

**DECLARATION OF KATHLEEN NOLAN  
PURSUANT TO 28 U.S.C. § 1746**

I, Kathleen Nolan, have personal knowledge of the following facts and matters discussed in this declaration and, if called as a witness, could and would testify to the facts stated in this declaration.

1. I am a citizen of the United States and am over eighteen (18) years of age. I am currently employed as an investigator at the Consumer Financial Protection Bureau.  
  
I was employed as a Federal Trade Investigator (Investigator) for the Federal Trade Commission (FTC) from March of 2014 until September of 2021. I worked at the Division of Financial Practices in the FTC's Bureau of Consumer Protection.
2. Prior to joining the FTC, I was an investigator at the U.S. Department of Labor, Office of Labor-Management Standards, for eight years. I have been a Certified Fraud Examiner (CFE) since November 2015. The CFE is a certification awarded by the Association of Certified Fraud Examiners. To become a CFE, I had to pass an exam which tested four subject areas: (1) fraud prevention and deterrence; (2) fraudulent financial transactions; (3) fraud investigations; and (4) legal elements of fraud. Since obtaining my certification, I need to recertify every year by taking continuing education credits in investigational skills and ethics. I received a Bachelor of Arts in History from the University of Virginia and received a Master's in Public Policy from George Mason University.
3. The FTC maintains a website, [identitytheft.gov](https://identitytheft.gov), where people can file identity theft reports and receive personal recovery plans. Credit reporting agencies ("CRA") reported to the FTC that they are being inundated with what they believe to be fraudulent identity

theft reports. It was thought that some credit repair organizations were filing fraudulent reports on behalf of their customers in an attempt to clean up the customers' credit report. Investigating this matter further, a loan servicer referred Alex Miller Credit Repair to me, as one such company that may be filing fraudulent identity theft reports.

4. After further research, I found that Alex Miller Credit Repair is an alias name of a Wyoming company called Turbo Solutions Inc. that was previously called Alex Miller Financial Services Inc., and that its principal is Alexander V. Miller. The FTC opened an investigation on this credit repair business and I was assigned as the lead investigator on the case (Turbo Solutions Inc. and Alexander Miller are referred to as "Defendants"). Once assigned to the case, it was my responsibility to find evidence of potential violations of the various laws and regulations related to credit repair services, including Section 5 of the FTC Act, the Credit Repair Organization Act ("CROA"), and the FTC's Telemarketing Sales Rule ("TSR"). As part of my work, I engaged in the following investigative activities: (1) capturing the Alex Miller Credit Repair Instagram account and website; (2) making an undercover call to Alex Miller Credit Repair asking about their services; (3) working with the FTC's identitytheft.gov contractor, Leidos, to identify fraudulent reports the Defendants filed on identitytheft.gov; (5) reviewing Civil Investigative Demand (CID) responses; and (6) conducting an analysis of the evidence, including a financial analysis of the Defendants' bank accounts.

**@AlexMillerCreditRepair Instagram**

5. As part of my investigation, I regularly visited the Defendants' Instagram account @AlexMillerCreditRepair. I periodically preserved selected posts from the Instagram account using Snagit, a screen capture software program from a virtual desktop.

6. I identified numerous posts on Defendants' Instagram account in which Alex Miller claims that Defendants significantly improved a customer's credit score. For example, **Attachment A** is a true and correct capture from June 7, 2020, on the Defendants' Instagram account where Alex Miller shows a screenshot of a purported client's new improved 732 credit score, reflecting an alleged 118 score improvement. Numerous other posts similarly make unsubstantiated claims of dramatic improvements in clients' credit scores, often over short periods of time.
7. Several of Alex Miller's Instagram posts claim that their credit repair services have allowed clients to purchase a new home, car, or business. **Attachments B and C** reflect unsubstantiated posts claiming that clients' improved credit scores permitted them to buy or build new homes.
8. Alex Miller regularly claims on Defendants' Instagram account that improving one's credit is a two-step process involving (1) removing negative accounts, and (2) purchasing credit building products. **Attachment D** is a true and correct capture from the Defendants' Instagram account.
9. I identified numerous Instagram account posts in which Alex Miller claims to have deleted negative items and/or accounts from a client's credit reports. For example, **Attachment E** is a true and correct capture from October 19, 2019, on the Defendants' Instagram account where Alex Miller claims he is able to delete numerous negative items clients' credit reports. The post includes in large font and bold, "Student Loans = Deleted[,] Collections = Deleted[,] Charge offs = Deleted[,] Evictions = Deleted[,] Bankruptcies = Deleted[,] Repos = Deleted[,] Late Payments = Deleted[,] Hospital Bills = Deleted[,] Foreclosures = Deleted." **Attachment F** is a true and correct capture from

