

of

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 James B. Moran

~~REDACTED~~
FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION
AGAINST FRANK RELISSIMO

Plaintiff, the Federal Trade Commission ("FTC" or "the Commission"), commenced this 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 Prevention Act ("Telemarketing Act"), 15 U.S.C. §§ 6101, *et seq.*, charging that the defendants engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C.

§ 15(b) of the FTC Act, 15 U.S.C. § 53(b), and the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. § 6101, *et seq.*

pursuant to Fed. R. Civ. P. 54. Having considered the memorandum and exhibits filed in support

~~of the Commission's motion and the parties' comments in _____~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

the premises, the Court hereby grants the Commission's motion for judgment.

~~_____~~

[REDACTED]

[REDACTED]

Trade Commission's Motion for Judgment on the Pleadings as to Defendants Robert Houttuin and Frank Bellissimo, finding them liable for Counts I, II, and III of the the FTC's First Amended Complaint.

8. The factual allegations in the Commission's First Amended Complaint are taken as true against Defendant Frank Bellissimo. Those allegations and the evidence supporting them establish that Defendant Frank Bellissimo violated Section 5(a) of the FTC Act, 15 U.S.C.

§ 45(a) and Section 310.2(a)(3)(C) of the Commission's Rules of Practice, 16 C.F.R. § 310.2(a)(3)(C).

[REDACTED]

9. Defendant Frank Bellissimo is likely to continue to engage in the acts and practices alleged in the First Amended Complaint unless he is permanently enjoined from such

1. "Defendant" means Defendant Frank Bellissimo.
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, personal intangibles, effects, furnishings, fixtures, inventory,

checks, notes, accounts, credits, receivables (as those terms are defined in the Uniform

[REDACTED]

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

[REDACTED]

limited to, credit cards, loans, or financing, or as a method to consolidate or liquidate debts.

[REDACTED]

ORDER

I.

PROHIBITED BUSINESS ACTIVITIES

promoting, offering for sale, or sale of any product, program, or service, Defendant Frank Bellissimo, 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 personal service or otherwise, whether acting directly or through any agent, corporation,

§ 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 represented or represented a high

likelihood of success in obtaining or arranging an extension of credit;

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

[REDACTED]

have no right to challenge the Commission's choice of remedies under this Section; and

C. The judgment entered pursuant to Subsection A of this Section for equitable monetary relief is solely remedial in nature and is not a fine, penalty, punitive assessment, or forfeiture.

III.

ASSET FREEZE

IT IS FURTHER ORDERED that, except for funds necessary for the payment of the [REDACTED] judgment required by Section II of this Order, the assets of Defendant Enock Dulligama

[REDACTED]

asset of and held for the benefit of Defendant [REDACTED]

or maintained custody of any account or asset of, or for the benefit of, Defendant Frank Bellissimo, shall turn over such account or asset to the Commission, within ten (10) business days of receiving notice of this Order by any means, including, but not limited to, via facsimile.

V.

CUSTOMER LISTS

IT IS SUPERSEDED ORDERED that Defendant, and his officers, agents, directors,

servants, employees, salespersons, independent contractors, attorneys, accountants, and affiliates,

[REDACTED]

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.

VI.

COMPLIANCE MONITORING

[REDACTED]

to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present .

compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to

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

fictitious names; and

2. Defendant shall notify the Commission of any changes in corporate

~~structure of any business entity that the Defendant directly or indirectly controls, or has an~~

ownership interest in, that may affect compliance obligations arising under this Order, 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 change, *provided* that, with respect to any proposed change in the corporation about which the Defendant learns less than thirty (30) days prior to the date such action is to take place, Defendant shall notify the Commission as soon as is practicable after obtaining such knowledge.

B. One hundred eighty (180) days after the date of entry of this Order, Defendant

~~shall provide written report to the FTC regarding compliance with this Order.~~

4. A copy of each acknowledgment of receipt of this Order obtained by

Defendant pursuant to this Order shall be:

C. For the purposes of this Order, Defendant shall, unless otherwise 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: ETC v. Centurion Financial Benefits LLC, Civ. Action No. 05 5442; and

D. For purposes of the compliance reporting required by this Order, the Commission

is authorized to require that Defendant and its agents

VIII.

MONITORING COMPLIANCE OF SALES PERSONNEL

IF IS FURTHER ORDERED that Defendant, 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,

to conduct compliance reporting in accordance with the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Failing promptly to investigate fully any consumer complaint received by any business to which this Section applies; and

C. Failing to take corrective action with respect to any sales representative Defendant [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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. 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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

the subject matter of this Order. Defendant must deliver a copy of this Order to all principals and

managers of such business before engaging in such conduct.

Defendant must secure a signed and dated statement acknowledging receipt of the