

1 HILLARY A. DAVIDSON
MONICA E. VACA
2 Federal Trade Commission
600 Pennsylvania Avenue N.W.
3 Washington, D.C. 20580
Ph. (202) 326-2384; (202) 326-2245; fax (202) 326-3395

GW

4 BLAINE T. WELSH
5 Assistant United States Attorney
Bar No. 4790
6 333 Las Vegas Blvd. South, Suite 5000
Las Vegas, NV 89101
7 Ph. (702) 388-6336; fax (702) 388-6787
Attorneys for Plaintiff
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Federal Trade Commission,

CV-S-05-0160-RCJ-PAL

13 Plaintiff,

14 v.

15 **National Vending Consultants, Inc.**, a New
Mexico corporation; **Success Vending Group,**
16 **Inc.**, a New Mexico corporation;
USA Candy Express, Inc., a Nevada corporation;
17 **Patrick Abeyta, Jr.**, individually and as an officer
of National Vending Consultants, Inc.;
18 **Debra Abeyta**, individually and as an officer of
National Vending Consultants, Inc.; **Larry Welli**,
19 individually and as an officer of Success Vending
Group, Inc.; **Richard Savard**, individually and as
20 an officer of Success Vending Group, Inc.;

**COMPLAINT FOR
INJUNCTIVE AND OTHER
EQUITABLE RELIEF**

21 Defendants,

22 and **Darlene Savard**, a/k/a Darlene Robarge,

23 Relief Defendant.
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Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), for its
complaint alleges:

1. The FTC brings this action under Sections 5(a), 13(b) and 19 of the FTC
_____ preliminary and permanent

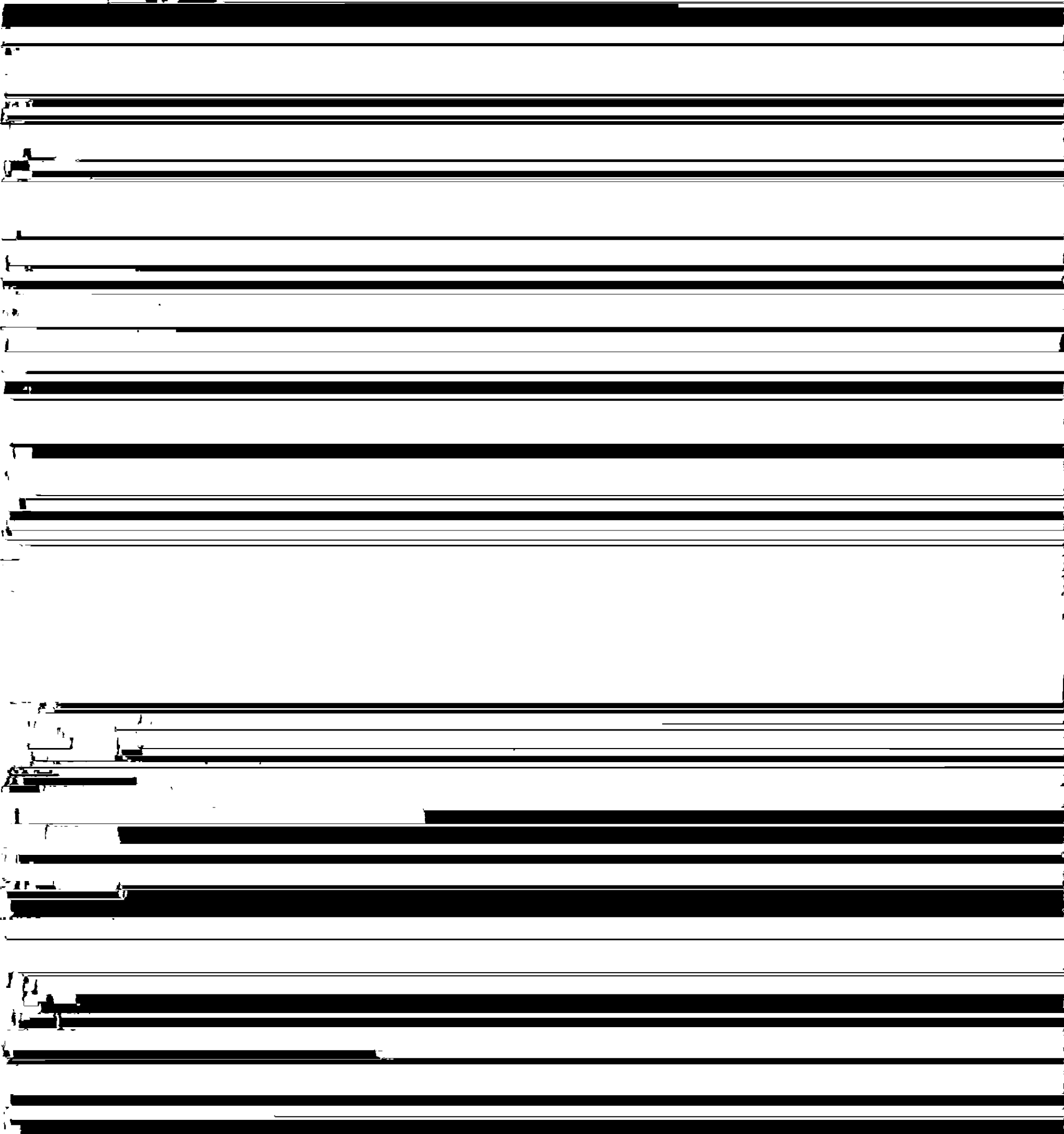
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5. Defendant National Vending Consultants, Inc. ("NVC"), a New Mexico

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corporation with its principal place of business at 11406 E. ...



