

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 01-8922 CIV-ZLOCH

FILED by \_\_\_\_\_ D.C.  
DEC 11 2002  
CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. FT. LAUD.

FEDERAL TRADE COMMISSION,

Plaintiff,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

LRA SMOLEV et al.

AND MONETARY SETTLEMENT  
FOR DEFENDANT BRUCE TURIANSKY

Defendants.

THIS MATTER is before the Court upon the Stipulated Final Judgment and Order For Permanent Injunction and Monetary Settlement for Defendant Bruce Turiansky, bearing file stamp of the Clerk of

and of Defendant Bruce Turiansky.

2. Venue is proper as to all parties in the Southern District of Florida.
3. The activities of Defendant Bruce Turiansky were in or affecting commerce, as defined in the FTC Act, 15 U.S.C. § 44.
4. The Complaint (DE 1) states a claim upon which relief may be

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advertisement presented solely through visual or audio means, the disclosure may be made through the same means

of an interactive electronic medium such as software, the Internet, or online services, a disclosure made through the use of a hyperlink will not be deemed "clear and



unless the consumer cancels, and continuity plans in which, subsequent to the consumer's agreement to the plan, the seller or provider automatically ships goods to a consumer unless the

seller or provider notifies the consumer within a certain time

consistent with 16 C.F.R. § 310.2.

10. "Third party" means (a) any entity that is not owned or controlled by Defendant, and (b) any person who is not acting in his or her capacity as an officer or employee of Defendant or any entity owned or controlled by Defendant.

I.

BOND

IT IS ORDERED that:

- A. Defendant Bruce Turiansky, whether directly, in concert with others, or through any business entity or other device, is hereby permanently restrained and enjoined from the following activities, unless at least two weeks

payment, directly or indirectly, from a  
consumer, for the purchase of any goods or

telemarketing;



amount of \$500,000 which complies with Subpart B.

issued by a surety company that is admitted to do

business in the state in which defendant is

of the performance bonds to any consumer or other purchaser or prospective purchaser of any goods or services without simultaneously disclosing the following:  
"The bond is required by Order of the U.S. District Court to settle charges that Bruce Turiansky made false and misleading representations in promoting and selling

A. Falsely representing, through, *inter alia*, mailings, email, billings, credit card charges and checking account debits, that a consumer purchased or agreed to purchase goods or services, or that a transaction has been authorized by a consumer;

B. Falsely representing (1) the amount that a consumer will be charged or billed for any goods or services; (2) that a consumer will not be charged or billed for any goods or

