

WILLIAM BLUMENTHAL
General Counsel
SEENA D. GRESSIN
PETER LAMBERTON
KAREN E. HICKEY
Attorneys for Plaintiff
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, N.W., NJ-3158
Washington, DC 20580

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

ORLANDO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

RAWLINS & RIVERA, INC. a Florida corporation

6:07-cv-146-ORC

Case No.:

COMPLAINT FOR

Plaintiff, the Federal Trade Commission ("FTC"), by its undersigned attorneys, for its complaint alleges:

1. The FTC brings this action under Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and Section 814 of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692l, to obtain temporary, preliminary, and permanent injunctive relief against Defendants to prevent them from engaging in deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and from engaging in deceptive and abusive acts or practices in violation of the FDCPA, 15 U.S.C. § 1602 *et seq.* and to obtain other equitable relief including rescission of contracts

restitution, disgorgement, and other ancillary equitable relief as is necessary to redress injury

United States government created by statute. 15 U.S.C. § 41 *et seq.* The FTC is charged, *inter alia*, with enforcement of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce, and the FDCPA, 15

authorized to initiate federal district court proceedings, by its own attorneys, seeking a

transacts, or has transacted, business in this district and throughout the United States.

8. Defendant Ryan & Reed, Inc. is a Georgia corporation and lists its principal address in

address in Norcross, Georgia. Ryan & Reed, Inc., a Georgia corporation, transacts, or has transacted, business in this district and throughout the United States.

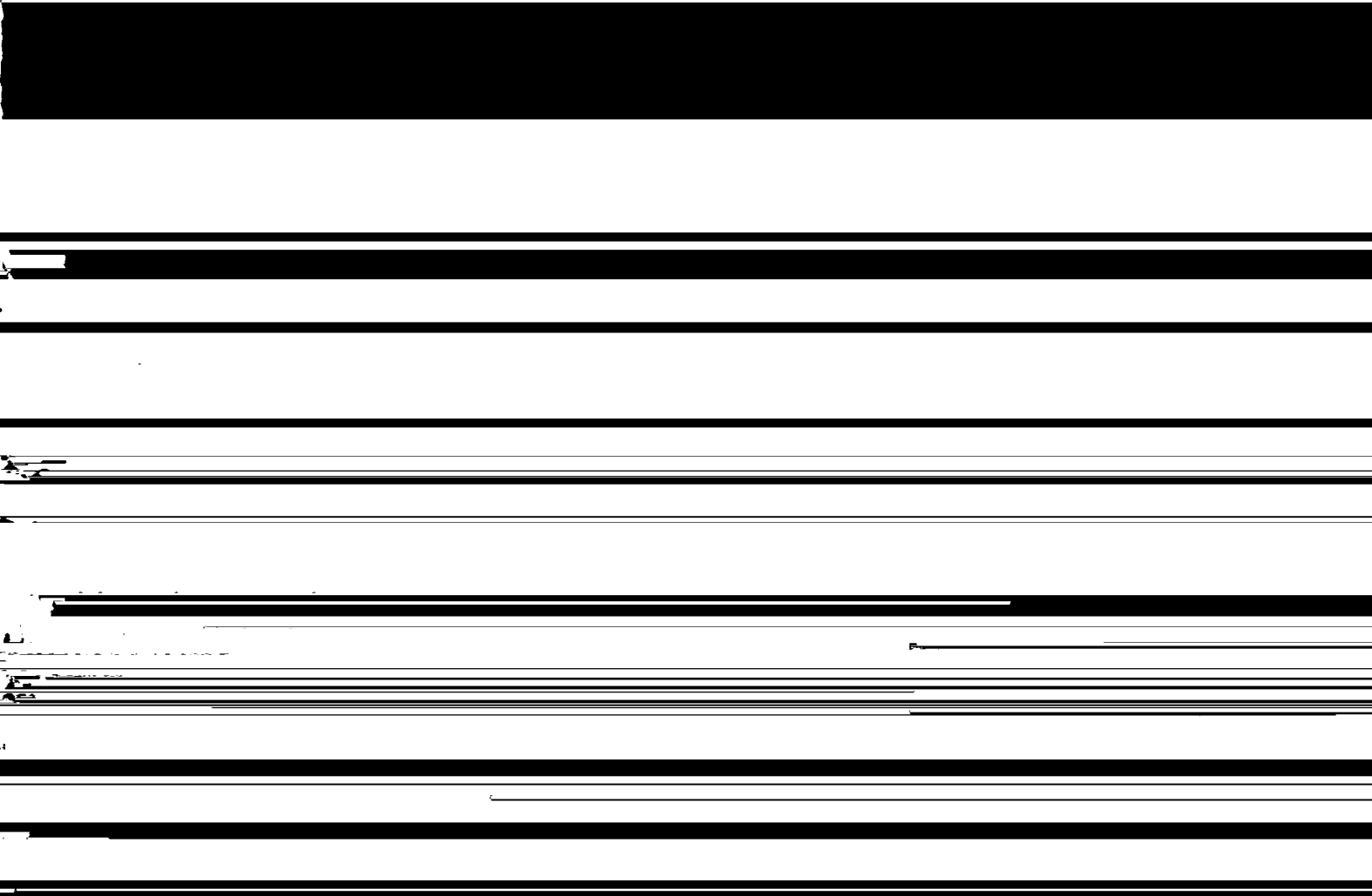
9. Defendant RRI, Inc., is a Florida corporation and lists its principal address in

