

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 05-20402-CIV-SEITZ/MCALILEY

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

FILED by *M* D.C.
JUN 8 2006
CLARENCE MADDOX
CLERK U.S. DIST. CT.

a Florida Corporation;

SR & ASSOCIATES, INC.,

a Florida Corporation;

ROLANDO GALVEZ-GARCIA,

individually, and as an officer of
one or more of the above corporations;

ANNEELISES FLORES ADINO,
also known as ANNIELISES FLORES,
ANNIELISES H. FLORES, ANNIE FLORES,
and ANNY FLOREZ,

individually, and as an officer of
one or more of the above corporations; and

KOSTADIN OSVALDO MARTE TAVAREZ,

19 of the Federal Trade Commission Act, 15 U.S.C. §§ 45(a), 53(b) and 57b, and the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, 15 U.S.C. § 7701 *et seq.*

The Commission and Defendant Kenneth Donald Marte Torres ("Defendant" or

"Marte"), having been represented by counsel and acting by and through such counsel, have consented to the entry of this Stipulated Final Judgment and Order for Permanent Injunction

("Order" or "Stipulated Order") without trial or adjudication of any issue of law or fact herein.

NOW, THEREFORE, the Commission and Defendant, having requested the Court to

enter this Stipulated Order, and the Court having considered the Stipulated Order reached

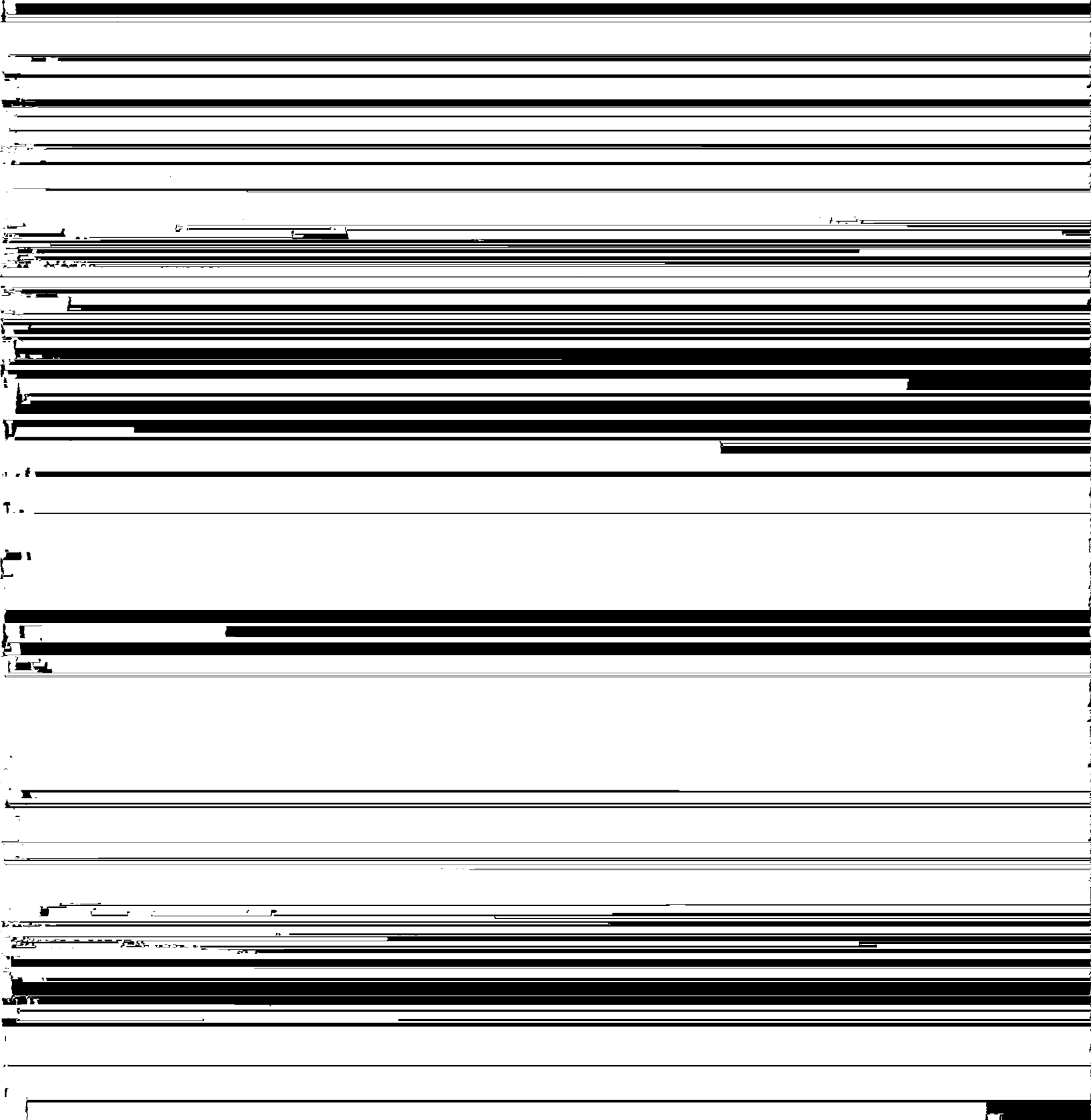
5. Defendant does not admit any of the allegations set forth in the Complaint other than jurisdictional facts, and the Commission and Defendant have agreed that the entry of this

