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US. DISTRICT COURT
UNITED STATES DISTRICT COURT MID. DIST. TENN. MIDDLE DISTRICT OF TEmTJ3SSEE
NASHVILLE DIVISION

FEDERAL TRADE COMMISSION, 1
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Plaintiff, 1
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VOCATIONAL GUIDES, INC.,
a Tennessee corporation,

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Civil No. 3-01-0170

ert L. E C ,1 ,c-~
and 1

TIMOTHY SCOTT JACKSON,

Defendants.

STIPULATED FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION AGAINST DEFENDANTS VOCATIONAL GUIDES, INC., AND
TlMOTHY SCOTT JACKSON

The Federal Trade Commission ("Commission") commenced this civil action on

February 20, 2001. The defendants, as named in the Cornplaint for Injunction and Other

Equitable Relief ("Complaint"), are Vocational Guides, Inc. ('Vocational Guides") and Timothy

Scott Jackson ("Jackson"). The Co~~lmission and Defendants Vocational Guides and Jackson

hereby stipulate to this Final Judgment and Order for Permanent Injunction ("Order").

This document ~~2s entered on
the docl-;etin :nm-\l~liance with

Page of 17 Kuie 58 suit.79(a)., /

FINDINGS

By stipulation of the parties, the Court finds as follows:
1. The Commission bl-ought this action pursuant to Section 13(b)of the Federal
Trade Cornmission Act ('FT'C Act"), 15 U.S.C. !$ 53(b). The Conlnlission seeks both permanent injunctive relief and consumer redress and/or disgorgement for alleged udair or deceptive acts or practices by the Defendants in connection with the marketing and sale of envloyment goods and services. The Complaint states a clain~ upon which relief may be granted against the Defendants.
2. The Commission has the authority under Section 13(b) of the FTC Act to seek the
relief it has requested.

C)

3 This Court has jurisdiction over the subject matter of this action and has
jurisdiction over Defendants Vocational Guides and Jackson. Venue in the Middle District of Tennessee is proper.
4. The activities of Defendants Vocational Guides and Jackson, as alleged in the
Complaint, were in or affecting conmlerce, as defined in Section 4 of the FTC Act, 15U.S.C.
§ 4-4.
5. The Commission and Defendants Vocational Guides and Jackson stipulate and
agree to this Order, without trial or final adjudication of any issue of fact or law, to settle and
resolve all matters in dispute arising from the Complaint to the date of entry of Complaint,' 12.5 462.4805 342 issue .232.491 0 Jack588 -F66 199.917d�(C0

6. Defendants Vocational Guides and Jackson waive all lights to seek judicial
review 01- otherwise challenge or contest the validity of this Order. They also waive any claim that they lnay have held under the Equal Access to Justice Act, 28 U.S.C. 5 2412, concerning the prosecution of this action to the date of this Order. Each settling party shall bear its own costs and attorneys' fees.
7. Defendants

2. 'Defe~~dants"111eans Vocational Guides, lnc., and Timothy Scott Jackson, whether acting directly or through any corporation, subsidiary, division, agent, employee, consultant. independent contractor or other device.
3. 'Znlploynlent goods and servicesy7 nlearls any item, product, good or service
represented to assist consumers in obtaining employnlent, including but not limited to preparation or other training for any employment exanination.

ORDER
I. PROHIBITED BUSINESS ACTIVITY
IT IS HEREBY ORDERED that Defendants are permanently restrained and enjoined
from (1) the advertising, offering for sale, selling, or distributing employment goods and services and (2) assisting others who are engaged in the advertising, offering for sale, selling or distributing of employment goods and services. Nothing in this Order shall be read as an exception to this paragraph.
11. COMPLIANCE WITH 5 5 OF THE FTC ACT
IT IS FURTHER ORDERED that Defendants, in connection with the marketing.
offering for sale, or sale of any good or service are hereby permanently restrained and enjoined from

A. Misrepresenting the benefit of using the good or service;
B. Misrepresenting the identity of the seller; and
C. Misrepresenting the affiliation of the seller with any government entity or other
organization. -

Page 4 of 17

111. PROHIBITIONS REGARDING CONSUMERS

IT IS FURTHER ORDERED that Defendants are pe~manently restrained and enjoined
from:
A. Selling, renting, leasing, transfen-ing, or otherwise disclosing the name, address,
telephone number, credit card number, bank account number, e-mail address, or other identdjmg information of any customer of Defendants who paid any money to any defendant, at any time prior to entry of this Order; provided, ho~t-rrrer-, that Defendants may disclose such identlfylng information (i) with the express written consent of the person whose information is disclosed, (ii) to a law enforcement agency, or (5)as requued or- authoiized by any law, regulation, or court order.
B. Seeking to collect or collecting payment, directly or through third party collection
services, for postal employment examination materials from customers of Vocational Guides.

IV. MONETARY RELIEF
IT IS FURTHER ORDERED that:

A. Judgment is hereby entered against Defendants for payment of equitable relief,
including, but not Limited to, consumer redress andlor disgorgement in the amount of
$19 1,600.00 plus the residual of the receivership estate, as provided in Paragraph VILA. All payments by Defendants shall be made payable to the Federal Trade Cornmission and sent to the Regional Director, Federal Trade Commission, Southeast Region, 60 Forsyth Street, S.W. Suite 5M35, Atlanta, Georgia 30303, by certified or cashier's check or a check drawn on the trust

Page 5 of 17

account of Defendants' counsel Feith & Zell, P.C., with five (5) days of the entry of this Order. If payment is not received within five (5) days of the entry of this Order, the Court shd enter judgment in the amount of $3,137,361.00 in fivol-of the Commission and against the Defendants, without further notice, which wiU be inmediately due and payable.
B. The funds received by the Conmission pursuant to this Paragraph IV shall be
deposited into an account to be maintained by the Commission or its agent. Upon the final
disposition of this action, such funds shall be (1) distributed as redress to consumers and used to
pay expenses of administering the redress fund, andlor (2) paid to the U.S. Treasury as equitable
disgorgement (if distribution is deemed impractical).
C. If the Commission determines, in its sole discretion, that redress to consumers is
wholly or partially impracticable, any funds 19TTd�(imp07.0101 Tc 2.5e3hg385 Tm�(If)Tj�0.931 0 T4 12.125 45

solely renledial in nature, and not a fme, penalty, punitive assessnlent 01- fnl<kitv.l-e.

