

! : CHANGES HAVE BEEN  
MADE TO THIS

1           WHEREAS, Plaintiff, the Federal Trade Commission, has commenced this  
2 action by filing the Complaint herein; Defendants Maria Oceguela and Dulce  
3 Rickards, aka Dulce Ugalde and Dulce Ruiz, have been served with the Summons  
4 and Complaint; and the parties have agreed to settlement of this action upon the  
5 following terms and conditions, without adjudication of any issue of fact or law  
6 and without Defendants' admitting liability for any of the matters alleged in the  
7 Complaint, other than jurisdictional facts;

8           THEREFORE, on the joint motion of Plaintiff and Defendants, it is hereby  
9 ORDERED, ADJUDGED, and DECREED as follows:

10                                 **FINDINGS**

- 11           1.     This Court has jurisdiction of the subject matter and of the parties.
- 12           2.     The Complaint states a claim upon which relief may be granted  
13 against the Defendants under Sections 5(a), 5(m)(1)(A), 13(b), and 16(a) of the
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1 contest the validity of this Decree.

2 9. The parties shall each bear their own costs and attorney's fees  
3 incurred in this action. Defendants have waived all claims under the Equal Access  
4 to Justice Act, 28 U.S.C. § 2412.

5 **CONSENT DECREE**

6 **DEFINITIONS**

7 For purposes of this Consent Decree, the following definitions shall apply:

8 A. Unless otherwise specified, "Defendants" means Maria Ocegüera and  
9 Dulce Rickards, aka Dulce Ugalde and Dulce Ruiz.

10 B. "Commerce" means as defined in Section 4 of the Federal Trade  
11 Commission Act, 15 U.S.C. § 44.

12 C. "FTC" or "Commission" means the Federal Trade Commission.

13 D. A requirement that Defendants "notify the Commission" means that  
14 the Defendants shall send the necessary information via first class mail, costs  
15 prepaid, to the Associate Director for Enforcement, Federal Trade Commission,  
16 600 Pennsylvania Avenue, N.W., Washington, DC 20580. Attn: *FTC v. Tono*  
17 *Records, et al.*, Civ. No. 07-3786-JFW (C.D. Cal.).

18 E. The term "including" in this Decree means "including, without  
19 limitation."

20 F. The terms "and" and "or" in this Order shall be construed  
21 conjunctively or disjunctively as necessary, to make the applicable phrase or  
22 sentence inclusive rather than exclusive.

23 **I. INJUNCTION**

24 Defendants Maria Ocegüera and Dulce Rickards, and their officers, agents,  
25 servants, employees, and all other persons or entities in active concert or  
26 participation with them who receive actual notice of this Decree by personal  
27 service or otherwise, whether acting directly or through any business entity,  
28 corporation, subsidiary, division, affiliate, or other device, are hereby permanently

1 restrained and enjoined from taking the following actions:

2 **VIOLATING THE FTC ACT**

3 A. Misrepresenting to consumers, expressly or by implication, that:

- 4 1. The alleged obligation that Defendants are attempting to collect  
5 is a valid debt;
- 6 2. Defendants are an attorney or are working on behalf of an  
7 attorney;
- 8 3. Defendants will take any action that cannot legally be taken or  
9 that Defendants do not intend to take, such as filing a lawsuit;  
10 and
- 11 4. Nonpayment of an alleged obligation will result in a  
12 consumer's arrest or imprisonment, or lead to seizure,  
13 garnishment, or attachment of a consumer's property or wages;

14 B. Making a misrepresentation, expressly or by implication, about the  
15 consequences of paying or not paying a debt, in whole or in part;

16 C. Making any material misrepresentation, expressly or by implication,  
17 to collect or to attempt to collect a debt;

18 D. Misrepresenting, directly, indirectly, expressly, or by implication, or  
19 omitting, any fact material to a person's decision to purchase or use any product,  
20 program, or service;

21 **VIOLATING THE FDCPA**

22 E. Using any false, deceptive, or misleading representations or means in  
23 connection with the collection of any debt, in violation of Section 807 of the  
24 FDCPA, 15 U.S.C. § 1692e, including, but not limited to:

