

**DECLARATION OF GUY MILLER**  
**PURSUANT TO 28 U.S.C. § 1746**

I, Guy Miller, hereby declare as follows:

1. My name is Guy Miller. I live in Florida and am over eighteen years of age. I have personal knowledge of the facts stated in this declaration, and if called as a witness, I could and would competently testify to these same facts.

**The Better Business Bureau and My Role**

2. The Better Business Bureau (“BBB”) is a not-for-profit organization focused on advancing marketplace trust by providing information and services to both consumers and businesses. The BBB consists of independently incorporated local BBB organizations in North America, coordinated under the Council of Better Business Bureaus (“CBBB”). The Better Business Bureau of Palm Beach County, Inc., (“Southeast Florida BBB”) is an independently incorporated local BBB organization covering southeast Florida and the Caribbean.

3. I am the Vice President of Operations of the Southeast Florida BBB. I oversee divisions that review and attempt to resolve complaints submitted to the BBB about local businesses or businesses that consumers mistakenly believe are located in the area served by the Southeast Florida BBB.

4. I am also a custodian of records for the Southeast Florida BBB. I am therefore familiar with the recordkeeping practices of the Southeast Florida BBB and attest that all of the documents referenced in, or attached to, this declaration were prepared and kept in the ordinary course of business.

### **BBB Complaints and Inquiries**

5. During the normal course of business, the Southeast Florida BBB regularly receives complaints and inquiries from the public about local businesses or businesses that are mistakenly thought to be located in southeast Florida and the Caribbean.

6. The BBB does not act as an advocate for consumers or businesses, but instead serves a mutually trusted intermediary to resolve complaints, facilitate communication, and provide information on ethical business practices. The BBB remains impartial and does not take sides in disputes between businesses and their customers.

7. The Southeast Florida BBB generally receives complaints from consumers through its website, by facsimile, by email, or by mail. Complaints filed with BBB are housed in an internal BBB database. The complaints filed via the BBB website input directly into a file for each company selected by the consumer within this database. Paper complaints are first transcribed and then entered in this same database.

8. It is the policy and practice of the Southeast Florida BBB to forward each complaint it receives to the business that is the subject of the complaint. If no response is received, the Southeast Florida BBB forwards the complaint a second time. Responses that are received from the company are maintained in the BBB database, as are any replies to those responses submitted by the consumer.

9. At the completion of the complaint process, the Southeast Florida BBB formally “closes” a complaint and classifies it as answered, unanswered, unresolved, resolved, or out of purview. The term “unanswered” refers to when the business fails to respond, whereas “unresolved” refers to when the business responds to the dispute but fails to fully address the complaint issues. The term “answered” means that the business has made a prompt, good faith

effort to address the concern or concerns raised in the complaint. The term “resolved” refers to when a consumer has directly informed BBB that their complaint has been satisfied by the company.

10. The Southeast Florida BBB retains all consumer and company correspondence as part of its regularly conducted business activities.

### **BBB Business Rating**

11. Like other independent BBB organizations, the Southeast Florida BBB rates certain businesses, assigning letter grades from “A+” (highest) to “F” (lowest). Many elements factor into the BBB’s rating system. Factors that can lower a rating include the volume of complaints filed against a business, unanswered complaints, unresolved complaints, and failure to address the causes leading to a pattern of complaints represents some of the elements. Once the BBB receives information indicating that a business is no longer in operation, the BBB changes the business’s rating to “OOB” (Out of Business).

### **Simple Health Plans and Related Entities**

12. Since August 2016, the Southeast Florida BBB has received numerous complaints against Simple Health Plans LLC (“Simple Health”). Our records show that Steven Dorfman is the CEO of this business and that it is located at the following addresses:

- a) 2 Oakwood Boulevard, Suite 100, Hollywood, Florida 33020; and
- b) 1722 Sheridan Street, Suite 628, Hollywood, Florida 33020.

13. Our records also indicate that Simple Health is associated with two other businesses, HBC Insure and Health Benefits Center. The Southeast Florida BBB opened files on these businesses in October 2013 and August 2016, respectively. Each has multiple addresses, including the Oakwood Boulevard location noted above in paragraph 12 as well as 200 S. Park

Road, Suite 465, Hollywood, Florida 33021. Steven Dorfman is listed as a manager of Health Benefits Center.

### **Simple Health Complaints**

14. The Southeast Florida BBB began receiving complaints against Simple Health in August 2016. In total, the Southeast Florida BBB has processed 31 complaints against Simple Health. My independent review of these complaints indicates that consumers generally allege that they paid hundreds of dollars per month for what Simple Health telemarketers led them to believe would be a major medical health insurance policy but instead turned out to be a medical discount membership, indemnity policy, or similar product that did not provide the promised benefits or coverage.