V. ASSET FREEZE

IT IS FURTHER ORDERED that upon entry of this Order and the transfer of all assets
as required by Paragraph IVYthe freeze of Defendants assets provided in the Stipulated Preh~ina~yInjunction Order shall be dissolved.

VI. RIGHT TO REOPEN

IT IS FURTHER ORDERED that within five (5)business days after entry of this
Order, Defendants shall submit to the Commission a t~uthful sworn statement, in the form shown on Appendix A, that shall acknowledge receipt of this Order and shall I-eaffm and attest to the truth, accuracy and completeness of the sworn deposition testimony provided by Defendant Jackson on April 5,2001, Defendants' Financial Disclosure Statements (Plaintiff's Exhibits 40 and 46 used at Defendant Jackson's deposition on April 5,2001) and Defendant Jackson's affidavit dated April 12,2001. The Commission's agreement to this Order is expressly premised on the truthfulness, accuracy and completeness of such financial disclosure statements, affidavit and sworn deposition testimony. If, upon motion by the Commission, the Court finds that any financial disclosure statement or Defendant Jackson's eldavit or deposition testimony contains any material misrepresentation or omission, the Court shall enter judgment against Defendants, TI favor of the Commission, in the amount of $3,137,361.00; which is intended to represent the total consumer loss caused by Defendants, which will be immediately due and payable [less

full force and efYect unless otherwise ordered by the Court. P~-ol-icird.filr-rl?er, that proceedings instituted under this provision would be in addition to, and not in lieu of, any other civil or criminal remedies as may be provided by law, including any other pl-oceedinps that the Com~issionnlay initiate to enforce this Order. Defendants expressly waive all rights to contest the imposition or amount of the judgment specified in this Paragraph VI.

VII. RECEIVERSHIP
IT IS FURTHER ORDERED that:
A. The receivership imposed in the Stipulated Preliminay Injunction Order entered
in this

this

copy all documents relevant to any matter contained in this Order; and shall permit Commission representatives to remove docunlents relevant to any matter contained in this Order for a period not to exceed three (3) business days so that the documents may be inspected, inventoried, and copied. Defendants may have counsel present duling such access. Provided that, upon application of the Commission and for good cause shown, the Court may enter an exparte order granting immediate access to any such business prenise for the purpose of inspecting and copying all documents relevant to any matter contained in this Order.
B. To interview the officers, directors, and enqloyees, including all personnel
involved in responding to consunler conlplaints or inquiries, and all sales personnel, whether designated as employees, consultants, independent contractors or otherwise, of any business to which sub-paragraph A of this Paragraph IX applies, concerning matters relating to compliance with the terns of this Order. The person interviewed may have counsel present.

X. AUTHORITY TO MONITOR COMPLIANCE
IT IS FURTHER ORDERED that the Commission is authorized to monitor

Defendants' compliance with this Order by all lawful means, including, but not limited to, the following means:
A. The Commission is authorized, without further leave of Court, to obtain discovery
from any person in the manner provided by Chapter V of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 26 - 37, including the use of compulsory process pursuant to Fed. R. Civ. P. 45, for the purpose of monitoring Defendants' compliance with any provision of this Order;
B. The Commission is authorized to use representatives posing as consumers and

Page 11 of 17

suppliers to Defendants, thek enlployees, or any other entity

XII. REPORTS BY DEFENDANT

IT IS FURTHER ORDERED that, in order that con~plimce with the provisions of this Order may he 111onitored:
A. For a period of five

1. His then current residential address and telephone nunher;
2. His then cut-rent enlployment, business address and telephone numbers, a
description of the business activities of such en~loyer, and his title and responsibilities for such employer;

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3. A copy of each acknowledgment of

The panics hereby stipulate and agree to the terms and conditions set forth and consent to

the entry of this Final Judgment and Order

For Plaintiff, Federal Trade Commission

- . Dated: d Lf / I ,2001
Chris M. CouiUou
Jessica D. Gray
Robin L. Rock
Attorneys for Plaintiff
Suite 5M35

60 Forsyth Street, S.W.

w:April 17 ,2001

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(615) 7761175
(6 15) 776-1176 (P=W)

Doted- April 17 . 2001

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APPENDIX A

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT
MID9STRICT

and Order, which was signed by the Honorable and entered by the Court on ,2001. A true and correct copy of the Order that I received is appended to
this Affidavit.
4. 1reaffirm and attest to the truthfulness, accuracy and completeness of (a) my
swom deposition testimony on April 5,2001, (b) Defendants' Financial Disclosure Statements (Plaintiffs Exhibits 40 and 46 used at my deposition on April 5,2001), and (c) my affidavit dated April 12,2001, all of which I submitted to the Federal Trade Commission.
I declare under penalty of perjury under the laws of the United States that the foregoing is
true and correct.
Executed on ,2001, at [cityand
state].

Timothy Scott Jacksy

CERTIFICATE OF SERVICE

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