

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

<p><b>DISTRICT OF COLUMBIA</b> a municipal corporation 441 4th Street, N.W. Washington, D.C. 20001,</p> <p style="text-align:right">Plaintiff,</p> <p style="text-align:center">v.</p> <p><b>Retrieval-Masters Creditors Bureau, Inc.,</b> a New York corporation, d/b/a American Medical Collection Agency,</p> <p style="text-align:right">Defendant.</p>	<p>Case No.:</p>
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**COMPLAINT FOR VIOLATIONS OF THE CONSUMER PROTECTION  
PROCEDURES ACT AND THE CONSUMER SECURITY BREACH  
NOTIFICATION ACT**

Plaintiff the District of Columbia (the “District”), acting by and through the Office of the Attorney General (“OAG”), brings this action against Retrieval-Masters Creditors Bureau, Inc., doing business as American Medical Collection Agency, for violations of the District’s Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-3901, *et seq.* and the District of Columbia Consumer Security Breach Notification Act, D.C. Code §§ 28-3851, *et seq.*

**PARTIES**

1. Plaintiff District of Columbia (“District”), a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is

responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1). The Attorney General is specifically authorized to enforce the District’s consumer protection laws, including the District’s Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-3901, *et seq.*, pursuant to D.C. Code § 28-3909.

2. Defendant Retrieval-Masters Creditors Bureau, Inc., d/b/a American Medical Collection Agency, is a New York corporation with a current principal place of business at 200 Pemberwick Rd., Greenwich, CT 06831 and a previous principal place of business at 4 Westchester Plaza, Suite 110, Elmsford, NY 10523.

### **PUBLIC INTEREST**

3. The District has reason to believe Defendant has engaged in and will continue to engage in the unlawful practices described below. Therefore, the District has reason to believe that Defendant has caused and will cause adverse effects to business enterprises which lawfully conduct trade and commerce in this State. Further, one of the principal purposes of the CPPA and the District of Columbia Consumer Security Breach Notification Act, D.C. Code §§ 28-3851, *et seq.*, pursuant to which this action is filed is to protect consumers from identity theft, in part by requiring businesses to implement and maintain reasonable safeguards to protect the personal information of consumers from unlawful use or disclosure.

4. Therefore, the District has reason to believe that this action is in the public interest.

### **JURISDICTION**

5. This Court has jurisdiction over the subject matter of this case pursuant to D.C. Code §§ 11-921 and § 28-3909.

6. This Court has personal jurisdiction over Defendant pursuant to D.C. Code § 13-423(a).

7. Defendant transacted business within the Washington, D.C. at all times relevant to this Complaint.

### **STATEMENT OF FACTS**

8. Defendant Retrieval-Masters Creditors Bureau, Inc., is a debt collection agency. Defendant collected medical debts on behalf of healthcare providers under the name American Medical Collection Agency (“AMCA”) from consumers across the country, including residents of the District.

9. In June 2019, Defendant publicly disclosed that between August 1, 2018 and March 30, 2019, an unauthorized user had gained access to Defendant’s internal system (hereafter “Data Breach”).

10. Defendant further disclosed that the intruder had gained access to records with the personal information of approximately twenty million individuals from whom Defendant was attempting to collect payment on behalf of medical providers. The information included names, dates of birth, social security numbers, financial information, and medical information.

11. On or about June 6, 2019, Defendant began mailing notice of the Data Breach to over seven million affected consumers. These notices included an offer to affected individuals of consumer credit monitoring for two years.

12. In the regular course of its business, Defendant collected and maintained the personal information of individuals located in the District and throughout the country, to include dates of birth, social security numbers, financial information, and medical information (hereafter “PI”).

13. Defendant’s conduct in collecting and maintaining PI was subject to the requirements of the District’s Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-

3901, *et seq.* and the District of Columbia Consumer Security Breach Notification Act, D.C. Code §§ 28-3851, *et seq.* which require that a business implement and maintain reasonable safeguards to protect from unlawful use or disclosure any personal information collected or maintained by the business, including information that identifies an individual and relates to the provision of health care to the individual, and was further subject to the requirements of the federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and its implementing regulations. *See* 45 CFR Parts 160 and 164.15.

14. Defendant represented on its website that it was compliant with all applicable Federal and State laws. It also accepted payments by credit card, thus directly and indirectly representing that it was compliant with the Payment Card Industry Data Security Standard (“PCI DSS”), which is a set of security standards designed to ensure that all companies that accept, process, store, or transmit credit card information maintain a secure environment to safeguard such information throughout the transaction process.

16. Defendant engaged in trade and commerce and did business in the District, including by acting as a Business Associate, as defined by HIPAA, and collecting debts in the District on behalf of medical providers.

### **CAUSES OF ACTION**

17. The District re-alleges and incorporates by reference each and every preceding paragraph of this petition.

18. The District further alleges that Defendant has, in the conduct of trade or commerce, engaged in false, misleading, unfair or deceptive acts or practices in violation of D.C. Code § 28-3904. More specifically, Plaintiff alleges that contrary to its representations, Defendant failed to comply with requirements to safeguard the personal information of consumers, including the

requirements of HIPAA and its implementing regulations.

19. The District further alleges that Defendant's conduct as described above violated D.C. Code § 28-3852.01, which provides that a business shall implement and maintain reasonable safeguards, practices, and procedures to protect from unlawful use or disclosure any personal information collected or maintained by the business, including information that identifies an individual and relates to the provision of health care to the individual. By violating D.C. Code § 28-3852.01, Defendant has violated D.C. Code § 28-3904(kk).

### **PRAYER**

20. WHEREFORE, Plaintiff prays that this court will award judgment for the Plaintiff and against the Defendant and enter an Order:

- A. Finding that Defendant violated the following state laws: D.C. Code § 28-3904 and D.C. Code § 28-3852.01;
- B. Permanently enjoining, pursuant to D.C. Code § 28-3909(a), Defendant from engaging in the deceptive acts and practices alleged herein and from violating the CPPA and the District of Columbia Consumer Security Breach Notification Act;
- D. Order the payment of civil penalties as permitted by statute pursuant to D.C. Code § 28-3909(b);
- E. Award the District the costs of this action and reasonable attorney's fees pursuant to D.C. Code § 28-3909(b); and
- F. Grant such further relief as the Court deems just and proper.

Respectfully submitted,

Dated: March 11, 2021

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