November 12, 2020, on the Defendants' Instagram account where Alex Miller states he was able to delete 31 negative accounts from a client's credit report in the first round of his credit repair program.

10. I also identified numerous posts on Defendants' Instagram account that indicate Defendants charge customers for credit repair services on a monthly basis, or otherwise show that customers are charged before Defendants complete their services. For example, **Attachment G** is a true and correct capture from the Defendants' Instagram account from November 7, 2020 where Alex Miller states customers had to pay monthly fees in order to receive credit repair services. **Attachment H** is a true and correct capture from the Defendants' Instagram account from September 22, 2020, where Alex Miller states that if a customer writes a negative review on social media he will cancel their credit repair plan and the customer will not get a refund.
11. I have attached additional examples of Defendants' Instagram posts advertising their services.
12. **Attachment I** is a true and correct capture from the Defendants' Instagram account from October 7, 2020 where Alex Miller claims that he improved a customer's credit score to 739.
13. **Attachment J** is a true and correct capture from the Defendants' Instagram account from October 25, 2020, where Alex Miller states he was able to remove 30 negative accounts from a customer's credit report in one round.
14. **Attachment K** is a true and correct capture from the Defendants' Instagram account from September 10, 2020 where Alex Miller states that if the company is unable to

- successfully bill customers' credit cards every month the company will cease their credit repair services.
15. **Attachment L** is a true and correct capture from the Defendants' Instagram account from September 29, 2020, where Alex Miller boasts a 105 improvement which got his client to a 721 credit score, and states credit repair is a two-step process. Step 1 is described as the "removal of at least 85% of your inaccurate negative accounts" while step 2 is the addition of credit building products/tradelines by the client.
  16. **Attachment M** is a true and correct capture from November 7, 2020, on the Defendants' Instagram where Alex Miller states he fixed his client's credit and she bought a house. The client purportedly purchased both credit repair and credit building products from the defendants.
  17. **Attachment N** is a true and correct capture from December 30, 2020, on the Defendants' Instagram account where Alex Miller claims that he raised his client's credit score by 125 points, enabling his client to buy an Audi and a Jeep.
  18. **Attachment O** is a true and correct capture from June 5, 2020, on the Defendants' Instagram account where Alex Miller posts a picture or video of an Apple card, and writes that a client "invested \$1,500 into credit repair and received \$40K right back." Miller's post appears to indicate that the client received a \$40,000 Apple card as a result of his credit services.
  19. **Attachment P** is a true and correct capture from August 21, 2020, on the Defendants' Instagram account where Alex Miller claims, "get a Tradeline and this will INSTANTLY populate you a credit score and instant history."

20. **Attachment Q** is a true and correct capture from August 5, 2019, on the Defendants' Instagram account where Alex Miller shows a screenshot of all of the negative items he purportedly removed from a client's credit report.
21. **Attachment R** is a true and correct capture from February 28, 2020, on the Defendants' Instagram account where Alex Miller wrote, "New clients [sic] results!" next to a screenshot of a purported Equifax credit score report of an individual with a 706 credit score, and a 124 point score improvement.
22. **Attachment S** is a true and correct capture from May 12, 2020, on the Defendants' Instagram account where Alex Miller shows a screenshot of a purported credit score report that shows an initial score of 614, a current score of 732, and a score improvement of 118.
23. **Attachment T** is a true and correct capture from May 12, 2020, on the Defendants' Instagram account where Alex Miller shows a screenshot of a text exchange between himself and a client. Alex Miller claims he was able to delete 32 out of 33 negative accounts for the client.

