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IN THE UNITED STATES DISTRICT COURT

EASTERN DIVISION

FEDERAL TRADE COMMISSION

Plaintiff,

v.

Centurion Financial Benefits LLC, et al.,

Defendants.

Civil Action No. 05 C 5442  
Judge Moran  
Magistrate Denlow

**STIPULATED ORDER FOR PERMANENT INJUNCTION AND FINAL JUDGMENT  
AGAINST DEFENDANT SEAN SOMMA**

Plaintiff, the Federal Trade Commission ("FTC" or "the Commission")

action by filing its Complaint, followed by a First Amended Complaint, for injunctive and other equitable relief pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, the Telemarketing and Consumer Fraud and Abuse

NOW, THEREFORE, the Commission and Defendant Sean Somma, having requested

the Court to enter this Order, it is hereby ORDERED that the Commission and Defendant Sean Somma, having requested

ORDERED: DENIED AND

7. The parties shall each bear their own costs and attorney's 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(s) [REDACTED]

2. "Asset" or "assets" means any legal or equitable interest in, right to, or claim to, any real and personal property, including, but not limited to, chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables (as those terms are defined in the Uniform Commercial Code), and all cash, wherever located.

3. "Assisting others" means providing any of the following goods or services: (1)

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

4. "Consumer" means any individual, group, unincorporated association, limited or

general partnership, corporation, or other business entity.

5. "Credit-related products, programs, or services" means any product, program, or 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 limited to, credit cards, loans, or financing, or as a method to consolidate or liquidate debts.

6. "Customer" means any person who has paid, or may be required to pay, for goods or services offered for sale or sold by Defendant.

7. "Document" is synonymous in meaning and equal in scope to the usage of the 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 which information can be obtained and translated, if necessary, through detection devices into

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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), by requesting or receiving payment of any fee or consideration in advance of

obtaining or arranging an extension of credit when they have guaranteed or represented a high likelihood of success in obtaining or arranging an extension of credit;

3. Violating Section 310.4(b)(1)(iii)(B) of the TSR, 16 C.F.R.

§ 310.4(b)(1)(iii)(B), by engaging in or causing others to engage in initiating an outbound

telephone call to a person's telephone number on the National Do Not Call List

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 Reopen), and

~~provided further that this judgment shall~~

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 Tony Marchese shall cooperate fully to assist the Commission in identifying consumers who may be entitled to redress pursuant to this Order. In the event that direct redress is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendant Tony Marchese's practices alleged in the First Amended Complaint. Any funds not used for such equitable relief shall be deposited to the United States Treasury as disgorgement. Defendant Tony Marchese shall have no right to challenge the Commission's choice of remedies under this Section;

proceeding, Defendant Sean Somma 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 initiating any appropriate proceedings to enforce the provisions of this Order.

III.

RIGHT TO REOPEN: ACCURACY OF FINANCIAL STATEMENT



already paid.

*Provided, however,* that in all other respects, this judgment shall remain in full force and effect, unless otherwise ordered by the Court; and *provided further,* that proceedings instituted under this Section are in addition to and not in lieu of any other civil or criminal remedies that

*Provided, however, that Defendant Sean Somma, and his officers, agents, directors,*

*servants, employees, salespersons, independent contractors, attorneys, accountants, and all other*

*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

VI.

COMPLIANCE MONITORING

~~UNLAWFUL ACTS~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

compliance with any provision of this Order:

A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendant Sean Somma 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 direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to monitor compliance with this Order

[REDACTED]

[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 Sean Somma 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 ten (10) days of the date of the such change. Such notice shall include the name and address of each business that the Defendant is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of the Defendant's duties and responsibilities in connection with the business or employment; and
  - c. Any changes in the Defendant's name or use of any aliases or fictitious names; and

including but not limited to a dissolution agreement, sole management, and

[REDACTED]

directed by the Commission's authorized representative

Commission to:

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

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

VIII.

business to which this Section applies; and

Failing to take corrective action with respect to any sales person who is

Sean Somma determines is not complying with this Order, which may include training, disciplining, and/or terminating such sales person.

IX.

RECORD KEEPING PROVISIONS

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 this Order, required by Section X, and all reports submitted to the FTC pursuant to Section VII.

**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, Defendant Scan Somma shall deliver copies of the Order as directed below:

A. Defendant Scan Somma shall deliver a copy of the Order to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



~~of this Order to all persons receiving a copy of this Order pursuant to this Section.~~

[Redacted]

C. Defendant Sean Somma 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 Sean Somma, within five (5) business

The Commission and Defendant Sean Somma hereby stipulate and agree to entry of the

foregoing Stipulated Order, which shall constitute a final judgment in this action.

\_\_\_\_\_  
[Redacted Signature]

\_\_\_\_\_  
[Redacted Signature]