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FEDERAL TRADE COMMISSION

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION
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FEDERAL TRADE COMMISSION,

Plaintiff,
v.

MYSTERY SHOP LINK, LLC,
a Maine Limited Liability Company,

TANGENT GROUP, LLC,
a Maine Limited Liability Company,

ROBIN LARRY MURPHY, individually and a6 an

officer or member of
Mystery Shop Link, LLC.

ANDREW HOLMAN,
individually and as an organizer, manager, officer

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) Civ. No.

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) COMPLAINT FOR INJUNCTIVE
) AND OTHER EQUITABLE RELIEF
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or member of Mystery Shop Link,)
LLC and Tangent Group, LLC.) t2aBox EM�a1_0 1 Tf�-0c 3.938 66].n050ype /Pagination /Attachd)

KENNETH JOHNSON,
individually and as an officer or member of
Mystery Shop Link, LLC,

HARP MARKETING SERVICES, INC., a Florida corporation,

AIDEN REDDIN,
individually and as an
officer or director of
Harp Marketing Services, Inc.
and,

MARC GURNEY,)
individually and as an)
officer or director of)
Harp Marketing Services, Inc.,)
)
Defendants.)

Plaintiff, the Federal Trade Commission ("FTC" or

"Commissionr'), for its Complaint alleges:

1. The FTC brings this action under Sections 5(a) and 13(b)

of the Federal Trade Commission Act ('FTC Act"), 15 U.S.C. 5s

45(a) and 53(b), to secure temporary, preliminary, and permanent

I injunctive relief, restitution, rescission or reformation of

contracts, disgorgement, and other equitable relief for 1 Defen2ants1 deceptive acts or practices in violation of Section
5(a) of the FTC Act, 15 U.S.C. § 45(a).

JURISDICTION ANI) VENUE

2. This Court has subject matter jurisdiction pursuant to

15 U.S.C. 95 45(a) and 53(b), and 28 U.S.C. 85 1331, 1337(a), and

1345.

3. Venue in the United States District Court for the

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THE PARTIES

4. Plaintiff, the Federal Trade Commission, is an
independent agency of the United States Government created by statute. 15 U.S.C. 88 41-58, as amended. The Commission enforces 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. The Commission is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act in order to secure such equitable relief as nay be appropriate in each case, including restitution for injured consumers. 15 U.S.C. S 53 (b).
5. Defendant Mystery Shop Link, LLC ("MSL") is a Maine
limited liability company with a registered office at 2 Market Street, Fourth Floor, Portland, Maine 04101. MSL also transacts business at 2646 Palma Drive, Suite 230, Ventura, California 93003. MSL transacts or has transacted business in the Central District of California and throughout the United States.
6. Mystery Shop (b)

DEFENDANTS' DECEPTIVE ACTS AND PRACTICES

15. Since at least 2003, and continuing thereafter,
Iefendants have conducted a nationwide advertising and
. elemarketing campaign to sell "mystery shopping" employment)pportunities to consumers.
16. Defendants advertise in various media throughout the :ountry, including newspapers, radio, cable Tv' and the Internet, ,ffering consumers training, certification and continuous paid xrployment as "mystery shoppers." Mystery shoppers are persons lired to pose as customers of a particular business and then ,repare reports on its operations, personnel and/or facilities.
17. Defendants place "help wanted" ads for mystery shoppers
Ln local newspapers around the country, inviting consumers to 3pply for shoppers �j�5.068 0 T0p

experience. As a trained, professional Mystery Shop ink Shopper, you can receive as many as 30
potential paid assignments e-mailed to your

computer each morning - ranging from simple shopping in retail and grocery stores, to eating
in restaurants or even going to the movies. You get paid to handle each assigrment PLUS you can get reimbursed for purchases you make (so they

are yours to keep FREE*). You pick your assigniients and choose your own hours. How much
money

shopping job, and do not earn any money.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

26. Section 5(a) of the FTC Act, 15 U.S.C. .§ 45(a),
prohibits unfair or deceptive acts or practices in or affecting

commerce.

27. Misrepresentations of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

COUNT ONE

28. In numerous instances, in the course of offering for
sale or selling mystery shopping employment opportunities, Defendants have represented, expressly or by implication, that Defendants are themselves hiring consumers to perform work as mystery shoppers or are hiring on behalf of others.
29. In truth and in fact, in numerous instances, Defendants
are not themselves hiring consumers to perform work as mystery shoppers and are not hiring on behalf of others.
30. Therefore, Defendants' representations, as set forth
above, are false and misleading and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

COUNT TWO

31. In numerous instances, in the course of offering for
sale or selling mystery shopping employment opportunities, Defendants have represented, expressly or by implication, that a specified number of mystery shopping jobs are currently available through Defendants in consumers' local areas.
32. In truth and in fact, in numerous instances, the
specified number of mystery shopping jcbs were not currently Page 10 of 13

ivailable through Defe~dants in consumers' local areas.
33. Therefore, Defendants' representations, as set forth rbove,

above, 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).

CONSUMER INJURY

40. Consumers throughout the United States have suffered and continue to suffer substantial monetary loss as a result of Defendants' unlawful acts and practices. In addition, Defendants have been unjustly enriched as a result of their unlawful acts and practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.
THIS COURT'S POWER TO GRANT RELIEF

41.- Section 13(b) of the FTC Act, 15 U.S.C. 5 53(b),
authorizes this Court to issue a permanent injunction against Defendants' violations of the FTC Act and, in the exercise of its equitable jurisdiction, to order other ancillary relief, including but not limited to, temporary and preliminary injunctions, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy injuries caused by Defendants' law violations.

PRAYER FOR RELIEF

WXEREFORE, Plaintiff Federal Trade Commission, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:
1. Award Plaintiff such preliminary injunctive 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 Page 12 of 13

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limited to, a preliminary injunction, an accounting, and an order freezing assets; .... ~.1
2. Enter a pernanent injunction to prevent future
violations of the FTC Act by Defendants;
3. Award such relief as the Court finds necessary to
redress inj-~ry to consivners resulting from Defendants' violations of the FTC Act, including but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid,

. -. . - -~ . .- .-- and fFi5 CZSg~rgtx3fSnt of iIIzgotten monles; and
4. 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.

Respectfully Submitted,
WILLIAM BLUMENTHAL
General Counsel

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