FEDERAL TRADE CONMSSION,

Plaintiff,

SUCCESS EXPRESS, INC., a Michgan corporation, also d/b/a Success Express,

EXAM =SOURCE CENTER, INC., a Michigan corporation, also d/b/a Exam Resource,

OCCUPATIONAL ADVANCEMENT CENTER, INC., a Michgan corporation, also d/b/a Occupational Advancement and OAC,

EMPLOYMENT RESOURCE, LLC,
a Michigan Limited Liability Company, also d/b/a Employment Resotu-ces,

DAVD JAMES D-LL, a/ik/a David James, individually and as an officer of Occ~pational Advancement Center and Employment Resource,

WANDA J. TAUGNER, individually and
as an officer eof Sccsess Express,

KATHY L. STAFFORD, individ~~allyand as
and officer of Exam Resolnrce Center, hc.,

Defendants.

1 Case Number:

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1 Judge: Gordon d. Gdst
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1. The Commission brings this action under Section 13(b) of the Federal Trade
Commission Act ('"FTC Act"), 15 U.S.C. €j 53(b), to secure prelimlnary and permanent injunctive relief, rescission of contracts, restitution, disgorgemeni, and other equitable relief for Defendants' deceptive acts or practices in connection with the selling of employment goods or services in violation of Section 5(a) of the FTC Act, 15 U.S.C. $ 45(a).

2. . This Court has s~lbject matter j~uisdiction over Plaintiffs claims pursuant to
28 U.S.C. $3 1331(a), 1337(a), and 1345, and 15 U.S.C. $5 45(a) and 53(b).
3. Venue in the United States District Court for the Western District of Michigan,
Southern Division is proper under 28 U.S.C. $ 1391(b) and (c) and 15 U.S.C. 5 53(b).

THE BA3RTES

4. Plaintiff Federal Trade Commission is an independent agency of the United States
government created by the FTC Act, 15 U.S.C. $5 41-58. The Commission enforces Section 5(a) of the FTC Act, 15 U.S.C. $45(a), which prohbits unfair or deceptive acts or practices in or aEecting commerce. The Commissio~l, through its om- attorneys, mzy initiate federal &strict court proceedings to enjoin violations of the FTC Act and to secure such equitable relief, including rescission of contracts and restitution, and the disgorgement of ill-gotten gains caused by Defendmts' law violations, as may be appropriate in each case. 15 U.S.C. $ 53(b).
5. Defendant Success Express, Inc. ("SEW), is a Michgan corporation with its
principal place of business at 7321 &dge Road, Harbor Springs, Michigan 49740. SE also does business under the name Success Express. SE promotes and sells employment goods or services. SE trmsacts or has -transacted business in this district.

POSTLUJOBS - SORTERS, CLERICS, CARF~RS - $16.20 - $39.00per hour -Entry Level/No Exp. Req. - Full Federal Benefits - Call 1-866-592-3964-ho~~ncement 9PD J
NO-W -WiG -POSTALJOBS -si6.20 - $39.00 -GREENCARDOR- '"FULL FEDERALBENEFITS-*PAIDTRAINING-NOEXPERIENCE NEEDED - "ACCEPTINGCALLS7 DAYS- 1-877-265-2181- PUBLIC ANNOUNCEMENT J4000

15. When consumers call the toll-fiee number provided in the written advertisement, Defendants, or their employees or agents, introduce themselves as "here to assist you in registering and obtaining employment with the United States Postal Service." Defendants question consumers about their age, education, citizenship, ability to pass a drug screen and criminal background check and then tell consumers that they are "qualified." Once ccqualified," Defendants tell consumers that positions such as sorters, clerlcs and mail carrier positions are available in the cons~mers' geograplxc area. Defendants assure consumers that once employed with the Postal Service, consumers will receive full pay and benefits even d~hg thetraining period.
16. Next, Defendants explain that consumers must take md pass a postal employment sxmination before they can be hired by the Postal Service. Defeildmts skess the lmportmce of preparing for the postal examination in order to obtain a score of 90 percent or hgher. Defendants tell consumers that a score of 90 percent or better on the postal examination assures the consumer a postal job.
17. Defendants tell consumers that they will help the consumer achieve the desired
score by providing the consumer with the current U.S. exam guide, 12 practice tests and answer sheets. Defendants tell consumers that the sirudy materials and tests will cover the same or similar information as the actual postal zxamination. Defendmts state that as long as consumers