15. Based on the nature and volume of complaints filed against Simple Health, on 05/14/17, the Southeast Florida BBB added the following alert to Simple Health's online business profile: "BBB has received a pattern of complaints alleging that consumers provided the company with personal information in order to obtain what they believed would be a health insurance plan, however they have not received the expected product."

16. Based on the number of complaints against Simple Health, it has a current BBB rating of "NR", due to previously closed unresolved complaints being re-opened.

### **Simple Health Online Reviews**

17. In addition to receiving complaints, the BBB also permits consumers to post reviews about businesses that appear in the business's online profile. Consumers can rate businesses between one through five stars and include a statement accompanying their rating. When submitting a review, consumers are prompted to provide their first and last name, email

address, zip code, and phone number. A representative of the business subsequently has the opportunity to post a response immediately below the consumer's statement.

18. There are currently 40 reviews of Simple Health posted on the business's profile. Of these 40 reviews, there are 25 one-star reviews, one three star review, four four-star reviews, and 10 five-star reviews.

19. Eight of the 10 five-star reviews for Simple Health were submitted between May 15, 2018 and June 6, 2018. BBB policy recommends staff take additional steps to verify the authenticity of reviews. Although online reviews are not factored into a business's BBB rating, BBB has witnessed businesses seeking to submit positive reviews to improve or offset its negative rating. Staff therefore attempted to authenticate the five-star reviews by contacting the individuals who submitted them using the email addresses provided. In six cases, no one responded. BBB policy directs staff to remove reviews not verified, therefore the six reviews were removed. An additional two reviews were removed because they were found to be duplicates.

#### **Unauthorized Use of BBB Logo and BBB Accreditation**

20. Businesses can apply for BBB accreditation with their local BBB organization. Accreditation means that the BBB organization has determined the applicant meets the BBB's accreditation standards, which include building trust in the marketplace, advertising honestly, telling the truth about their products and services, transparency, honoring promises, responsiveness to consumer complaints, safeguarding privacy, and embodying integrity. Accredited businesses are permitted to display the Better Business Bureau torch logo and seal on their website and other promotional materials. The seal and logo are trademarked by the CBBB.

21. It is not uncommon for unaccredited businesses to display the BBB seal and logo. Thus, to protect consumers as well as the BBB's intellectual property, BBB staff regularly conduct internet searches for businesses displaying BBB trademarks without authorization. During such a routine search, the Southeast Florida BBB discovered that the website [www.hbcinsure.com](http://www.hbcinsure.com) displayed the BBB accreditation seal and logo. Staff captured and saved a copy of the homepage of this site. A true and correct copy of this page is attached hereto as **Miller Attachment A.**

22. At the time the Southeast Florida BBB found the BBB seal on [www.hbcinsure.com](http://www.hbcinsure.com), there was no record of this business either being accredited or having applied for BBB accreditation. On or around October 24, 2013, therefore, the Southeast Florida BBB notified HBC Insure that its website improperly displayed the BBB logo and seal, falsely implying that it was a BBB-accredited business. As stated in a demand letter sent by the Southeast Florida BBB to HBC Insure:

Your business's use of the BBB Accredited Business seal, BBB torch or logo and/or "BBB"/"Better Business Bureau" verbiage without permission constitutes trademark infringement and is a violation of BBB's trademark rights. Moreover, this use may constitute false and deceptive advertising in violation of state or federal statutes because it falsely implies BBB endorsement or affiliation.

Accordingly, we must demand that you immediately remove the infringing trademark where it is displayed and any other places where you may be using it. We request that you provide us with assurances that you have done so. Please indicate your agreement by responding within seven days.

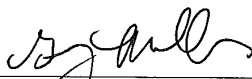
23. HBC Insure did not immediately comply with this request. In fact, the Southeast Florida BBB was not able to verify that the BBB logo and seal had been removed from the business's website until July 2014.

24. Neither Simple Health nor any business associated with it has ever been accredited by the BBB or applied for accreditation. However, in December 2017, Simple

Health's Chief Compliance Officer, Candida Girouard, contacted the Southeast Florida BBB about applying for accreditation. Ms. Girouard requested a meeting with Southeast Florida BBB staff to discuss accreditation. In an email responding to this request, staff informed Ms. Girouard that "[a]fter reviewing your complaint history, it has been determined that a meeting would not be practical at this time."

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct.

Executed on Sept. 28, 2018.

  
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Guy Miller

# Miller Attachment A



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Thursday, October 24, 2013

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