, 2021 and April 21, 2021 during which the unauthorized actor viewed and copied certain files. BH Automotive reviewed the contents of the affected files and on January 13, 2022 confirmed the identities of the individuals whose sensitive information was contained therein. BH Automotive subsequently conducted an extensive review of its internal records to locate mailing addresses for these individuals in order to send notification letters. The information that could have been subject to unauthorized access includes name and Social Security number.

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

On April 4, 2022, BH Automotive provided written notice of this incident to affected individuals which includes two (2) New Hampshire residents. 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**

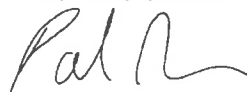
Upon discovering the event, BH Automotive moved quickly to investigate and respond to the incident, assess the security of its systems, and notify potentially affected individuals. BH Automotive also implemented additional safeguards and training to its employees. BH Automotive is providing individuals whose personal information was potentially affected by this incident with access to credit monitoring services for one (1) year through Kroll at no cost to the individuals.

Additionally, BH Automotive is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. BH Automotive 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. BH Automotive is also notifying regulators as required.

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4788.

Very truly yours,



Paul T. McGurkin, Jr. of  
MULLEN COUGHLIN LLC

PTM:cds  
Enclosure

# **EXHIBIT A**

<<Date>> (Format: Month Day, Year)

<<first\_name>> <<middle\_name>> <<last\_name>> <<suffix>>  
<<address\_1>>  
<<address\_2>>  
<<city>>, <<state\_province>> <<postal\_code>>  
<<country>>

## NOTICE OF SECURITY INCIDENT

Dear <<First\_Name>> <<Last\_Name>>:

Airpark Dodge Chrysler Jeep, Acura of Peoria, ABC Nissan, Bell Honda, Arrowhead Cadillac, Camelback Toyota, Midway Nissan, Town East Ford, Joe Myers Toyota, Toyota of Dallas, Miles Chevrolet and Reliable Imports (the “Dealerships” or “we”) write to notify you of an incident that may affect the privacy of some of your information. We have your information in our possession because you are a current, former or prospective customer or employee of one of the Dealerships. We take this incident seriously, and this letter provides details of the incident, our response, and steps you may take to better protect against the possible misuse of your information, should you feel it appropriate to do so.

**What Happened?** On April 19, 2021, we discovered suspicious activity within our shared network. We immediately launched an investigation with the assistance of third-party forensic specialists to determine the nature and scope of the activity. Our investigation determined there was unauthorized access to our network between April 12, 2021 and April 21, 2021 during which the unauthorized actor viewed and copied certain files. We then reviewed the contents of the affected files to determine what, if any, sensitive information was contained within them. On January 13, 2022, the review determined that the files contained certain sensitive information related to you.

**What Information Was Involved?** The Dealerships determined the following information related to you was present in the affected files at the time of this incident: <<b2b\_text\_1(Data Elements)>>.

**What We Are Doing.** The Dealerships take the confidentiality, privacy, and security of information in our care seriously. Upon discovery, we immediately commenced an investigation to confirm the nature and scope of the incident. We also took steps to implement additional safeguards and review our policies and procedures related to data privacy and security.

The Dealerships are providing you access to 12 months of identity monitoring services through Kroll at no cost to you. A description of these services and instructions to activate can be found within the enclosed *Steps You Can Take to Help Protect Personal Information*. Please note that you must complete the activation process yourself, as we cannot activate your services.

**What You Can Do.** Please review the enclosed *Steps You Can Take to Help Protect Personal Information*. You can also activate the complimentary identity monitoring services being offered through Kroll. We encourage you to remain vigilant against incidents of identity theft and fraud, review your account statements, and monitor your credit reports for suspicious activity.

**For More Information.** We understand you may have questions about the incident that are not addressed in this letter. If you have additional questions, please call 1-???-???-????, Monday through Friday, from 8:00 a.m. to 5:30 p.m. Central Time, excluding major U.S. holidays.

We take the privacy and security of information in our care seriously. We sincerely regret any inconvenience or concern this incident may cause you.

Sincerely,

The Dealerships

## Steps You Can Take to Help Protect Personal Information

### Activate Your Identity Monitoring Services

We are offering you identity monitoring services through Kroll for 12 months at no cost to you as an added precaution. Kroll is a global leader in risk mitigation and response, and their team has extensive experience helping people who have sustained an unintentional exposure of confidential data. Your identity monitoring services include Credit Monitoring, Fraud Consultation, and Identity Theft Restoration.

Visit <https://enroll.krollmonitoring.com> to activate and take advantage of your identity monitoring services.

You have until <<b2b\_text\_6(ActivationDeadline)>> to activate your identity monitoring services.

Membership Number: <<MembershipNumber (S\_N)>>

For more information about Kroll and your Identity Monitoring services, you can visit [info.krollmonitoring.com](http://info.krollmonitoring.com).

If you prefer to activate these services offline and receive monitoring alerts via the US Postal Service, you may activate via our automated phone system by calling 1-888-653-0511, Monday through Friday, 8:00 a.m. to 5:30 p.m. Central Time, excluding major U.S. holidays. Please have your membership number located in your letter ready when calling. Please note that to activate monitoring services, you will be required to provide your name, date of birth, and Social Security number through our automated phone system.

Additional information describing your services is included with this letter.

### 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](http://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:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
1-888-298-0045	1-888-397-3742	1-833-395-6938
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](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 Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and [www.oag.state.md.us](http://www.oag.state.md.us). Berkshire Hathaway Automotive, Inc. is located at 8333 Royal Ridge Parkway, Suite 100, Irving, TX 75063.

*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 bureaus 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 violator. 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 Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

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

*For North Carolina residents*, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and [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, RI 02903; [www.riag.ri.gov](http://www.riag.ri.gov); and 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There is 1 Rhode Island resident impacted by this incident.



## **TAKE ADVANTAGE OF YOUR IDENTITY MONITORING SERVICES**

You have been provided with access to the following services from Kroll:

### **Single Bureau Credit Monitoring**

You will receive alerts when there are changes to your credit data—for instance, when a new line of credit is applied for in your name. If you do not recognize the activity, you'll have the option to call a Kroll fraud specialist, who will be able to help you determine if it is an indicator of identity theft.

### **Fraud Consultation**

You have unlimited access to consultation with a Kroll fraud specialist. Support includes showing you the most effective ways to protect your identity, explaining your rights and protections under the law, assistance with fraud alerts, and interpreting how personal information is accessed and used, including investigating suspicious activity that could be tied to an identity theft event.

### **Identity Theft Restoration**

If you become a victim of identity theft, an experienced Kroll licensed investigator will work on your behalf to resolve related issues. You will have access to a dedicated investigator who understands your issues and can do most of the work for you. Your investigator will be able to dig deep to uncover the scope of the identity theft, and then work to resolve it.

Kroll's activation website is only compatible with the current version or one version earlier of Chrome, Firefox, Safari and Edge.

To receive credit services, you must be over the age of 18 and have established credit in the U.S., have a Social Security number in your name, and have a U.S. residential address associated with your credit.