- 25 1. Misrepresenting the character, amount, or legal status of a debt,  
26 in violation of Section 807(2)(A) of the FDCPA, 15 U.S.C. §  
27 1692e(2)(A);
- 28 2. Representing or implying that collectors are attorneys or



1 intent to annoy, abuse, or harass a person at the number called, in violation of  
2 Section 806(5) of the FDCPA, 15 U.S.C. § 1692d(5);

3 H. Failing to notify consumers of their right to dispute  
4 and obtain verification of their debts and to obtain the name of the original  
5 creditor, either in Defendants' initial communication with 3 BDC 2.577their 3 fen0.0005 Tc 60  
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1 Financial institutions holding the above mentioned assets pursuant to the  
2 August 13, 2007, Preliminary Injunction shall directly transfer such assets to the  
3 FTC by wire transfer in accord with directions provided by the Commission or by  
4 certified check or other guaranteed funds made payable to and delivered to the  
5 Commission. By signing this Decree, Defendants relinquish all dominion, control,  
6 and title to the monies transferred to the Commission, and agree that all legal and  
7 equitable title to said monies is vested in the Commission, for use according to the  
8 terms of this Decree.

9 C. All funds paid pursuant to this Decree shall be deposited into a fund  
10 administered by the FTC or its designated agent to be used for equitable relief,  
11 including, but not limited to, restitution and any attendant expenses for the  
12 administration of any monetary funds. In the event that direct restitution for  
13 consumers is wholly or partially impracticable, or funds remain after restitution is  
14 completed, the FTC may apply any remaining funds for any other equitable relief  
15 (including consumer information remedies) that it determines to be reasonably  
16 related to the Defendants' practices alleged in the Complaint. Any funds not used  
17 for this equitable relief shall be deposited into the U.S. Treasury as disgorgement.  
18 Defendants shall have no right to challenge the FTC's choice of remedies under  
19 this section.

20 D. Plaintiff's agreement to this Decree is expressly premised upon the  
21 Defendants representation that they do not control funds transferred from Tono  
22 Records' bank accounts to individuals or companies in Mexico, and on the  
23 truthfulness, accuracy, and completeness of the financial statements and  
24 supporting documents submitted to the Commission, namely those of Maria  
25 Ocegüera, signed and dated November 16, 2007, and those of Dulce Rickards,  
26 signed and dated November 16, 2007, which contain material information upon  
27 which Plaintiff relied in negotiating and agreeing to the terms of this Decree. This  
28 agreement is also expressly premised on Dulce Rickards' assertion in her

1 November 28, 2007, letter that she has no control over funds she transferred to  
2 alleged business associates in Mexico in 2006. If, upon motion by Plaintiff, based  
3 on good cause, this Court finds that Defendants Dulce Rickards and Maria  
4 Ocegüera have failed to disclose any material asset or materially misstated the  
5 value of any asset in the financial statements and related documents described  
6 above, or that Defendants Dulce Rickards or Maria Ocegüera have received  
7 transfers of funds from Marco Antonio Ruiz Ocegüera, or any of his agents,  
8 which evidences Dulce Rickards and Maria Ocegüera's ability to control such  
9 funds, then this Decree shall be reopened and suspension of the judgment shall be  
10 lifted for the purpose of requiring payment of the full amount of the judgment  
11 (\$1,186,754), less the sum of all amounts paid pursuant to Paragraph B of this  
12 Section. *Provided, however,* that in all other respects this Decree shall remain in  
13 full force and effect, unless otherwise ordered by the Court.

### 14 **III. NOTICE REQUIREMENTS**

15 A. For a period of five (5) years from the date of entry of this Decree,  
16 Defendants Maria Ocegüera and Dulce Rickards, as well as their successors and  
17 assigns, and their officers, agents, servants, employees, and all other persons or  
18 entities in active concert or participation with any of them who receive actual  
19 notice of this Decree by personal service or otherwise, whether acting directly or  
20 through any business entity, corporation, subsidiary, division, affiliate, or other  
21 device, in connection with acting as a "debt collector" in the collection of a "debt"  
22 from a "consumer," as those terms are defined in Section 803(6), (5), and (3),  
23 respectively, of the FDCPA, 15 U.S.C. § 1692a(6), (5), and (3), shall make the  
24 following disclosure clearly and conspicuously on each written collection  
25 communication that is sent to a consumer for the purpose of collecting a debt:

26 Federal law prohibits certain methods of  
27 debt collection, and requires that we treat  
28 you fairly. If you write to us and ask us to  
stop communicating with you about this



1 debt, we will cease contacting you. Sending  
2 such a letter does not make the debt go  
3 away if you owe it. Once we receive your  
4 letter, we may not contact you again, except  
5 to let you know that there won't be any  
6 more contact or that we intend to take a  
7 specific action.

8 If you have a complaint about the way we  
9 are collecting this debt, please write to our  
10 CONTACT CENTER, [current physical  
11 address], email us at [current email  
12 address], or call us toll-free at [current  
13 phone number] between 9:00 A.M. Pacific  
14 Time and 5:00 P.M. Pacific Time Monday -  
15 Friday.

16 The Federal Trade Commission enforces the  
17 Fair Debt Collection Practices Act  
18 (FDCPA). If you have a complaint about  
19 the way we are collecting your debt, please  
20 contact the FTC online at [www.ftc.gov](http://www.ftc.gov); by  
21 phone at 1-877-FTC-HELP; or by mail at  
22 600 Pennsylvania Ave. NW, Washington,  
23 DC 20580.

24 The above disclosure shall be given in the languages which appear in such  
25 communications sent to consumers.

26 B. Defendants Maria Ocegüera and Dulce Rickards, as well as their  
27 successors and assigns, and their officers, agents, servants, employees, and all  
28 other persons or entities in active concert or participation with any of them who  
receive actual notice of this Decree by personal service or otherwise, whether  
acting directly or through any business entity, corporation, subsidiary, division,  
affiliate, or other device, in connection with acting as a "debt collector" in the  
collection of a "debt" from a "consumer," as those terms are defined in Section

1 803(6), (5), and (3), respectively, of the FDCPA, 15 U.S.C. § 1692a(6), (5), and  
2 (3), shall provide a copy of the following notice to all officers, servants, agents,  
3 and employees having responsibility with respect to the collection of debts, within  
4 thirty (30) days of the date of entry of this Decree, and to each employee hired for  
5 a period of five (5) years after that date, no later than the time the employee  
6 assumes responsibility with respect to the collection of such debts, and shall secure  
7 from each such person, within thirty (30) days of delivery, a signed and dated  
8 statement acknowledging receipt of a copy of the notice:

9 Debt collectors must comply with the  
10 federal Fair Debt Collection Practices Act,  
11 which limits your activities in trying to  
12 collect money from consumers

13 Section 806 of the Act states that you may  
14 not engage in any conduct the natural  
15 consequence of which is to harass, oppress,  
16 or abuse any person in connection with the  
17 collection of a debt.

18 Section 807 of the Act prohibits you from  
19 representing or implying that any action,  
20 including legal action, will be taken unless,  
21 at the time of the representation, such action  
22 is lawful and there is a clear intent to take  
23 the action. Further, Section 807 of the Act  
24 prohibits the use of any false representation  
25 or deceptive means to collect or attempt to  
26 collect any debt or to obtain information  
27 concerning a consumer.

28 **Individual debt collectors may be financially liable  
for their violations of the Act.**

1 **IV. DISTRIBUTION OF CONSENT DECREE BY DEFENDANTS**

2 For a period of three (3) years from the date of entry of this Decree,  
3 Defendants Maria Ocegüera and Dulce Rickards shall deliver copies of this Decree  
4 as directed below:

5 **A. Defendants Maria Ocegüera and Dulce Rickards as control**  
6 **persons:** For any business that Maria Ocegüera or Dulce Rickards controls,  
7 directly or indirectly, or in which Maria Ocegüera or Dulce Rickards has a  
8 majority ownership interest, Maria Ocegüera

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1 parent, or affiliate that engages in any acts or practices subject  
2 to this Decree; the filing of a bankruptcy petition; or a change  
3 in the corporate name or address, at least thirty (30) days prior  
4 to such change, *provided* that, with respect to any proposed  
5 change in the corporation about which the Defendants learn  
6 less than thirty (30) days prior to the date such action is to take  
7 place, Defendants shall notify the Commission as soon as is  
8 practicable after obtaining such knowledge.

