

21

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FEDERAL TRADE COMMISSION,  
  
Plaintiff,  
  
v.  
  
Centurion Financial Benefits LLC, *et al.*,  
  
Defendants.

Civil Action No. 05 C 5442  
Judge Moran  
Magistrate Denlow

[REDACTED]

[REDACTED]

NOW, THEREFORE, the Commission and Defendant Tony Marchese, having requested the Court to enter this Stipulated Order, and the Court, having considered the Stipulated Order reached among the parties and for other cause appearing, it is ORDERED, ADJUDGED, AND

FINDINGS

FTC Act, 15 U.S.C. §§ 53(b) and 57b, the Telemarketing Act, 15 U.S.C. §§ 6101, *et seq.*, and the FTC's Telemarketing Sales Rule, 16 C.F.R. Part 310. Pursuant to these statutes and regulations,

the Commission has the authority to

7. The parties shall each bear their own costs and attorneys' fees incurred in this action and have waived all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, and all rights to seek judicial review, or otherwise to challenge the validity of this Stipulated Order.

8. This Order is in addition to and not in lieu of any other civil or criminal remedies that may be provided by law.

9. Entry of this Stipulated Order is in the public interest.

#### **DEFINITIONS**

For purposes of this Order, the following definitions shall apply:

1. "Defendant" means the Defendant Tony Marghese
2. "Asset" or "assets" means any legal or equitable interest in, right to, or claim to,

card or bank account payment and collection system; and (6) providing marketing or customer service support.

4. "Consumer" means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

service which is advertised, offered for sale, or sold to consumers as a method by which consumers may establish or obtain any extension of credit or credit device, including, but not

the Telemarketing Sales Rule, 16 C.F.R. Part 310) which is conducted to induce the purchase of goods or services or a charitable contribution, by use of one or more telephones.

**ORDER**

**I.**

**PROHIBITED BUSINESS ACTIVITIES**

**IT IS FURTHER ORDERED** that, in connection with the advertising, marketing,

~~promoting, offering for sale, or sale of any product, program, or service. Defendant Terms~~

Marchese, and his officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with him who receive actual notice of this

~~Order by persons Licensee or otherwise, whether acting directly or through a trust, corporation~~

Rule, 16 C.F.R. Part 310, *et seq.*, including, but not limited to:

1. Violating Section 310.3(a)(2) of the Telemarketing Sales Rule, 16 C.F.R. § 310.3(a)(2), by misrepresenting, directly or by implication, any material aspect of the performance, efficacy, nature, or central characteristics of goods or services that are the subject of a sales offer, 16 C.F.R. § 310.3(a)(2)(iii);

2. Violating Section 310.4(a)(4) of the Telemarketing Sales Rule, 16 C.F.R.

310.4(a)(4)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

obtaining or arranging an extension of credit when they have guaranteed or represented a high

[REDACTED]

restitution for consumer injury relief; *provided, however*, that this judgment shall be suspended until further Order of the Court pursuant to Section III of this Order (Right to Reason) and

provided further that this judgment shall be subject to the conditions set forth in Section V.

B. All funds paid pursuant to Section II and/or Section III shall be deposited into a fund administered by the Commission or its agent to be used for equitable relief, including, but

not limited to, consumer redress and any attendant expenses for the administration of such equitable relief. Defendant Sean Somma shall cooperate fully to assist the Commission in identifying consumers who may be entitled to redress pursuant to this Order. Each of the

proceeding, Defendant Tony Marchese waives any right to contest any allegations in Plaintiff's

~~First Amended Complaint.~~

F. Nothing herein shall be deemed or construed to prevent the Commission from  
~~initiation of appropriate proceedings to enforce the provisions of this Order~~

**III.**

**RIGHT TO REOPEN: ACCURACY OF FINANCIAL STATEMENT**

**IT IS FURTHER ORDERED** that within five (5) business days after the date of entry of  
this Stipulated Order, Defendant Tony Marchese shall submit to the Commission a truthful sworn  
~~statement that shall affirm and attest to the truthfulness, accuracy, and completeness of the~~



[REDACTED]

*Provided, however,* that Defendant Tony Marchese, and his officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise

whether acting directly or through any trust, corporation, subsidiary, division, or other device, may provide such information to a law enforcement agency either voluntarily, or as required by any law, regulation, or court order.

V.

**COOPERATION WITH FTC COUNSEL**

**IT IS FURTHER ORDERED** that Defendant Tony Marchese shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the

with the FTC and appear, or cause his officers, employees, representatives, or agents to appear, at such places and times as the FTC shall reasonably request, after written notice, for interviews, conferences, pretrial discovery, review of documents, and for such other matters as may be reasonably requested by the FTC. If requested in writing by the FTC, Defendant Tony Marchese shall appear, or cause his officers, employees, representatives, or agents to appear, and provide

VI.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order:

[REDACTED]

Commission, Defendant Tony Marchese 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 Defendant's possession or

[REDACTED]

obtain any documentary material, tangible things, testimony, or information relevant to unfair or  
deceptive acts or practices in or affecting commerce (within the meaning of

15 U.S.C. § 45(a)(1)).

**VII.**

**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 Tony Marchese shall notify the Commission of the following:
    - a. Any changes in his residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;
    - b. Any changes in his employment status (including self-employment), and any change in the ownership of the Defendant in any business entity, within

(10) days of the date of

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 petition; or a change in the corporate name or address, at least thirty (30) days prior to such

Defendant learns less than thirty (30) days prior to the date such action is to take place,

Defendant shall notify the Court in writing of any such action at least thirty (30) days prior to the date such action is to take place.

directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

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

Re: *FTC v. Centurian Financial Benefits LLC et al.* Civil Action No. 05-05442

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

#### VIII.

#### MONITORING COMPLIANCE OF SALES PERSONNEL

**IF IS FURTHER ORDERED** that Defendant Tony Marchese, in connection with any business where he is the majority owner of the business or directly or indirectly manages or controls the business, and where the business is engaged in telemarketing, or assisting others engaged in telemarketing, 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 comply with Section I of this Stipulated Order. Such steps shall include adequate monitoring of

business to which this Section applies; and

C. Failing to take corrective action with respect to any sales person whom Defendant

disciplining, and/or terminating such sales person.

IX.

**RECORD KEEPING PROVISIONS**

purchased, to the extent such information is obtained in the ordinary course of business;

D. Complaint 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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Defendant Tony Marshone must

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

Defendant Tony Marshone must secure a signed and dated statement

acknowledging receipt of the Order and the Permanent Injunction, within thirty (30) days of delivery, from all persons receiving a copy of the Order pursuant to this Section.

**XI.**

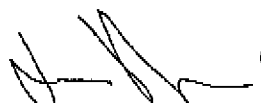
**ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT**

IT IS FURTHER ORDERED that Defendant Tony Marshone, within five (5) business

The Commission and Defendant Tony Marchese hereby stipulate and agree to entry of the foregoing Stipulated Order, which shall constitute a final judgment in this action.

SIGNED AND STIPULATED BY:

Dated: April 24, 2007



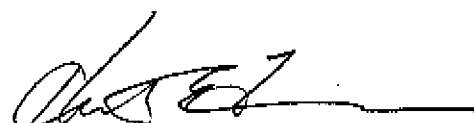
JAMES H. DAVIS  
Attorney for Plaintiff  
Federal Trade Commission

[Redacted]

Tony Marchese, individually

APPROVED AS TO FORM:

Dated: 11/9/06



HECTOR E. LORA  
Cove & Associates, P.A.  
Attorney for Defendant Tony Marchese

[Redacted]

Dated: April 24, 2007