to the date of the filing of this

2. "Assisting others" means: (1) performing customer service functions, including, but not limited to, receiving or responding to consumer complaints and queries; receiving

providing names of, or arranging for the provision of potential customers; (3) performing

term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from



connection with the advertising, promotion, offering for sale or sale of any business ventures, are hereby permanently restrained and enjoined from making, or assisting others in making, directly or by implication, orally or in writing, any false or misleading representation or omission of material fact, including, but not limited to:

- A. That consumers are likely to earn a substantial amount of money from a business venture;

employees, attorneys, successors, assigns, and those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, are hereby permanently restrained and enjoined from violating, or assisting others in violating, any provision of the CAN-SPAM Act, 15 U.S.C. §§ 7701 *et seq.*, as currently promulgated or as it may hereafter be amended, or any rule, regulation, or requirement

adopted pursuant thereto, including but not limited to [redacted]

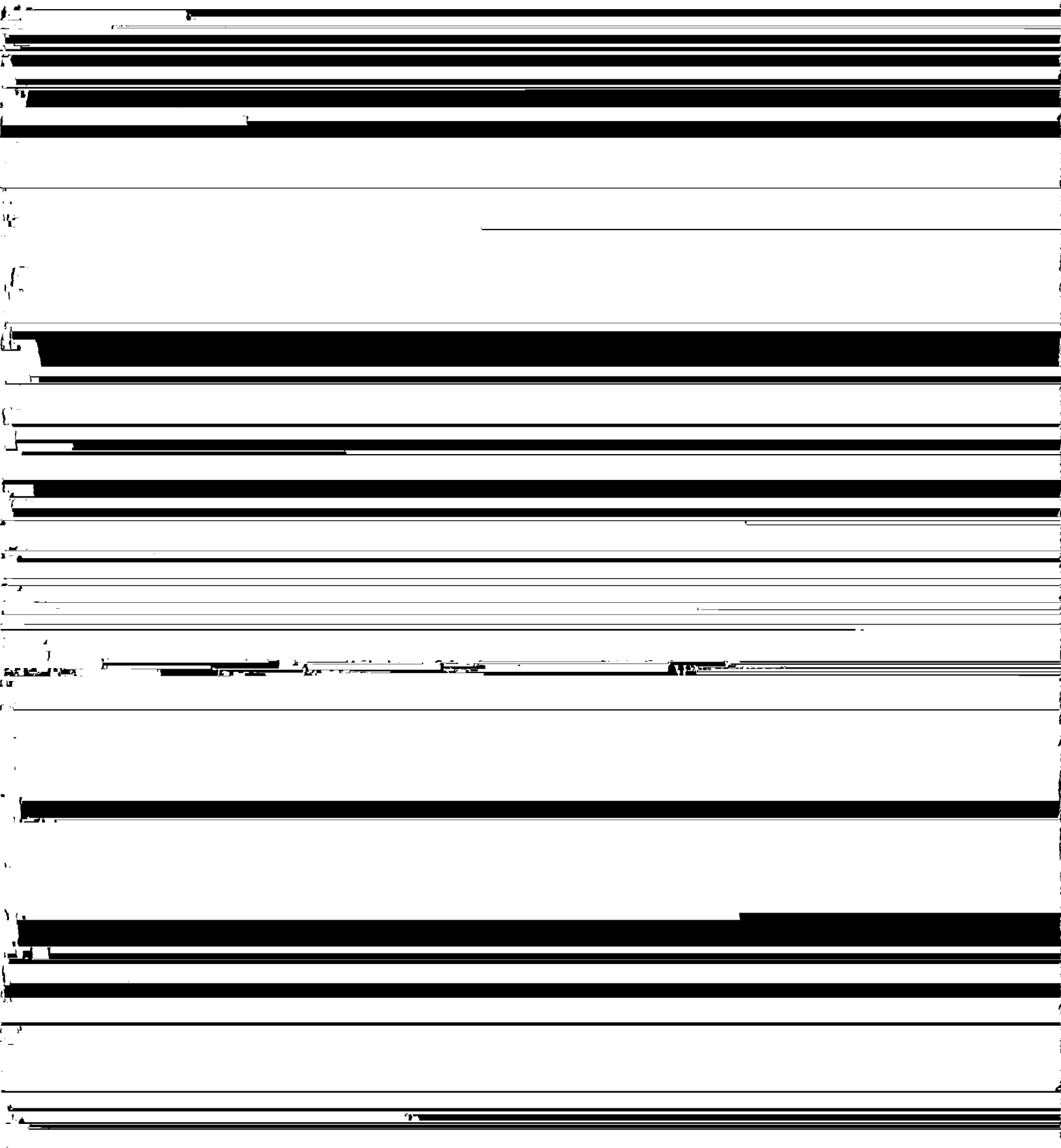
computer, of a commercial electronic mail message that contains or includes a subject heading that is likely to mislead a recipient, acting reasonably under the circumstances, about a material