Consumers are encouraged to sign up for unlimited technical support for a one-time fee of $2.99. At the bottom of the registration form, Defendants notify consumers for the first time that they wi! charge the consumer an additiond $25 ccrestockmgfee" for retuning the materials should the consumer choose not to take the postal exam.
21. Consumers who ultimately access the CD or obtain the written materials receive general examination Instructions, an overview of the Postal Service, mock tests and answer sheets. The materials also include a chapter titled Reczisterine: for the Exam which directs the consumer to the Postal Service's actual website for information on when the examinations are offered and how to obtain employment. Neither the CD nor the book contain a list of actual job openings that are available locally or nationally. Nor do Defendants provide a list of when and where postal examinations are given.
DEFEllbdP)FaNTSYYIOLATIONS OF SECTION 5 OF TEE,PTC wher416.8806 392. Tm�(oher41

COUNT H

25. Defendants represent, expressly or by implication, that they axe connected withor
endorsed by the United States Postai Service.
26. In mth and in fact, Defendants are not connected with or endorsed by the United
States Postal Service.
27. Therefore, the representations set forth in paragraph 25 are false and misleading
and constitute deceptive acts or practices in violation of Section 5(a) ofthe FTC Act,
15 U.S.C. 5 45(a).
COUNT W
28. Defendants represent, expressly or by implication, that postal positions are
currently available in the geographic areas where Defendants' advertisements appear.
29. In truth and in fact, in many instances, postal positions are not currently available
in the geogpaphic areas where Defendants' advertisements appear.
30. Therefore, the representations set forth in paragraph 28 are false and misleading
md constitute deceptive acts or practices in v<olaiion of Section 5(a) of the FTC Act,
15U.S.C. 5 45(a).

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33. Therefore, the representations set forth in paragraph 3 1 are false and misleading
and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act,
15 U.S.C. 5 45(a).
COUNT IV
34. Defendants represent, expressly or by implication, that consumers who score 90
percent or above on the postal examination are assured employment with the United States Postal Service.

35. In truth and in fact, consumers who score 90 percent or above on the postal
examination are not assured employment with the United States Postal Service.
36. Therefore, the representations set forth in paragraph 34 are false and misleading
and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act,
15U.S.C. 5 45(a).

CONSWW II'UtJRY

37. Consumers throughout the United States have suffered and contin~~eto suffer
s~lbstantialmonetary loss as a result of the Defendants' violations of tile FTC Act as set forth above. In addition, the Defendants have been unjustly enriched as a res~llt of their unlawfd acts and practices. Absent injunctive relief by this Court, the Defendmts are ldsely to continue to injure consumers, reap unjust enrichment and hasm the public interest.
TBIS COmT'S BOWER TO GMT RELIEF

38. Section l3(b) of the FTC Act, 15U.S.C. !j 53(b), empowers this Court to grant
injunctive and such other relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Co~rt, in the exercise of its equitable jurisdiction, may award other

ancillary relief, including but not limited to, rescission of contracts and restitution, and the disgorgement of ill-gotten gains, to prevent and remedy injury caused by Defendants' law violations.
PRAYER FOR RELIEF

WHEREFORE, Plaintiff, pursuant to Section 130) of the FTC Act, 15 U.S.C. 5 530)'
and the Court's equitable powers, requests that this Court:
(1) Award Plaintiff such preliminary and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief, including, but not lirmted to temporary and preliminary injunctions, including an order freezing each Defendant's assets, and the appointment of an equity receiver;
(2) Permanently enjoin Defendants fiom violating Section 5(a) of the FTC Act as alleged herein, including committing such violations in connection with the advertising, offering for sale or other promotion of employment goods or services;
(3) Award such relief as the Court finds necessary to redress injury to consumers
resulting fiom Defendants' violations of Section 5(a) of the FTC ~ct,inciuding, but not limited to, rescission of coiltracts, restitution and the disgorgement of ill-gotten gains by the Defendants; and
(4) Award Plaintiff the cost of brin,@~g this action, and such other equitable relief as the Court may determine to be just and prqper.

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Dated: ,2005
Respectfully s~zbmitted,

WILLIAM BLuMEm
General Counsel

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L~MSSA L. BUNGO