**AlexMillerCreditRepair.com Website**

24. As part of my investigation, I also regularly visited the defendants' Internet website, alexmillercreditrepair.com. I periodically captured this website using WINHTTtrack, a website capture application.
25. Defendants' website included unsubstantiated statements describing Defendants' purported ability to improve the credit score for consumers.
26. **Attachment U** is a true and correct capture on the "About Alex" page from March 16, 2021, where it states, "Alex coined his credit repair process 'The 3 Round Burst' which is

now known as the most effective way to get inaccurate negative accounts deleted off credit reports. In the last 3 years, Alex Miller Credit Repair has helped over 10,000 clients repair their credit and purchase the cars, home and businesses of their dreams! The company has earned well over \$15 million in revenue and Alex has been featured on the front page of Yahoo Finance as one of the top businessmen to watch in 2020.”

27. Defendants claim the ability to remove negative information from clients’ credit history and that Defendants can provide credit building products (such as trade lines) to build positive credit. **Attachment V** is a true and correct capture of the website stating they “Provide tradelines (credit boosters),” from October 2019.
28. Defendants claim the ability to remove negative items on a customer’s credit report by conducting three rounds of “advance disputing” items with the credit agencies. **Attachment W** is a true and correct capture from March 16, 2021, of the Frequently Asked Questions page where it states, “The 3 Round Burst consist of 3 master rounds of advanced disputing. Each round is 30-40 days. You will see massive deletion results at the end of each round.”
29. **Attachment X** is a true and correct capture of the Defendants’ website from March 16, 2021, stating, “we guarantee results in 40 days.”
30. **Attachment Y** is a true and correct capture of the Defendants’ website from March 16, 2021, where the defendants promise to delete inaccurate and negative accounts.
31. **Attachment Z** is a true and correct capture of the Frequently Asked Questions page from March 16, 2021, where it states, “Will my score go up? Your score will increase according to how many positive accounts you have after we delete the negative accounts. If you don’t have any positive account then your scores will reset. A rest credit score is

neither bad nor good. It just means you don't have any credit. Giving you a fresh start & clean slate to start building positive credit from there.”

32. The Alex Miller Credit Repair website features embedded videos advertising the company's services. On the March 2021 capture I witnessed a video where the company claimed: “You're your credit,” “700+ credit scores,” “Larger loan amounts,” and “Higher credit card limits.”
33. **Attachment AA** is a true and correct capture of the website from March 16, 2021, where it states Alex Miller Credit Repair “Delete[s] Negative Accounts.”
34. **Attachment BB** is a true and correct capture of the website from March 16, 2021, where it states on the Mission Statement that, “Your scores will increase according to how many Positive Accounts you have after the Negative/Inaccurate accounts are deleted. If you don't have any Positive Accounts then we have Credit Building Products that will help strengthen your credit scores.”
35. **Attachment CC** is a true and correct capture of the stating, “Repair your credit today! Guaranteed results in 40 days,” from October 2019.

#### **Undercover Call**

36. On or about September 25, 2020, I conducted and recorded an undercover phone call with the Defendants. I called the Defendants at phone number 877-503-9737 (the number listed on their website) posing as a potential customer in need of credit repair. I stated that I was out of a job because of Covid-19 and had failed to pay my debts. I stated that I anticipated I was getting a new job soon and would like to purchase their credit repair services once I had a steady paycheck.



37. As noted in the highlighted sections of **Attachment DD**, the Alex Miller Credit Repair sales representative said it was the company's job to dispute anything negative or inaccurate on my credit report, including repossession, a bankruptcy, a collection, charge-off, and any credit inquiries that were not tied to open accounts, as well as correcting late payments.
38. The representative further stated that once the company was able to remove negative accounts from my credit report, my credit score would be based on any positive accounts that remained. It was imperative that I had positive accounts on my credit report and that I only utilized 30% of my available credit—i.e., if I have a credit card with a \$1,000 limit I should only have a \$300 balance or less.
39. The representative stated that the company typically charges \$1,500 for their services, but I could join for \$750. The \$750 could be broken up into multiple payments if I paid \$250 today and then made payments every 2 months.
40. The representative stated Alex Miller Credit Repair removed negative items from credit reports by disputing them.
41. The representative stated the company's goal was to get customers to a credit score in the 700s.
42. After I completed the call, I submitted a copy of the recording to a transcription service. The original of the recording is maintained in a secure location at the FTC and is available upon request. After receiving the written transcription of the call, I compared the recorded file of the call with the written transcription and confirmed that the written transcription accurately reflected the audio recording. A true and correct copy of the transcript of this call (with my highlights added) is attached as **Attachment DD**.

