Case 2:03-cv-03166-TSZ 13

03-CV-03166-ORD

Hon. Thomas S. Zilly

FILED ENTERED

[redacted]

The Commission and Bruce George Alexander Ironside, by and through their counsel, have consented to the entry of this Stipulated Final Judgment and Order for Permanent Injunction ("Order" or "Stipulated Order"), which resolves all matters and claims in dispute between them arising from the Complaint up to the date of entry of this Order, on the following terms and general intangibles, effects, leaseholds, mail, or other deliveries, inventory, checks, notes, accounts, credits, receivables, funds, monies, and all cash, wherever located.

B. "Assisting" means providing substantial assistance or support to any person. For purposes of this Order, providing substantial assistance or support includes, but is

ORDER

I.

PROHIBITED PRACTICES

IT IS THEREFORE ORDERED that defendant is hereby permanently restrained and enjoined from:

A. Promoting, offering for sale, or selling, directly or indirectly, tickets, chances, interests, shares, or registrations in any lottery to any U.S. resident;

B. Purchasing or registering any ticket, chance, interest, or share in any lottery for name, address, telephone number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid any money to any defendant in this matter, at any time prior to entry of this order, in connection with promoting, offering for sale, selling, or participating in the sale of, directly or indirectly, any interests, holdings, or registrations in any foreign lottery or in any bond program with a lottery feature. Provided, however, that defendant may disclose such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

III.

CONSUMER REDRESS

IT IS FURTHER ORDERED that Judgment is entered against defendant in the amount of $1,815,814.00 (USD).

A. Judgment shall be suspended upon payment to the President and Chief Executive Officer ("CEO") of the British Columbia Business Practices and Consumer Protection Authority ("BPCPA") of the following assets:

1. $88,742.36 in Canadian funds; and
2. $11,843.00 in U.S. funds;

B. This payment, if it has not already occurred, shall be made within ten (10) days of the entry of this Order. The CEO may deduct from these funds the administrative and

[illegible]

relief, including consumer information remedies, as it determines to be reasonably related to the defendant's practices alleged in the complaint. Any funds not used for such equitable relief shall be deposited in the United States Treasury as disgorgement. Defendant shall have no right to challenge the Commission's choice of remedies under this Paragraph.

IV.

[redacted]

[redacted]

[redacted]

[redacted]

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V.

MONITORING COMPLIANCE OF SALES PERSONNEL

IT IS FURTHER ORDERED *that defendant, in connection with any business where* (1) defendant is the majority owner of the business or directly or indirectly manages or controls the business, and where (2) the business is engaged in telemarketing to U.S. residents, or in assisting others engaged in said business, is hereby permanently restrained and enjoined from:

A. Failing to take reasonable steps sufficient to monitor and ensure that all employees and independent contractors engaged in sales or other customer service functions

VI.

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 perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in such defendant's possession or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

VII.

DISTRIBUTION OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that eight (8) years from the date of entry of this Order, defendant shall deliver copies of the Order as directed below:

A. Defendant as control person: For any business that defendant controls, directly or indirectly, or in which defendant has a majority ownership interest, defendant must deliver a

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

Associate Director of Enforcement
Federal Trade Commission
601 New Jersey Avenue
Washington, D.C. 20580

Re: *FTC v. 627867 B.C. Ltd, D.B.A. Newport Group, et al.*, Civil Action No. C03-3166Z.

D. For purposes of the compliance reporting required by this Paragraph, the Commission is authorized to communicate directly with defendant.

IX.

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

The parties, by their respective counsel, hereby consent to the terms and conditions of the Stipulated Order as set forth above and consent to the entry thereof. Defendant waives any rights that may arise under the Equal Access to Justice Act, 28 U.S.C. § 2412, amended by Pub. L. 104-121, 110 Stat. 847, 863-64 (1996).

FOR PLAINTIFF FEDERAL TRADE COMMISSION:

Mary T. Benfield

Mary T. Benfield, WSBA #18835
Eleanor Durham
Attorneys for Plaintiff
Federal Trade Commission

FOR DEFENDANT:

Bruce George Alexander Ironside

Richard Troberman
Attorney for Defendant *Bruce George Alexander Ironside*

Dated: August 10, 2006