Altamonte Springs, Florida. RRI, Inc. transacts, or has transacted, business in this district

acting alone or in concert with others, he has formulated, directed, controlled or had authority to control, or participated in the acts and practices set forth in this complaint. Hunt Sr. transacts, or has transacted, business in this district and throughout the United States.

13. Defendant Joe L. Hunt, Jr. ("Hunt Jr.") has been president of defendant Rawlins & Rivera, a Florida corporation. At times material to this complaint, acting alone or in concert with others, he has formulated, directed, controlled or had authority to control, or participated in the acts and practices set forth in this complaint. Hunt Jr. transacts, or has transacted, business in this district and throughout the United States.

14. Defendant Shannon Hunt has been the president and sole director of defendant ~~Ryan & Reed, Inc., a Florida corporation, and the sole officer of defendant Ryan & Reed~~



Rawlins & Rivera, Inc., a Georgia corporation. Ryan & Reed, Inc., a Florida corporation, Ryan & Reed, Inc., a Georgia corporation, and RRI, Inc. (collectively, the "RRI Entities") have acted as a common enterprise while engaging in the deceptive acts and practices and other violation of law alleged below. The RRI Entities have been commonly controlled by one or more of the individual defendants, have shared employees, commingled funds, and engaged in a common scheme to collect debts through unlawful practices. In addition, each RRI entity has shared its place of business with one or more other RRI Entities. Individual defendants Bird, Brust, Hunt Sr., Hunt Jr., and Shannon Hunt have formulated, directed, controlled or had authority to control, or participated in the acts and practices of the RRI

common enterprise, each of them is jointly and severally liable for the deceptive acts and

bondsmen, and fitness centers.

19. Defendants collect debts on a contingency basis, charging their clients a fee

including the cost of the debt and whether other collectors tried to collect the debt.

escalating threats that represent legal action by or on behalf of a defendant entity or the defendant entity's debt collection client is imminent. For example, some early letters to consumers state, "PLEASE CONSULT **YOUR ATTORNEY.**" Letters later in the chain

000007 "FINAL NOTICE PRIOR TO LEGAL PROCEEDINGS" In many instances, Defendant's

letters also represent that the consumer can avoid the threatened legal action, and the

dunning letter or in outbound dunning calls to defendants, Defendants' collectors threaten that Defendants will have the consumer arrested, sue the consumer, garnish the consumer's

wages, and seize the property of the consumer or the consumer's family unless Defendants

receive payment. In addition, Defendants' collectors

Defendants' collectors represent to consumers that an attorney has reviewed the consumer's case and is preparing the case for legal action when, in truth and in fact, no attorney has reviewed the consumer's case and no attorney is preparing the case for legal action.