### Consumer Sentinel Identity Theft Reports

43. Identitytheft.gov is a FTC website where consumers can electronically file identity theft reports and receive personal recovery plans. Identity theft reports are searchable on Consumer Sentinel.<sup>1</sup> I searched for everyone who filed a consumer complaint against Alex Miller Credit Repair on Consumer Sentinel to see if identity theft reports were filed under their names.
44. I found numerous examples where the complainants also had identity theft reports filed in their name. When I reviewed the identity theft reports, I noticed that for each report the consumer opted out of creating an identitytheft.gov account. In my experience, consumers who are actual victims of identity theft, typically create such an account so that they can track the report and receive their personal recovery plan. I also observed that the “Comments” field in these identity theft reports contained one of three almost identical statements that I have identified as report A, report B, and report C. The three versions (with the differences in bold, italics) are:

**Report A:** I recently found that there are several *inaccurate* items on my credit report that don’t belong to me. I do not have a record doing business with these companies. If these items are not deleted off my credit report immediately I will be forced to contact a consumer’s right’s attorney and sue. I have documented all correspondence with your company. Please remove these *inaccurate* accounts, as you know they are in violation of the Fair Credit Reporting Act.

**Report B:** I recently found that there are several *fraudulent* items on my credit report that don’t belong to me. I do not have a record doing business with these companies. If these items are not deleted off my credit report immediately I will be forced to contact a consumer’s right’s attorney and sue. I have documented all correspondence with your

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<sup>1</sup> The Consumer Sentinel Network (“Consumer Sentinel”) is a free, online database of consumer reports available only to law enforcement. It includes reports about identity theft, fraud, financial transactions, debt collection, and credit reports, among other subjects. Consumer Sentinel is based on the premise that sharing information can make law enforcement even more effective. To that end, Consumer Sentinel provides law enforcement members with access to consumer reports provided directly to the FTC, as well as to reports shared by other data contributors.

company. Please remove these *fraudulent* accounts, as you know they are in violation of the Fair Credit Reporting Act.

**Report C:** I recently found that there are several *fraudulent* items on my credit report that don't belong to me. I do not have a record *of* doing business with these companies. If these items are not deleted off my credit report immediately I will be forced to contact a consumer's right's attorney and sue. I have documented all correspondence with your company. Please remove these *fraudulent* accounts, as you know they are in violation of the Fair Credit Reporting Act.

45. I then ran a search on Consumer Sentinel for identity theft reports containing the language of Report A in the "Comments" field and found 4,194 identity theft reports filed from September 13, 2018 through December 17, 2019. I ran a similar search for identity theft reports containing the language of Report B and found 2,015 identity theft reports filed from April 22, 2019 through December 4, 2020. I ran a similar search for identity theft reports containing the language of Report C and found 3,811 reports filed from December 2, 2019 through February 25, 2021. In total, I found 10,020 identity theft reports containing the language of Report A, B, or C that were filed between September 13, 2018 and February 25, 2021.
46. During the investigation, the FTC issued a civil investigative demand to PayPal, Inc., which was processing payments for the defendants through March 19, 2020. I cross-matched the PayPal transaction data with identity theft reports from the three searches described above. I found that approximately 1,225 identity theft reports were associated with an individual that had paid defendants using PayPal. When I did a spot check of several identity theft reports/payment transactions, I found that the defendants typically took payment from a consumer about a week before the identity theft report was filed.
47. Leidos Holdings Inc. ("Leidos") is a third-party contractor who services the FTC's identity theft report database. The FTC identified a random sample of 196 identity theft

reports from the 10,020 reports identified during the above-described searches, or in other words, that contained language similar to identity theft reports filed by the defendants.<sup>2</sup>

Leidos provided the IP addresses associated with the sample of reports. I used Whois Domain Tools reverse IP address lookup and searched the IP addresses provided by Leidos. Of those 196 reports, 184 were filed from an IP address located in the Philippines. A true and correct copy of a spreadsheet reflecting my IP address search is attached as **Attachment EE**.

