

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 07-61152-CIV-HUCK/O'SULLIVAN

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

INTEGRITY MARKETING TEAM, INC.,  
a Florida Corporation doing  
business as Home Business System;

BYRON PETERSON, an individual doing  
business as Home Business System;  
and

MIN SUNG KIM, an individual doing business  
as Home Business System, and as an  
officer of Integrity Marketing Team, Inc.;

Defendants.

**CLOSED  
CIVIL  
CASE**

**STIPULATED FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION  
AND OTHER EQUITABLE RELIEF AGAINST DEFENDANTS  
INTEGRITY MARKETING TEAM, INC., AND MIN SUNG KIM**

This matter comes before the Court on stipulation of Plaintiff, Federal Trade Commission ("FTC" or "Commission"), and Defendants Integrity Marketing Team, Inc., ("Defendant Integrity") and Min Sung Kim ("Defendant Kim"). On August 14, 2007, the Court entered its

opportunities, in violation of Section 5 of the FTC Act, 15 U.S.C. § 45. On August 15, 2007, the Court entered a Temporary Restraining Order and asset freeze against Defendants. On September 6, 2007, the Court entered a Stipulated Preliminary Injunction against Defendants.

The Commission and Defendants hereby stipulate to the entry of, and request the Court to enter, this Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief Against Defendants Integrity Marketing Team, Inc., and Min Sung Kim ("Final Order" or "Order").

It is therefore ORDERED, ADJUDGED, AND DECREED:

**FINDINGS**

1. The Court has jurisdiction of the subject matter of this case and the parties hereto.
2. Venue in the United States District Court for the Southern District of Florida is proper under 28 U.S.C. § 1391(b) and (c) and 15 U.S.C. § 53(b).
3. The activities of Defendants are in or affecting commerce, as defined in the FTC Act, 15 U.S.C. § 44.
4. The Complaint states a claim upon which relief may be granted against Defendants.

5. Defendants waive all rights to seek a writ of habeas corpus or other relief.

that they have read, understand, and are prepared to abide by the provisions of

this 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 Order is in the public interest.

**DEFINITIONS**

1. **“Assisting Others”** means knowingly providing any of the following goods or services to another business venture: (A) performing customer service functions, including, but not limited to receiving or responding to consumer complaints; (B) ...

arranging for the formulation or provision of any marketing materials; (C) ...

Kim.

4. **“Employer”** means any individual or entity for whom any Defendant performs services as an employee, consultant, or independent contractor.

5. **“Employment”** means the performance of services as an employee, consultant, or independent contractor.

4. **“Material”** means likely to affect a person’s choice of, or conduct regarding, goods or services.

represented to enable a participant or purchaser thereof to earn money exclusively or primarily

by working at home.

to achieve;

achieved in the past;

D. That consumers who participate in Defendant's online surveys

sent to:

Federal Trade Commission  
Suite 1500  
225 Peachtree Street  
Atlanta, GA 30303

2. Within thirty (30) business days after receiving notice of the entry of this Order, Defendants shall pay to the FTC the remaining balance of \$43,200.00 in the form of a certified or cashier's check made payable to the FTC.
3. *Provided, however,* that in the event that Defendants do not fulfill, or only partially fulfill, the conditions set forth in this Section II.B: (a) the suspension of the judgment amount set forth in Section II.A shall be vacated, and the full amount of the judgment shall immediately become due, less any payments or transfers already made to the FTC, plus interest from the date of the entry of this Order pursuant to 28 U.S.C. §1961, and (b) Defendants agree that the facts as alleged in the complaint filed in this action shall be taken as true, without further proof, in any subsequent litigation filed by or on behalf of the FTC to collect any unpaid amount or otherwise enforce its rights pursuant to this Order, including a nondischargeability complaint filed in any bankruptcy case; *provided, however, further that* in the event that Defendants do not comply with any provision of this Order, including any provision set forth in this Section II

failure to comply with this Order provision.

§            All funds paid pursuant to this Order shall be deposited into a fund administered

[REDACTED]

financial statements dated August 20, 2007, as updated on March 27, 2008, and documents provided to the Commission in support thereof, all of which include material information upon which the Commission relied in negotiating and consenting to this Order

B. If, upon motion by the Commission, the Court finds that Defendants failed to disclose any material asset, or made any other material misrepresentation or omitted material information in the above-referenced financial statements and information, the suspension of the monetary judgment shall be vacated, and the entire \$1,280,612 (one million two-hundred eighty thousand six hundred twelve dollars) shall immediately become due, less any payments or