9 B. One hundred and eighty (180) days after the date of entry of this  
10 Decree, Defendants Maria Ocegüera and Dulce Rickards each shall provide a  
11 written report to the FTC, sworn to under penalty of perjury, setting forth in detail  
12 the manner and form in which they have complied and are complying with this  
13 Decree. This report shall include, but not be limited to:

- 14 1. The then-current residence address, mailing addresses, and  
15 telephone numbers of Maria Ocegüera and Dulce Rickards;
- 16 2. The then-current employment and business addresses and  
17 telephone numbers of Maria Ocegüera and Dulce Rickards, a  
18 description of the business activities of each such employer or  
19 business, and the title and responsibilities of Maria Ocegüera  
20 and Dulce Rickards for each such employer or business;
- 21 3. A copy of each acknowledgment of receipt of this Order,  
22 obtained pursuant to Paragraph IV.C; and
- 23 4. Any other changes required to be reported under Subparagraph  
24 A of this Part.

25 C. For the purposes of this Order, Defendants shall, unless otherwise  
26 directed by the Commission's authorized representatives, mail all written  
27 notifications to the Commission to:

28 Associate Director for Enforcement

1 Federal Trade Commission  
2 600 Pennsylvania Avenue, N.W.  
3 Washington, DC 20580.  
4 Attn: *FTC v. Tono Records, et al.*, Civ. No. 07-3786-  
5 JFW (C.D. Cal.).

6 D. For the purposes of the compliance reporting and monitoring required  
7 by this Decree, the Commission is authorized to communicate directly with  
8 Defendants Maria Ocegüera and Dulce Rickards.

9 **VII. COMPLIANCE MONITORING**

10 For the purpose of monitoring and investigating compliance with any  
11 provision of this Decree:

12 A. Within ten (10) days of receipt of written notice from a representative  
13 of the Commission, Defendants Maria Ocegüera and Dulce Rickards each shall  
14 submit additional written reports, sworn to under penalty of perjury; produce  
15 documents for inspection and copying; appear for deposition; and/or provide entry  
16 during normal business hours to any business location in such Defendant's  
17 possession or direct or indirect control to inspect the business operation;

18 B. In addition, the Commission is authorized to monitor compliance  
19 with this Decree by all other lawful means, including, but not limited to, the  
20 following:

- 21 1. Obtaining discovery from any person, without further leave of  
22 court, using the procedures prescribed by Fed. R. Civ. P. 30,  
23 31, 33, 34, 36, and 45; and
- 24 2. Posing as consumers and suppliers to Tono Records, Tono  
25 Publishing, Promo Music, Maria Ocegüera, Dulce Rickards, or  
26 their employees, or any other entity managed or controlled in  
27 whole or in part by Maria Ocegüera or Dulce Rickards without  
28 the necessity of identification or prior notice; and

1 C. Defendants Maria Ocegüera and Dulce Rickards each shall permit  
2 representatives of the Commission to interview any employer, consultant,  
3 independent contractor, representative, agent, or employee who has agreed to such  
4 an interview, relating in any way to any conduct subject to this Decree. The  
5 person interviewed may have counsel present.

6 *Provided, however,* that nothing in this Decree shall limit the Commission's  
7 lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act,  
8 15 U.S.C. §§ 49 and 57b-1, to obtain any documentary material, tangible things,  
9 testimony, or information relevant to unfair or deceptive acts or practices in or  
10 affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

11 **VIII. ACKNOWLEDGMENT OF RECEIPT**

12 Defendants Maria Ocegüera and Dulce Rickards, within five (5) business  
13 days of receipt of this Decree as entered by the Court, must each submit to the  
14 Commission a truthful sworn statement acknowledging receipt of this Decree.

15 ~~**IX. RETENTION OF JURISDICTION**~~

16 (paragraph stricken by Court)

17 **JUDGMENT IS THEREFORE ENTERED** in favor of Plaintiff and  
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