

**UNITED STATES OF AMERICA**  
**Before the**  
**CONSUMER FINANCIAL PROTECTION BUREAU**  
**July \_\_, 2013**

**ADMINISTRATIVE PROCEEDING**  
**File No. 2013-CFPB-0002**

**In the Matter of:**

**3D Resorts-Bluegrass, LLC**

**PROPOSED ORDER GOVERNING  
PROTECTION OF CONFIDENTIAL  
OR SENSITIVE PERSONAL  
INFORMATION AND PRODUCED  
MATERIALS**

On June 14, 2013, the Consumer Financial Protection Bureau (Bureau) filed a Notice of Charges Seeking Rescission, Restitution, Civil Money Penalties, and Legal and Equitable Relief (Notice of Charges) alleging that 3D Resorts-Bluegrass, LLC (3D Resorts-Bluegrass) violated various provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701-1720. On July 5, 2013, the Bureau submitted a Motion Regarding the Protection of the Confidentiality of Sensitive Personal Information and Produced Materials. Having considered the Motion and finding it appropriate, the Administrative Law Judge issues the following Order:

- 1. Sensitive Personal Information.** As set forth in § 1081.112(e), sensitive personal information means an individual's Social Security Number, taxpayer identification number, financial account number, credit card or debit card number, driver's license number, State-issued identification number, passport number, date of birth (other than year), and any sensitive health information identifiable by individual, such as an individual's medical records. Sensitive personal information shall not be included in, and

must be redacted or omitted from, filings unless the person filing the paper determines that such information is relevant or otherwise necessary for the conduct of the proceeding. If the person filing a paper determines the sensitive personal information contained in the paper is relevant or necessary to the proceeding, the person shall file the paper in accordance with paragraph (f) of this section [§ 1081.112(f)], including filing an expurgated copy of the paper with the sensitive personal information redacted.

- 2. Confidential Material.** Motions seeking confidential treatment of information contained in a filing under §§ 1081.112(f) and 1081.119 must meet the strict standards set forth in § 1081.119(b). It is the burden of the party filing a paper or introducing an exhibit at a hearing to redact or omit personal information pursuant to § 1081.112(e). Neither the hearing officer nor the Bureau will review each pleading for compliance with this rule. Any party inadvertently filing or introducing sensitive personal information without prior authorization shall take immediate steps to withdraw the exhibit or filing and shall notify the hearing officer and/or Office of Administrative Adjudication to remove such sensitive information from public view.
- 3. Materials Produced.** Materials produced by the Bureau to the Respondent may only be used for the purposes of this administrative proceeding, including all appeals. Within sixty (60) days after the conclusion of proceedings, by settlement or otherwise, and all appeals, the Respondent shall return to the Bureau all materials, copies, and any other medium containing, summarizing, or otherwise embodying any sensitive personal information or its contents (including sensitive personal information provided to all experts and receiving parties pursuant to this Order), except that the receiving party's counsel may, solely for record-keeping purposes, retain his or her files intact; however,

such counsel shall not use or disclose any sensitive personal information for any purpose other than preserving the integrity of his/her files. All deposition and hearing transcripts (or portions thereof), exhibits, and any similar such materials that contain sensitive personal information shall be returned to the Bureau as set forth above. To the extent material containing sensitive personal information has been disclosed to a non-party whose identity has not been revealed (such as a consulting expert), the receiving party that disclosed the sensitive personal information agrees to secure from the non-party the return of such material. Alternatively, the Respondent may destroy any sensitive personal information. If the receiving party elects to destroy the sensitive personal information, it shall promptly destroy the information and give the producing party an affidavit confirming that it has destroyed the requested information.

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Brenda P. Murray  
Administrative Law Judge