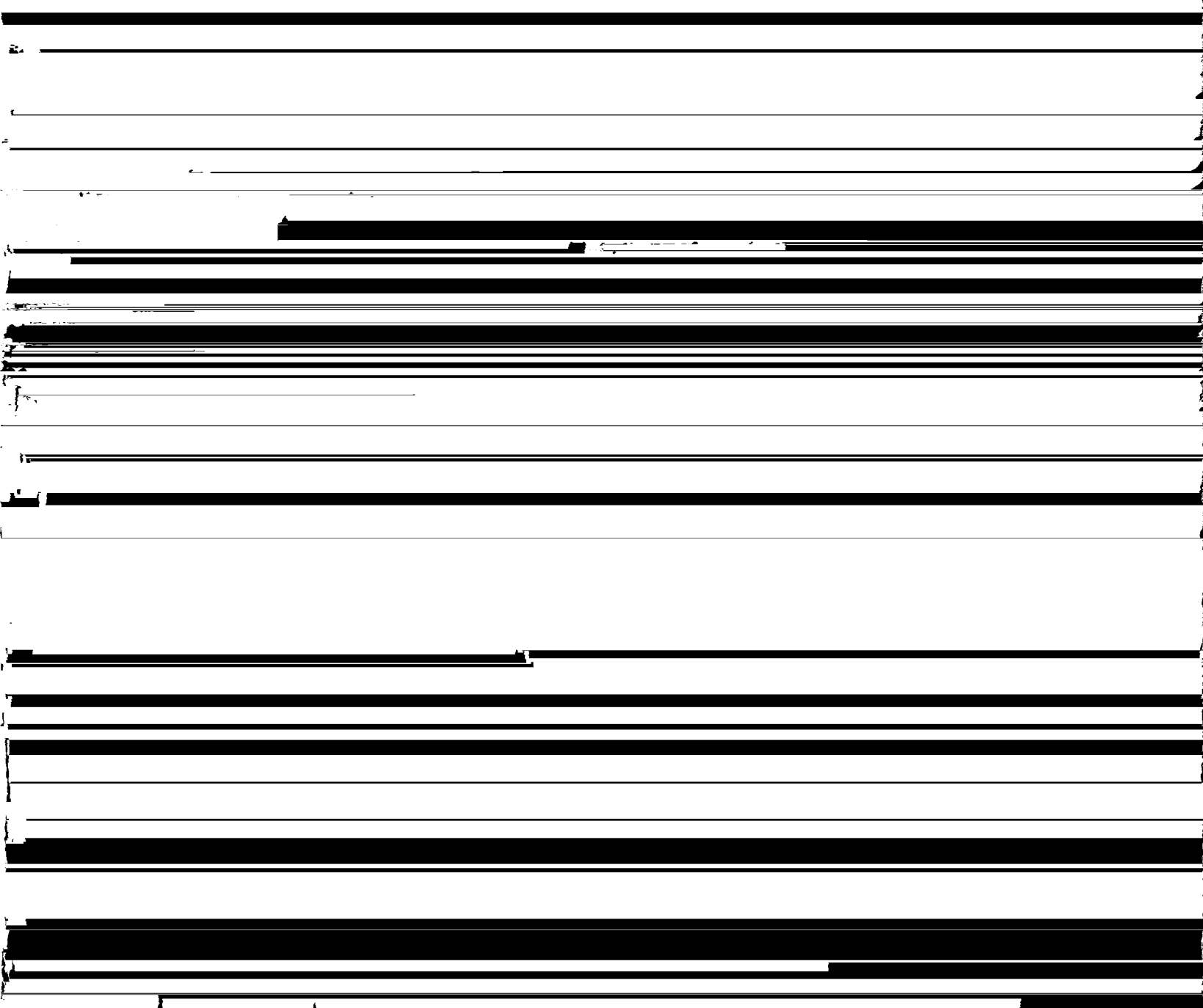
transfers already made to the FPC.



law, regulation, or court order.

**V. COOPERATION WITH FTC COUNSEL**

**IT IS FURTHER ORDERED** that Defendant Kim shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the FTC's Complaint, cooperate in good faith with the FTC and appear at



C

Commission, Defendants Kim and Integrity each 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 such 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 by all other lawful means, including but not limited to the following:

1. Obtaining discovery from any person, without further leave of the Court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
2. Posing as consumers and suppliers to Defendants, and their employees, or any entity managed or controlled in whole or in part by either Defendant, without the necessity of identification or prior notice; and

C. Defendants shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

*Provided, however, that the Commission shall not*

**VII. COMPLIANCE REPORTING**

**IT IS FURTHER ORDERED** that, in order that compliance with the provisions of this

A. For a period of five (5) years from the date of entry of this Order,

1. Defendant Kim shall notify the Commission of the following:

- a. Any changes in residence, mailing addresses, and telephone numbers of Defendant Kim, within ten (10) days of the date of such change;
- b. Any changes in his employment status (including self-employment) of Defendant Kim, and any change in the ownership of Defendant Kim of any business entity within ten (10) days of the date of such change. Such notice shall include the name and address of each business that Defendant Kim is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of

[REDACTED]

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

[REDACTED]

f. Any other changes required to be reported under sub

of this Section.

2. For all Defendants:
  - a. A copy of each acknowledgment of receipt of this Order, obtained pursuant to Paragraph IX below;
  - b. A statement describing the manner in which each Defendant has complied and is complying with the provisions set forth in Paragraphs I through V above; and
  - c. Any other changes required to be reported under subparagraph A of this Order.

C. Upon written request by a representative of the Commission, each Defendant shall submit additional written reports (under oath, if requested) and produce documents on fifteen (15) days' notice with respect to any conduct subject to this Order.