fact regarding the content or subject matter of the message [redacted]

Paragraph shall be made by certified check or other guaranteed funds payable to said...

[REDACTED]

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VII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that for the purpose of monitoring and investigating

compliance with any provision of this Order,

A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendant shall submit additional written reports, sworn to under penalty of

entry during normal business hours to any business location in Defendant's possession or direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to monitor compliance with this Order by all other lawful means, including but not limited to the following:

1. Obtaining discovery from any person, without further leave of court, using

deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C.

§ 45(a)(1)).

VIII. COMPLIANCE REPORTING BY DEFENDANT

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:

A. For a period of five (5) years from the date of entry of this Order:

1. Defendant shall notify the Commission in writing of any of the following:

a. Any change in residence, mailing addresses and telephone numbers of Defendant within ten (10) days of the date of such change;

b. Any change in employment status (including self-employment) of

Defendant and any change in the ownership interest of Defendant in any business entity, with ten (10) days of such change. Such notices shall include the name and address of each business that

including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the filing of a bankruptcy

prior to such change, *provided that*, with respect to any proposed change

in the business entity about which the Defendant became less than thirty

C. Customer files containing the names, addresses, phone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, to the extent such information is obtained in the ordinary course of business;

D. Complaints and refund requests (whether received directly, indirectly or through any third party) and any responses to those complaints or requests;

E. Copies of all sales scripts, training materials, advertisements, or other marketing materials; and

F. All records and documents necessary to demonstrate full compliance with each

provision of this Order, including but not limited to, copies of acknowledgments of receipt of this

Order received by Defendant X, and all reports submitted to the FTC pursuant to this Order

X. DISTRIBUTION OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order:

A. For any business that Defendant controls, directly or indirectly, or in which Defendant has a majority ownership interest, Defendant must deliver a copy of this Order to all

a copy of this Order to all principals and managers of such business before engaging in such conduct.

C. Defendant must secure a signed and dated statement acknowledging receipt of the Order, within thirty (30) days of delivery, from all persons receiving a copy of the Order pursuant

to this Paragraph.

XI. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that Defendant, within five (5) business days of receipt of this Order as entered by the Court, shall submit to the Commission a truthful statement

acknowledging receipt of this Order.

XII. COOPERATION WITH FTC COUNSEL

IT IS FURTHER ORDERED that Defendant shall, in connection with this action or any

costs and attorneys' fees incurred in connection with this action.

XIV. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification and enforcement of this Order.