48. As stated, my review showed that the overwhelming majority of identity theft reports in the sample were filed from the Philippines. My review of the identity theft reports themselves showed that none of the consumers, in whose name those reports were filed, lived in the Philippines, all reside in the United States. As discussed in more detail below, during the investigation, the FTC issued a civil investigative demand to Bank of America where the defendants maintain bank accounts. As discussed below, my review of records produced by Bank of America shows that the defendants sent frequent wire transfers to the Philippines.

#### **Better Business Bureau Customer Reviews**

49. During the course of the investigation, the FTC obtained from the BBB serving greater Houston and south Texas copies of reviews posted to the BBB's website relating to Alex Miller Credit Repair. The BBB provided 16 negative and 18 positive reviews of Alex Miller Credit Repair. The copies provided by the BBB included the email address, zip code, and IP address from where the online reviews were filed.

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<sup>2</sup> This sample was taken from reports dated after February 2020, which is the time period in which Leidos had preserved metadata for identity theft reports.

50. I used Whois Domain Tools reverse IP address lookup to determine the address for all of the IP addresses for the BBB reviews. The negative reviews were filed from locations throughout the country such as Mahwah, NJ; Tucker, GA; Louisville, KY; Fort Worth, TX; and Los Angeles, CA. The negative reviews and the reverse IP address lookup information are attached hereto as **Attachment FF**.
51. For the positive reviews, 12 were filed from Houston, TX, and 10 of the Houston, TX complaints were filed from the exact same IP address. Alex Miller Credit Repair is based in Houston, TX. The positive reviews and the reverse IP address lookup information are attached hereto as **Attachment GG**.

#### Investigative Analysis

52. During the investigation, the FTC issued civil investigative demands to Bank of America, where the defendants maintain bank accounts, and PayPal and PayArc Inc., both of which the defendants used to process consumer payments.
53. I obtained bank records for multiple Alex Miller Financial Services Bank of America accounts. I used a software program called CFIS to convert the records received from Bank of America into a spreadsheet reflecting the financial transactions for each account.
54. My review of the Bank of America documents shows that Alex Miller Financial Services Bank of America account ending in 6108 is the main operating account for the business. The payment processors PayPal and PayArc deposited customer payments directly into this account. From October 2018 to December 2020, Alex Miller Credit Repair had a gross revenue of \$9,358,224.30.
55. My review of the defendants' bank records also shows that Alex Miller Credit Repair wired Cherry Mae Priego numerous times from their account ending in 6108 to her

account at the Union Bank of the Philippines. From March 2, 2020 through December 29, 2020, Priego received \$121,887.23. A chart of these payments is attached hereto as **Attachment HH**. I found a LinkedIn profile for Priego where she states that she is based in the Philippines and works as a credit repair specialist. I captured that profile and attached it hereto as **Attachment II**. As stated above, most of the identity theft reports filed on Identitytheft.gov by Alex Miller Credit Repair were from the Philippines.

56. Reviewing the Alex Miller Financial Services Bank of America account ending in 6108, I noticed numerous purchases that appear to serve no obvious business purpose. Those purchases made from October 2018 through December 2020 include the following:

- \$193,149 in bank teller cash withdrawals
- \$82,668.84 in ATM withdrawals
- \$71,427.67 in auto expenses
- \$29,511.07 in designer clothes
- \$6,680.70 in jewelry
- \$26,677 at strip clubs

These withdrawals and expenditures totaled \$410,114.28 from the company's operating account. These purchases are attached hereto in table format as **Attachment JJ**.

57. A spreadsheet reflecting certain relevant transactions for Alex Miller Financial Services' Bank of America account ending in 0508 is attached as **Attachment KK**.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on, in Washington, District of Columbia.

Handwritten signature of Kathleen Nolan and the date 2/18/22.

Kathleen Nolan