... of the consumer associated with

requesting the consumer's authorization to be charged or

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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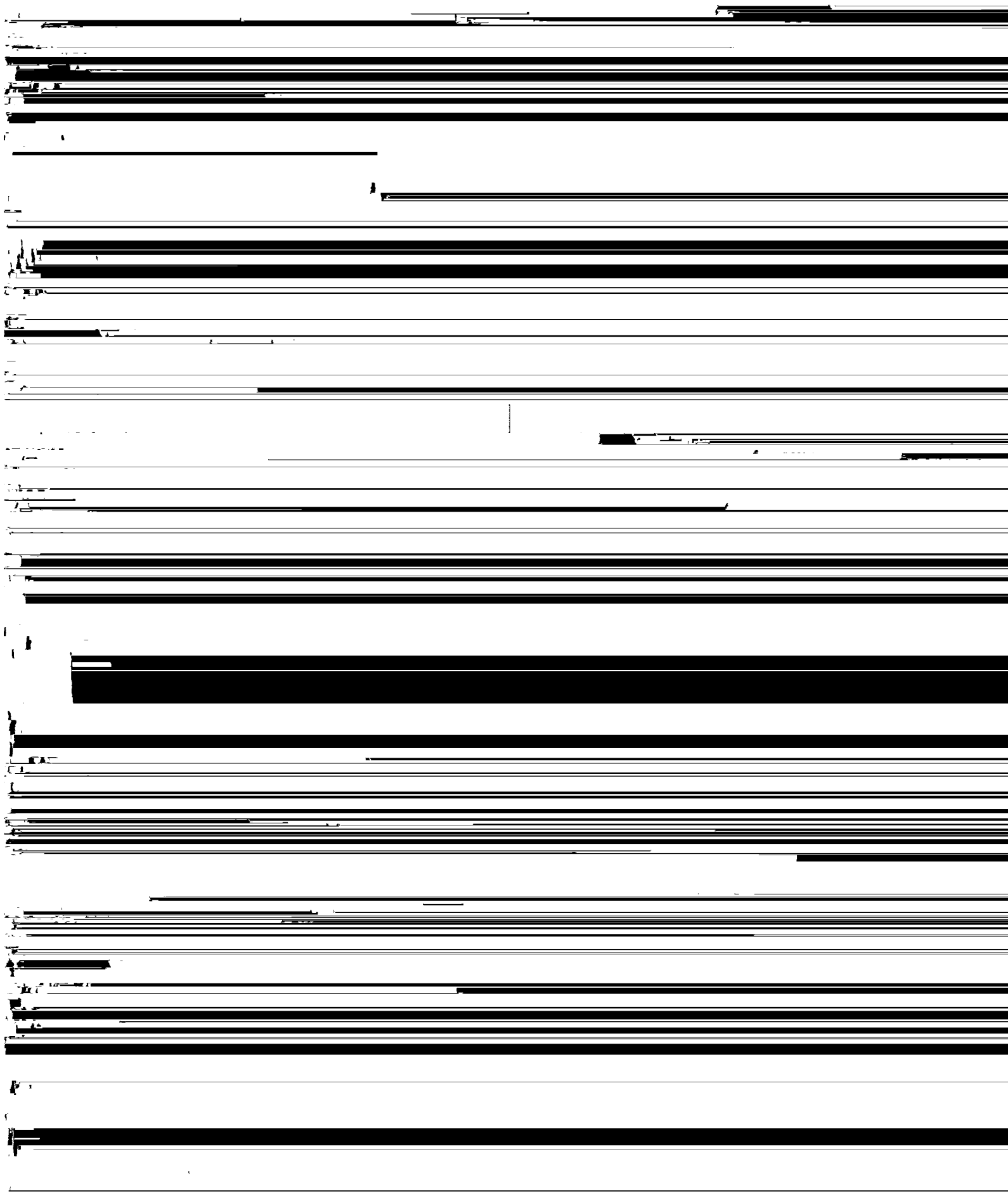
[Redacted]

obtained it from another source, will be used to bill or charge the consumer;

E. The terms of the seller's refund, cancellation, exchange, or repurchase policies;

F. If the consumer will be automatically billed at the end of a trial period unless the consumer cancels: this fact; the length of the trial period; the manner in which





V.

HYPERBOLIC VEGETABLE AUTHORIZATION FOR SALES

continuously and in close proximity to the consumer's

are the subject of the sales offer; and

tape recording must include the entire telephone call during which the consumer gave oral authorization;

- b. For telemarketing conducted by Defendant's partners, the tape recording must include the entire portion of the telephone call that