1 controlled or participated in the acts and practices of defendant SVG, including the acts
2 and practices set forth in this complaint. He has transacted business in the District of
3 Nevada.

4 11. Defendant Richard Savard is the General Manager of SVG and/or NVC,

5 and holds himself out as the Vice President of _____ SVG _____

DEFENDANTS' BUSINESS PRACTICES

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2 15. Defendant NVC, a member of the Vending Enterprise, and its principals,
3 defendants Patrick Abeyta, Jr., and Debra Abeyta, are bound by a permanent injunctive
4 order. The order forbids these three defendants from making any contact with any

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AAA Vending
Excellent Routes
\$9,995 Invest.
888-660-8363.

17. Consumers who call the toll-free number provided in such an

1 machine just 3 times, you have paid for the machine free and clear." A page labeled
2 "NOW IS THE TIME" states that "Vending is an all cash business that provides a
3 steady, dependable income week after week, month after month." Other materials

1 disclosure documents required by the Franchise Rule.

2 24. The Vending Enterprise provides to prospective purchasers the names
3 and telephone numbers of purported "references." The Vending Enterprise represents
4 that these references are prior purchasers of business opportunities from NVC or SVG

1 consumers by the Vending Enterprise fails to disclose the 2001 permanent injunction
2 that enjoins NVC Patrick Aboute, Jr. and Debra Aboute from violating the F. D. C.

1 property. The President of First Shelp Corp. was Leland Franks. In 1998, the company
2 changed its name to D.P.S. Technologies, Inc., and the articles of incorporation were
3 amended to reflect that the purpose of the business was to offer for sale vending
4 machines. The President of D.P.S. Technologies, Inc., was defendant Patrick Abeyta, Jr.
5 In August of 2003, the name of the company changed again to Success Vending Group,
6 Inc., and it listed Larry Welli as its only officer. Thus, the defendants fail to disclose

1 expressly or by implication, that consumers who purchase the defendants' business

2 ventures are likely to earn substantial income

1 41. The Franchise Rule requires a franchisor to provide prospective
2 franchisees with a complete and accurate basic disclosure document containing twenty
3 categories of information, including information about existing injunctions relating to
4 franchise activities, the length of time the franchisor has offered or sold a franchise, the
5 business experience of the franchise's executive officers, an income statement of the
6 franchisor, and information identifying existing franchisees. 16 C.F.R. § 436.1(a)(1) -

7 (b)(2)(ii). The above information is being provided to you for informational purposes only.

1 "[a]n earnings claim shall include a description of its factual basis and the material
2 assumptions underlying its preparation and presentation." Item 19 recognizes an
3 income multiplication table to be an earnings claim.

4 _____ 14 _____ The Exchange Rule specifies that _____

1 Section 5(a) of the FTC Act by failing to provide prospective franchisees with accurate
2 and complete disclosure documents within the time period prescribed by the Rule.

3 COUNT IV

4 Earnings Disclosure Violations

5 48. In connection with the offering of franchises, as "franchise" is defined in

6 Section 436.2(c) of the Franchise Rule, 16 C.F.R. § 436.2(c), the defendant

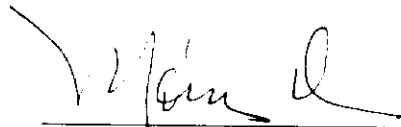
1 51. The relief defendant, Darlene Savard, has received funds or otherwise
2 benefitted from funds which are directly traceable to funds obtained from the
3 defendants' purchasers through its deceptive acts or practices.

4 52. The relief defendant is not a bona fide purchaser with legal and equitable
5 title to the defendants' purchasers' funds or assets, and the relief defendant will be
6 unjustly enriched if she is not required to disgorge the funds or the value of the benefit
7 she received as a result of the defendants' deceptive acts or practices.

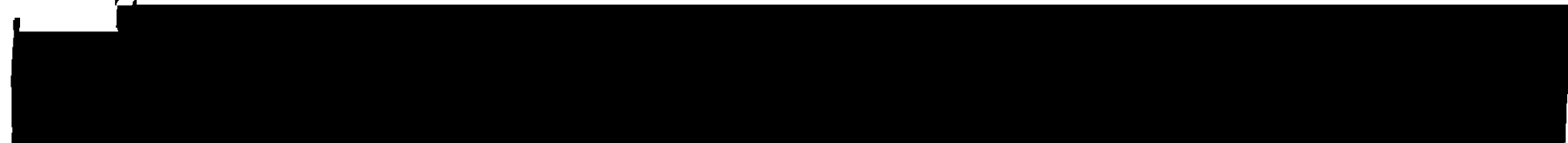
... and the refund of money

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Respectfully submitted,
John D. Graubert
Acting General Counsel



Hillary A. Davidson
Monica E. Vaca
Attorneys for Plaintiff
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
Telephone: (202) 326-2384
Facsimile: (202) 326-3395
E-Mail: [hdavidson@ftc.gov](mailto:h davidson@ftc.gov)
mvaca@ftc.gov



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of a lawsuit.

[The body of the form is mostly obscured by heavy black redaction bars.]