32. In numerous instances, Defendants' collectors call consumers repeatedly or continuously scream at consumers and use abusive and profane language to intimidate

COUNT ONE

37. On numerous occasions, in connection with the collection of debts, Defendants have represented to consumers, expressly or by implication, that:

- (a) Defendants' collector is an attorney or working on behalf of an attorney who has reviewed the case and is preparing legal action

against a consumer:

- (b) Defendants intend to take legal action against a consumer

- (c) Nonpayment of a debt will result in a consumer's arrest or imprisonment, or seizure, garnishment, or attachment of a consumer's property or wages; or

39. Therefore, Defendants' representations as set forth in Paragraph 37 are false or misleading and constitute deceptive acts or practices in violation of Section 5(a) of the FTC

Act, 15 U.S.C. § 45(a)

ALLEGATIONS OF THE PLAINTIFFS

40. In 1977, Congress passed the FDCPA, 15 U.S.C. §§ 1692-1692o, which became effective on March 20, 1978, and has been in force ever since that date. Section 814 of the FDCPA, 15 U.S.C. § 1692l, provides that a violation of the FDCPA shall be deemed

COUNT THREE

42. On numerous occasions, in connection with the collection of debts, Defendants have communicated with a consumer after receiving written demand from the consumer to cease communications, in violation of Section 805(c) of the FDCPA, 15 U.S.C. § 1692c(c).

COUNT FOUR

43. On numerous occasions, in connection with the collection of debts,

~~Defendants Ryan & Reed, Inc., a Florida corporation, Ryan & Reed, Inc., a Georgia~~

corporation, Ryan & Reed, Inc., a Florida corporation, Ryan & Reed, Inc., a Georgia corporation, RRI, Inc., Brust. Hunt Sr., Hunt Jr., and Shannon Hunt have engaged in conduct

COUNT FIVE

44. On numerous occasions, in connection with the collection of debts,

Defendants have used false, deceptive, or misleading representations or means in violation of

Section 807 of the FDCPA, 15 U.S.C. § 1692e, including, but not limited to:

- (a) Defendants have falsely represented the character, amount, or legal status of a debt, or any services rendered or compensation which may be lawfully received by a debt collector for collection of a debt, in violation of sections 807(2)(A) and (B) of the FDCPA, 15 U.S.C. §§ 1692e(2)(A) and (B).
- (b) Defendants have falsely represented or implied that an individual is an attorney or that a communication is from an attorney, in violation of Section 807(3) of the FDCPA, 15 U.S.C. § 1692e(3);
- (c) Defendants have falsely represented or implied that nonpayment of a debt will result in the arrest or imprisonment of a person or seizure,

(e) Defendants have used false representations or deceptive means to collect or attempt to collect a debt or to obtain information concerning

§ 1692e(1).

§ 1692e(1).

COUNT SIX

45. On numerous occasions, in connection with the collection of a debt, when the consumer has notified Defendants in writing within the thirty-day period pursuant to

Section 1692e(1) of the FDCPA, 15 U.S.C. § 1692e(1), that the debt is not the consumer's debt,

[REDACTED]

THIS COURT'S POWER TO GRANT RELIEF

47. Sections 13(b) and 19 of the FTC Act, 15 U.S.C. § 53(b) and 57b, and

Section 214(e) of the FDICPA, 15 U.S.C. § 1607(e), empower this Court to grant injunctive

and other ancillary relief, including consumer redress, disgorgement, and restitution to

plaintiffs and remedy any violations of any provision of law enforced by the FTC

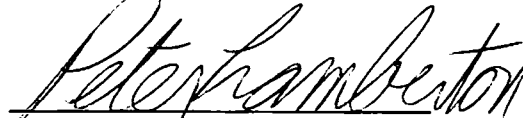
resulting from Defendants' violations of the FTC Act and the FDCPA,
including but not limited to. rescission of contracts, the refund of monies paid,
and the disgorgement of ill-gotten gains by Defendants; and

5. Award plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Dated: 1/31/07

Respectfully submitted.

WILLIAM BLUMENTHAL
General Counsel



SEENA D. GRESSIN, Trial Counsel
PETER LAMBERTON
KAREN E. HICKEY
Attorneys for Plaintiff
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue NW NI-3158

Washington DC 20580