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

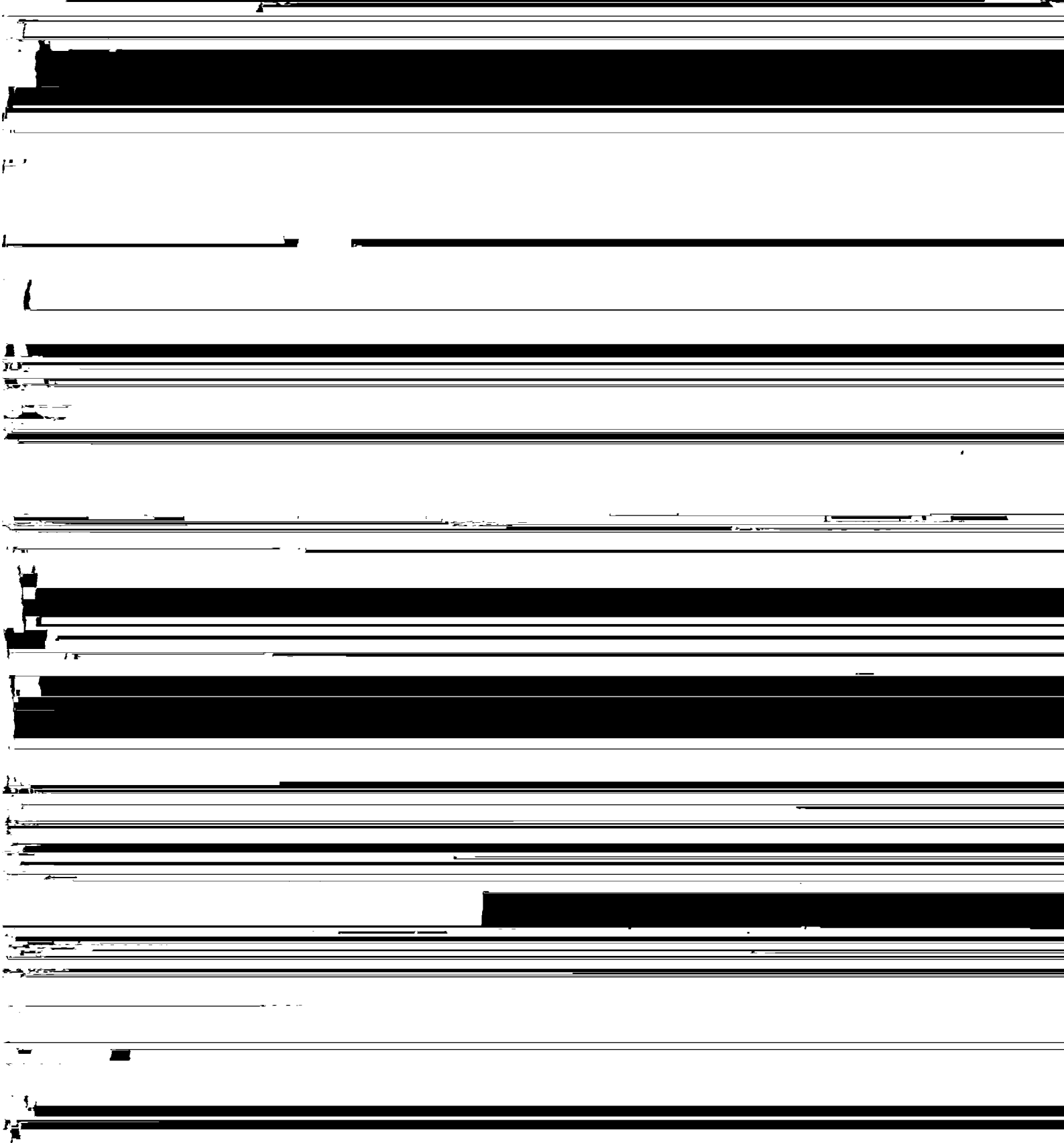
[REDACTED]

[REDACTED]

[REDACTED]

method and subject to the terms and conditions of the offer, and ensure that no misrepresentations have been

omitted information has been omitted during



content of the telephone call was created and how  
the consumer's responses were recorded.

YLI.

INFORMATION (OPT-IN PROVISION)

IT IS FURTHER ORDERED that Defendant Bruce Turiansky, and his  
officers, agents, employees, and attorneys, and all those persons  
or entities in active concert or participation with him who receive

~~by direct or indirect means, including but not limited to, by receipt of notices or otherwise~~



such consumer what information Defendant proposes to provide or

the intended use of the information and the names of

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Paragraph IX of this Order, that defendant has materially misrepresented or omitted the nature, existence or value of any asset.

