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Case NoCiv-(`
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FEDERAL TRADE COMMISSION,	04-22289
Plaintiff,)	GIV-MARTINEZ
v.)	
) CALL CENTER EXPRESS CORPORATION,) a corporation,)	7 KLEIN
EDGAR ALIRIO GONZALEZ and) PABLO JOSE MARTINEZ,)	FILED by D.C.
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The FTC brings this action under Sections 13(b) and 19 of the Federal T

Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer

Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. §§ 6101-6108, to secure

preliminary and permanent injunctions, rescission of contracts and restitution, disgorgement and

other equitable relief against Defendants for engaging in deceptive acts or practices in violation

of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a) and for engaging in decention to be

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	5. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), authorizes the FTC to initiate
	federal district court proceedings, in its own name by its dealers
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redress and disgorgement, as may be appropriate in each case. 15 U.S.C. §§ 53(b)_57h and

6105(b).

DEFENDANTS

6. Since at least June 2003, Defendants have advertised, marketed, and sold primarily

to Spanish-speaking consumers, advance fee and it and the standard

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• •	co-owner of CCE. Since at least June 2003 acting at the
	co-owner of CCE. Since at least June 2003, acting alone or in concert with others, Martinez has
	formulated, directed, controlled, participated in, assisted, or facilitated the acts and practices of
	CCE, including the acts and practices set forth in this complaint. Martinez transacts or has
1	transacted business within the Southern District of Florida, and should in the interest of justice be
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<u>, </u>	a defendant in this action pursuant to the survey of the second s
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COMMERCE

16. At all times material to this complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS' BUSINESS PRACTICES

17. At all times material to this complaint, Defendants have advertised, telemarketed,

promoted and sold advance fee credit cards to consumers throughout the United States,

specifically targeting recent Hispanic immigrants and Hispanic consumers who have bad credit

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advertisements in Spanish to promote their advance fee credit cards. Defendants' advertisements

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	peed a social commence
	need a social security number or bank account, and even if they have bad credit, no credit, or
	bankruptoies they will sail t
	bankruptcies they will still be approved for the cards. Additionally, Defendants' television
	advertisements promise community in the second seco
	advertisements promise consumers immediate approval without a review of their credit histories.
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	Bienvenidos al noticiero hisp comunidad hispana en los Es	oano. Hoy hablaremos el pr	oblema principal de la	
	comunidad hispana en los Es	tados Unidos - el credito.		
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credit card will be delivered, within seven to ten days, by either a Federal Express ("FedEx") or		

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VIOLATIONS OF SECTION 5 OF THE FTC ACT

30. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts

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practices in or affecting commerce.

31. Misrepresentations or omissions of material fact constitute deceptive acts or

practices prohibited by Section 5(a) of the FTC Act.

COUNT ONE

32. In numerous instances in constant is in the story of the implication that after proving Defendants have represented, expressly or by implication that after proving Defendants

fee, consumers are guaranteed to receive an unsecured major and it and

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became effective March 31, 2003.

36. On or after December 31, 1995, except for certain specified types of transactions,

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18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), violations of the TSR constitute unfair or deceptive acts or practices in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

41. Defendants are "sellers" or "telemarketers" engaged in "telemarketing," as those terms are defined in the TSR. 16 C.F.R. §§ 310.2(z), (bb) and (cc).

COUNT TWO

42. In numerous instances, in connection with the telemarketing of advance fee credit

cards, Defendants have represented, directly or by implication, that after paying Defendants a fee, consumers are guaranteed to receive an unsecured major credit card, such as a VISA or MasterCard credit card.

43. In truth and in fact, after paying defendants a fee, consumers do not receive an

44. Defendants have thereby violated Section 310.3(a)(2)(iii) of the TSR, 16 C.F.R. § 310.3(a)(2)(iii).

COUNT THREE

COUNT FOUR

47. In numerous instances, in connection with the telemarketing of advance fee credit

cards, Defendants have represented directly and the

Ϊ.,... fee paid if a consumer seeks a refund within 30 days of receipt of Defendants' package. 48. In truth and in fact, Defendants do not refund the fee paid to concurrent

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APT AND A DOM

Award Plaintiff the costs of bringing this action, as well as such other and 4. additional

relief as the Court may determine to be just and proper.

September 14, 2024 DATED:

Respectfully submitted,

WILLIAM E. KOVACIC

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