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

~~YUL DE CORRAL~~

**IT IS FURTHER ORDERED** that, for a period of eight (8) years from the date of entry of this Order, Defendants, in connection with those businesses where Defendant Kim is the majority owner or otherwise controls the business, and their agents, employees, officers, corporations, successors, assigns, and those persons in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, or otherwise, whether acting directly or through any corporation, subsidiary, division, or other entity, are hereby restrained and enjoined from failing to create and retain the following records:

A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;

B. ~~Personal records accurately reflecting the name, address, and telephone number~~

~~of each person employed in any capacity by such business.~~

provision of this Order, including but not limited to, copies of acknowledgments of receipt of this Order, required by Paragraph IX, and all reports submitted to the FTC pursuant to Paragraph VII of this order.

**IX. DISTRIBUTION OF ORDER**

**IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry of this Order, Defendants shall deliver copies of this Order as directed below:

A. For any business that Defendant Kim controls, directly or indirectly, or in which he has a majority ownership interest, Defendant Kim must deliver a copy of this Order to all principals, officers, directors, and managers of that business. Defendant Kim must also deliver copies of this Order to all employees, agents, and representatives of that business who engage in conduct related to the subject matter of this Order. For current personnel, delivery shall be within (5) days of service of this Order upon Defendants. For new personnel, delivery shall occur prior to them assuming their responsibilities.

B. For any business where Defendant Kim is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Order, Defendant Kim must deliver a copy of this Order to all principals and managers of such business before engaging in such conduct.

C. Defendants Kim and Integrity must secure a signed and dated statement acknowledging receipt of this Order, within thirty days of delivery, from all persons receiving a copy of this Order pursuant to this Part

must also deliver copies of this Order to all of its employees, agents and representatives who engage in conduct related to the subject matter of this Order. For current personnel, delivery shall be within (5) days of service of this Order upon Defendants. For new personnel, delivery shall occur prior to them assuming their responsibilities.

**IT IS FURTHER ORDERED** that Defendants, within five (5) business days of receipt of this Order as entered by the court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.



Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_

\_\_\_\_\_  
David J. Joffe, Attorney for  
Defendants Min Sung Kim and  
Integrity Marketing team, Inc.  
Florida Bar Number  
Joffe and Joffe, P.A.  
1 E. Broward Blvd.  
Suite 700  
Ft. lauderdale, FL 33301  
davidjoffe@aol.com

\_\_\_\_\_  
Paul K. Davis  
Special Florida Bar No. A5500847  
Barbara E. Bolton  
Special Florida Bar No. A5500848  
Federal Trade Commission  
225 Peachtree Street, Suite 1500  
Atlanta, GA 30302

UNITED STATES DISTRICT COURT

Case No. 07-61152-CIV-HUCK/O'SULLIVAN

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

INTEGRITY MARKETING TEAM, INC.,  
a Florida Corporation doing  
business as Home Business System;

BYRON PETERSON, an individual doing  
business as Home Business System;  
and

MIN SUNG KIM, an individual doing business  
as Home Business System and as an

Integrity Marketing Team, Inc., and Min Sung Kim, which was signed by the Honorable Paul C. Huck, and entered by the Court on \_\_\_\_\_

of the Order I received is appended to this Affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on \_\_\_\_\_, at \_\_\_\_\_ [city and state].

\_\_\_\_\_  
Min Sung Kim, Individually

State of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_

acknowledging receipt of this Ord

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 07-61152-CIV-HUCK/O'SULLIVAN

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FEDERAL TRADE COMMISSION, )  
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 Plaintiff, )  
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 v. )  
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 INTEGRITY MARKETING TEAM, INC., )  
 a Florida Corporation doing )  
 business as Home Business System; )  
 )  
 BYRON PETERSON, an individual doing )  
 business as Home Business System; )  
 and )  
 )  
 MIN SUNG KIM, an individual doing business )  
 as Home Business System, and as an )  
 officer of Integrity Marketing Team, Inc.; )  
 )  
 Defendants. )  

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Min Sung Kim, being duly sworn, hereby states and affirms as follows:

1. My name is Min Sung Kim. I am an officer of Integrity Marketing Team, Inc.

My current residence address is \_\_\_\_\_

I am a citizen of the United States and am over the age of eighteen. I have personal knowledge

2. I am a defendant in FTC v. Integrity Marketing Team, Inc., et al Civil Action No. 07-61152-CIV-Huck/O'Sullivan, (United States District Court for the Southern District of Florida.

3. On \_\_\_\_\_, I received a copy of the Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief Against Defendants Integrity Marketing Team, Inc., and Min Sung Kim, which was signed by the Honorable Paul C.

Huck, and entered by the Court on \_\_\_\_\_.

of the Order I received is appended to this Affidavit.

I declare under penalty of perjury under the laws of the United States that the

Notary Public  
My Commission Expires:

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acknowledging receipt of this Order.

STIPULATED AND AGREED TO BY:

FOR THE DEFENDANTS



A handwritten signature in black ink, appearing to be 'M. E. ...', is written over a horizontal line.

M. E. ...