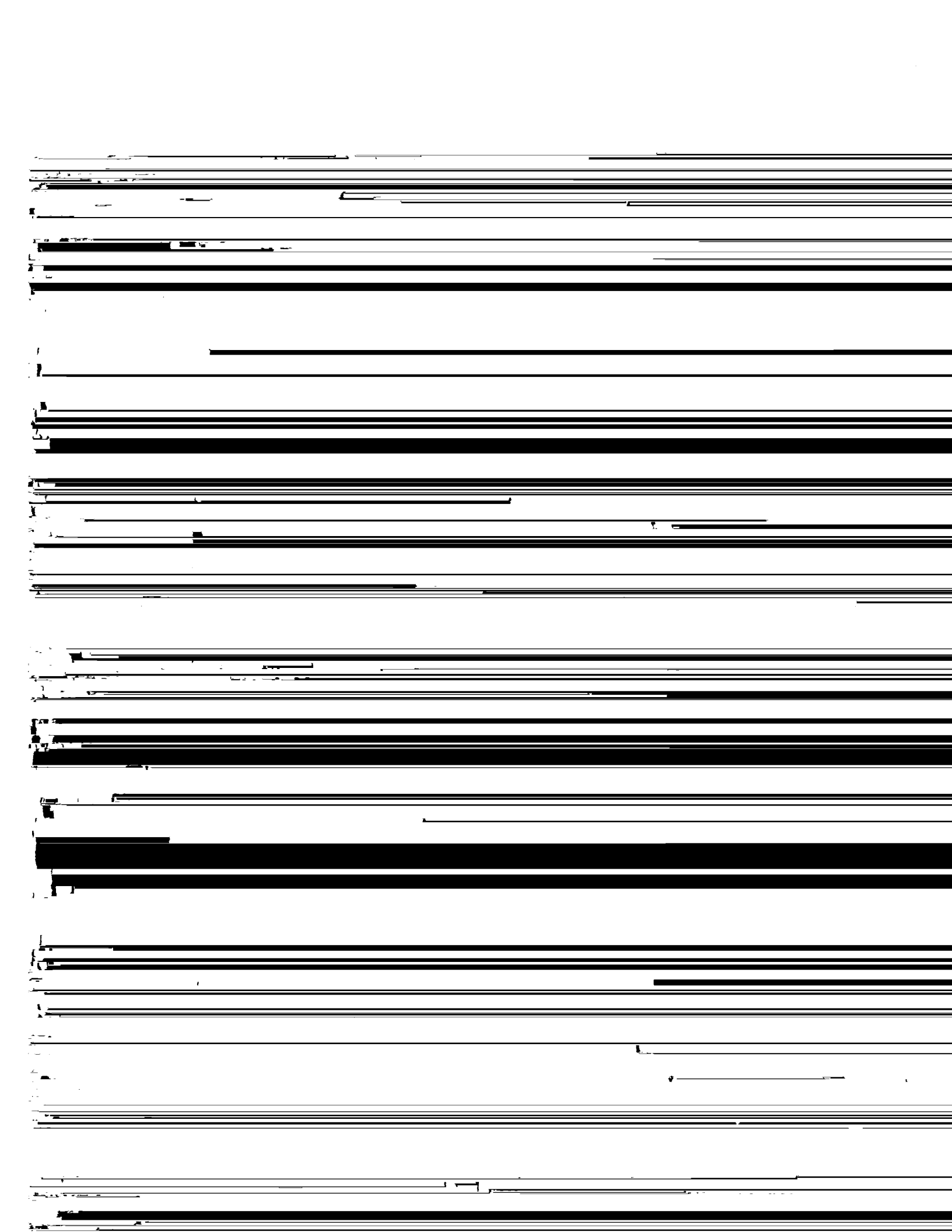
- B. All funds paid pursuant to this Paragraph shall either (1) to the extent allowable by law, be paid to state law enforcement agencies as reimbursement of their costs in connection with any joint investigation or litigation related to or associated with the transactions or the occurrences that are the subject of the Complaint, or (2) be deposited into a fund administered by the Commission or its agent to be used for equitable relief, including but not limited to consumer redress and any attendant expenses for the administration of any redress fund. At the sole discretion of the Commission, such funds may be combined with funds paid to the Commission in other actions relating to the conduct of Ira Smolev, or any entities affiliated with Ira Smolev. In the event that direct redress to consumers is wholly or partially

as disgorgement. Defendants shall have no right to challenge the Commission's choice of remedies under this Paragraph.

not a fine, penalty, punitive assessment or forfeiture.

investigations related to or associated with the transactions or the occurrences that are the subject of the Complaint, cooperate in good faith with the Commission, and appear at such places and times as the Commission reasonably requests, after written notice to

~~Defendant and upon payment of travel expenses for interviews~~



a. Each individual serving in a management capacity; and

b. All sales and marketing personnel and all personnel involved in responding to consumer complaints or inquiries;

whether such persons are designated as employees, consultants, independent contractors or otherwise, of Defendant or of any business entity controlled, directly or indirectly, owned, or managed, by

required in Subpart A. of this Part.

XIII.

RECORD-KEEPING PROVISIONS

[REDACTED]



contractor or otherwise; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;

- D. Records that accurately reflect the names, addresses, phone numbers, dollar amounts paid, quantity of goods or services purchased, and description of goods or services purchased for all consumers to whom such business has

7. In the event of a denial of a refund request, the reason for the denial;

F. Copies of all sales scripts, training materials, ~~advertising materials or other marketing materials utilized~~



days of the date of such change;

B. One hundred eighty (180) days after the date of entry of this Order, Defendant Bruce Turiansky must provide a written report to the Commission, sworn to under penalty

1. "Employment" includes the performance of services as an employee, consultant, or independent

the necessity of identification or prior notice; and

C. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to investigate

whether Defendant Bruce Turiansky has violated any provision of the Telemarketing Act, 15 U.S.C. §§ 6101 et seq., Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), the

1. ~~Text~~ waiting for such further orders or directives as may